

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

trueCycle, Inc.  
14749 Hesperia Road  
Victorville, California 92392  
EPA ID No. CAL 000279045

Todd Ryan Gregory Hill, An Individual  
27475 Ynez Road  
PMB 118  
Temecula, California 92591

Respondent.

Docket HWCA 2007-1515

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Todd Ryan Gregory Hill, an Individual (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on October 27, 2009 and the First Amendment to Enforcement Order, issued on June 8, 2010. (Attached as Exhibits 1 and 2, respectively.)
2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondent waives any right to a hearing in this matter.
5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

## SCHEDULE FOR COMPLIANCE

7. Respondent shall comply with the following:

7.1. The alleged violations have been corrected.

7.2. Submittals: All submittals from Respondent pursuant to this Order

shall be sent to:

Carmelita Lampino, Supervising Hazardous Substances Scientist  
Emergency Response and Enforcement Program  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

7.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

7.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified; or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document

incorporating the recommended changes.

7.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

7.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

7.7. 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 further actions as are necessary to protect public health or welfare or the environment.

7.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move

freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

7.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

7.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 9.3 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

7.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

7.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

7.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

## PAYMENTS

8. Based upon the financial information submitted by the Respondent, the Department has determined that the Respondent does not have the financial ability to pay the assessed penalty. The Respondent warrants that the information he provided to the Department is current and accurate. The Department reserves its rights to reconsider its decision and demand immediate payment of the assessed penalty in the amount of \$52,560, as well as any accrued interest and attorneys'

fees, should it later determine that the information provided by the Respondent was incorrect and/or inaccurate.

### OTHER PROVISIONS

9.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

9.3 Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, 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.

9.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

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

Dated: January 4, 2011

Original signed by Todd Ryan Gregory Hill  
Todd Ryan Gregory Hill, an Individual  
Respondent

Dated: January 11, 2011

Original signed by Carmelita E. Lampino  
Carmelita Lampino, Supervising HSS I  
Department of Toxic Substances Control

# EXHIBIT 1

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

trueCycle, Inc.  
14749 Hesperia Road  
Victorville, California 92392  
EPA ID No. CAL 000279045

trueCycle, Inc.  
14749 Hesperia Road  
Victorville, California 92392

Todd Ryan Gregory Hill, An Individual

(Address REDACTED)

Respondents.

Docket HWCA 2007-1515

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to trueCycle, Inc., and Todd Ryan Gregory Hill (together "Respondents").

1.2. Site. Respondents generated, handled, treated, and stored hazardous waste at the following site: 14749 Hesperia Road, Victorville, California 92392 (Site).

1.3. Inspection. The Department conducted a complaint investigation of the Site on June 21, 2007 and an annual SB 20 inspection of the site on July 25, 2007.

1.4. Authorization Status. Respondents were formerly a universal waste electronic devices collector and universal waste cathode ray tube device recycler and

cathode ray tube glass crusher.

1.5. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

### DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondents violated Respondent violated California Code of Regulations, title 22, section 66273.33, subdivision (d)(3)(F)2.b in that on or about June 21, 2007, Respondents failed to manage all materials produced from the treatment of universal waste electronic devices in a manner that prevents releases of hazardous waste to the environment. There were three Gaylord boxes containing universal waste batteries that were generated from the treatment of universal waste electronic devices observed during the inspection. The boxes were located outside of the warehouse and had damaged bottoms that caused some nickel-cadmium rechargeable, button, and lithium batteries to spill onto the ground.

2.1.2. Respondents violated California Code of Regulations, title 22, section 66273.37, subdivision (a) in that or about June 21, 2007, Respondents failed to immediately contain all releases of universal waste batteries and other residues from universal wastes. Nickel-cadmium rechargeable, button, and lithium batteries were observed to have spilled onto the ground.

2.1.3. Respondents violated California Code of Regulations, title 22, sections 66273.83, subdivision (a)(2) and 66273.87, subdivision (a) in that on or about June 21 and July 25, 2007, Respondents failed to immediately clean up and place in a container any broken cathode ray tube glass, and failed to immediately contain all releases of cathode ray tube materials and residues from cathode ray tube materials. Broken cathode ray tube glasses were observed on the ground outside the warehouse.

