

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Galt Recyclers
13208 West Stockton Blvd.
Galt, California 95632
Sacramento Count

ID No. CAL000338264

Respondent.

Docket HWCA20124769

CONSENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

The State Department of Toxic Substances Control (Department) and Galt Recyclers (Respondent) enter into this Consent Order and agree as follows:

1.1. Respondent owns and operates a facility in Galt, California, which is engaged in the collection of aluminum cans, glass containers, plastic, scrap metal, appliances, electronic devices (E-waste), cathode ray tube televisions (CRTs) and other universal waste. As part of operation of the facility, Respondent periodically cleans up used oil spilled from the unloading used lawn mowers, at the Galt facility (Site). The Respondent filed an electronic waste collector notification with the Department on October 23, 2009 for the Site. The facility has not notified (self-authorized) to dismantle e-waste.

1.2. The Department inspected the Site on September 15, 2011. After the inspection, the Department issued a Summary of Violations, dated September 20, 2011, to the Respondent.

1.3. The facility does not contest the alleged violations.

1.4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

1.5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

1.6. Respondent waives any right to a hearing in this matter.

1.7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

1.8. The Parties enter into this Consent Order as a compromise and settlement of disputed claims for the purpose of avoiding prolonged and complicated litigation and in furtherance of the public interest. In the event of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code section 25100 et seq., within five (5) years of the date the violations occurred, this agreement and information regarding the alleged violations are admissible in a formal proceeding.

VIOLATIONS ALLEGED

2. As a result of its inspection, the Department alleged the following violations:

2.1. Respondent violated California Code of Regulations, title 22, sections 66273.37(a) and 66273.33.5(a)(1)(B) by failing to prevent the release of universal waste, CRT glass and electronic devices to the environment. In addition, the facility failed to cleanup spilled residuals in a timely manner.

2.2. Respondent violated California Code of Regulations title 22, section 66273.34(d) by failing to label hundreds of electronic devices, and CRTs with any of the required information.

2.3. Respondent violated California Code of Regulations title 22, section 66273.35(b) by failing to demonstrate the length of time that E-waste and CRTs had been accumulated onsite.

2.4. Respondent violated California Code of Regulations title 22, section 66273.72(c)(2)(A) in that the facility conducted unauthorized dismantling of electronic devices, including (but not limited to) cutting power cords off CRTs.

2.5. Respondent violated California Code of Regulations title 22, section 66273 (c)(2)(C)(7) by failing to maintain adequate aisle space for CRTs accumulated at the Site.

2.6. Respondent violated California Code of Regulations title 22, section 66273.36(a)(b)(c)(d) by failing to adequately train personnel who manage E-waste and universal waste.

2.7. Respondent violated California Code of Regulations title 22 66273.39(d) (1) and (2) in that the facility failed to maintain records at the Site of universal waste receipts and shipments onsite for the past three years.

SCHEDULE FOR COMPLIANCE

3.1. Respondent certifies that it has corrected all of the above violations, addressed the circumstances which gave rise to the violations, and instituted new practices to ensure the violations will not occur in the future. Respondent must continue to comply with the California Health and Safety Code and in specific Respondent shall prevent the release of residuals to the soil from E-waste devices and CRTs, such as but not limited to broken CRT glass.

3.2. Submittals: All submittals from Galt Recyclers pursuant to this Consent Order shall be sent to:

Mr. Paul Kewin, Chief
State Oversight and Enforcement Branch
Enforcement and Emergency Response Program
8800 Cal Center Drive
Sacramento, California 95826-3200

3.3. 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.

3.4. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent 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 Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

3.5. Liability: Nothing in this Consent 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 Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.6. 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 Consent 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 Consent 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 in any way pertaining to work undertaken pursuant to this Consent Order.

3.7. 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 in carrying out activities pursuant to this Consent 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 Consent Order.

3.8. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent 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.

3.9. 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

4.1. A total penalty of \$19,000 has been assessed for this case. However, if the Respondent complies with the provision set forth in paragraph 4.2 of this Order then the Respondent will only pay \$10,000 as penalty and the remaining \$9,000 will be forgiven. The Respondent will pay the penalty in accordance with the payment schedule set forth in paragraph 4.3 of this Order.

4.2. The Respondent shall complete the installation of asphalt pavement or other impervious surface coating of the e-waste storage and unloading areas within 180 days of the effective date of this Order, and submit to the Department a proof of the installation. The pavement area must be of sufficient size to accommodate the e-waste and CRT unloading area and e-waste storage area including adequate space for aisle ways. If Respondent does not comply with this provision in the timely manner, then the remaining \$9,000 of the penalty amount will be due in full to the Department by the 180 day of the effective date of this Order. The deadline set forth in this section pertaining to the pavement project may be extended by the Department only upon written request demonstrating a good cause of unforeseen, temporary and uncontrollable circumstances by the Respondent and the request must be submitted prior to the deadline.

4.3. Payment of the total sum specified in paragraph 4.1 shall be made in six installments. The first payment of \$2,500 is due within 30 days of the effective date of this Order. The remaining five installments shall be paid in the amount of

\$1,500 each by the 60 day, 90 day, 120 day, 150 day, and 180 day of the effective date of this Order.

Respondent's checks shall be made payable to Department of Toxic Substances Control, 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: Mr. Paul Kewin, Chief
State Oversight and Enforcement Branch
Enforcement and Emergency Response Program
8800 Cal Center Drive
Sacramento, California 95826-3200

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.

OTHER PROVISIONS

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

5.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent 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.

5.3. Parties Bound: This Consent 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 Consent Order.

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

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

5.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

This consent order may be signed in counterparts.

Dated: 12-11-12



Respondent
Galt Recycler

Dated: Dec. 20, 2012



Sangat Kals, Ph.D., Section Chief
State Oversight and Enforcement Branch
Enforcement and Emergency Response Program
Department of Toxic Substances Control