

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

e-Recycling of California  
8065 Marine Way – Building 297  
Irvine, California 92623

EPA ID NO. CAL000346650

Respondent.

Docket HWCA 2011-3509

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and e-Recycling of California (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates handles, treats, and stores hazardous waste at the following site: 8065 Marine Way – Building 297, Irvine, California 92623 (Site).

1.3. Inspection. The Department inspected the Site on March 14 and 18, 2011.

1.4. Respondent handles universal wastes and is authorized to collect, treat and recycle universal waste electronic devices, cathode ray tubes (CRT) and CRT glass.

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 alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.1.1 Respondent violated California Code of Regulations, title 22, section 66273.75, subdivision (b)(3), in that on or about March 14, 2011, Respondent failed to use containers that are structurally sound, and compatible with the contents of the electronic devices, residual printed circuit boards, CRTs and/or CRT glasses to prevent releases under reasonably foreseeable conditions. To wit: Respondent stored universal waste CRT glass in two Gaylord boxes that were not structurally sound that caused CRT glass to leak out of the bottom of the Gaylord boxes.

2.1.2 Respondent violated California Code of Regulations, title 22, section 66273.75, subdivision (b)(1), in that on or about March 14, 2011, Respondent failed to manage all residuals produced from treating electronic devices, residual printed circuit boards, and/or CRTs, in a manner that prevents a release to the environment of any universal waste or any component thereof. To wit: Respondent failed to tie-up the openings of the CRT glass treatment dust bags, set up appropriate container system to capture the CRT/CRT glass treatment dust under the Pulse-Jet Filter Cleaning Vacuums outside of Building 297, and separate floor sweepings containing CRT glass from regular solid waste.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time 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. PENALTY

5.1. Respondent shall pay the Department the total sum of \$21,000, of which \$17,585 is a penalty and \$3,415 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check 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 together with the attached Payment Voucher 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 shall be sent to:

Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

5.4. 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: August 18, 2011

Original signed by Dennis Kazarian  
Dennis Kazarian, Vice President  
e-Recycling of California

Dated: August 19, 2011

Original signed by Carmelita E. Lampino  
Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response  
Program  
Chatsworth/Cypress Branch  
Department of Toxic Substances Control