2.1.4. Respondents violated California Code of Regulations, title 22, sections 66273.33, subdivision (d)(3)(F)(7)(c), and 66273.83, subdivision (d) (4) in that on or about July 25, 2007, Respondents failed to provide liability coverage for the facility. During April 14, 2007 to October 26, 2007, Respondents did not have the liability coverage.

### SCHEDULE FOR COMPLIANCE

3. The above violations have been corrected.

### OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, 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 Respondents, 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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

### PENALTY

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$52,650.

5.2. Payment is due within 30 days from the effective date of the Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondents and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment 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

### RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal

procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondents, unless Respondents request a hearing within the twenty-day period.

Date of Issuance: October 27, 2009

Original signed by Carmleita E. Lampino  
Carmelita E. Lampino  
Unit Chief  
Department of Toxic Substances Control

# EXHIBIT 2

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF:	)	Docket No. HWCA 2007-1515A
	)	
trueCycle, Inc.	)	FIRST AMENDMENT TO
14749 Hesperia Road	)	
Victorville, California 92392	)	
EPA ID No. CAL 000279045	)	ENFORCEMENT ORDER
	)	
trueCycle, Inc.	)	
14749 Hesperia Road	)	
Victorville, California 92392	)	
	)	
Todd Ryan Gregory Hill, An Individual	)	
27475 Ynez Road	)	
PMB 118	)	
Temecula California 92591	)	Health and Safety Code
	)	
Respondents.	)	Sections 25187
_____	)	

INTRODUCTION

The Department of Toxic Substances Control (DTSC) issued an Enforcement Order, Docket No. HWCA 2007-1515, dated October 27, 2009, (Order) to trueCycle, Inc. and Todd Ryan Gregory Hill, an Individual (together "Respondents") with regard to violations of the Hazardous Waste Control Law and its implementing regulations as stated in the Order (Attachment 1). DTSC hereby issues this First Amendment to Enforcement Order (First Amendment) to Respondents to amend the Order as follows:

1. Caption: the address of Respondent Todd Ryan Gregory Hill, an Individual, as stated in the Order, is hereby redacted from the public copy of the Order.
2. Caption: the address of Respondent Todd Ryan Gregory Hill, an Individual, is amended to read as "27475 Ynez Road, PMB 118, Temecula, California, 92591" in the First Amendment.

Except as amended by this First Amendment, the provisions of the Order shall remain in full force and effect. This First Amendment shall take effect upon the date when this First Amendment is executed by DTSC.

DATE: June 8, 2010

BY: Original signed by Carmelita E. Lampino  
Carmelita E. Lampino, Unit Chief  
Emergency Response and Enforcement Program  
Department of Toxic Substances Control

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

trueCycle, Inc.  
14749 Hesperia Road  
Victorville, California 92392  
EPA ID No. CAL 000279045

trueCycle, Inc.  
14749 Hesperia Road  
Victorville, California 92392

Todd Ryan Gregory Hill, An Individual

(Address REDACTED)

Respondents.

Docket HWCA 2007-1515

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

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1.2. Site. Respondents generated, handled, treated, and stored hazardous waste at the following site: 14749 Hesperia Road, Victorville, California 92392 (Site).

1.3. Inspection. The Department conducted a complaint investigation of the Site on June 21, 2007 and an annual SB 20 inspection of the site on July 25, 2007.

1.4. Authorization Status. Respondents were formerly a universal waste electronic devices collector and universal waste cathode ray tube device recycler and

cathode ray tube glass crusher.

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### SCHEDULE FOR COMPLIANCE

3. The above violations have been corrected.

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Accounting Office  
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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

### RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal

procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

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Date of Issuance: October 27, 2009

Original signed by Carmleita E. Lampino  
Carmelita E. Lampino  
Unit Chief  
Department of Toxic Substances Control