

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2009 1986

SoCal Renew, Inc.
1315 E. 3rd Street
Pomona, CA 91766

ID No. CAL000319837

CONSENT ORDER

Respondent.

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and SoCal Renew, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates and handles hazardous waste at the following site: 1315 E. 3rd Street, Pomona, CA 91766 (Site).

1.3. Inspection. The Department inspected the Site on January 23, 2009.

1.4. Authorization Status. The Respondent has notified the Department of their intent to operate as a Cathode Ray Tube (CRT) and Universal Waste Electronic Device (UWED) material handler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to the treatment of CRTs and UWEDs.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of

the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8 Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. Respondent violated California Code of Regulations, title 22, section 66273.82, subsection (a) and section 66273.13, subsection (d)(2)(A), in that on or about January 23, 2009, Respondent failed to notify the Department prior to accepting CRT material and UWED.

2.3. Respondent violated California Code of Regulations, title 22, section 66273.82, subsection (b), in that on or about January 23, 2009, Respondent failed to submit an annual report to the Department by February 1 of each calendar year.

2.4. Respondent violated California Code of Regulations, title 22, section 66273.17/37, subsection (a), in that on or about January 23, 2009, Respondent failed to immediately contain all releases of UWED and other residues from UWEDs.

2.5. Respondent violated California Code of Regulations, title 22, section 66273.13/33, subsection (d)(1)(B), in that on or about January 23, 2009, Respondent

failed to ensure that containers used to store broken UWEDs that may reasonably be expected to cause a release of hazardous constituents to the environment are structurally sound, compatible with the contents of the UWEDs and prevent leakage of release of hazardous constituents to the environment under reasonably foreseeable conditions.

2.6. Respondent violated California Code of Regulations, title 22, section 66273.16/36, in that on or about January 23, 2009, Respondent failed to inform all personnel who handle or have responsibility for managing CRTs and UWEDs of the proper handling and emergency procedures.

3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order

may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PAYMENTS

5.1. Respondent shall pay the Department a total penalty of \$10,000.00. This penalty shall be paid in five (5) installments. The five installments in the amount of \$2,000.00 each are due and payable as follows: on September 1, 2009, October 1, 2009, November 1, 2009, December 1, 2009 and January 1, 2010. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.0. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent thereunder.

5.2. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Performance Manager
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

James Grace
Office of Legal Affairs
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: Aug. 6, 2009

Original signed by Myung Kim
Respondent Signature

Myung Kim
Print Name of Respondent

Dated: Sept. 3, 2009

Original signed by Robert Kou
Robert Kou, Performance Manager
Chatsworth Branch
Enforcement and Emergency Response
Program
Department of Toxic Substances Control