

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Pan Metal Company  
3570 Fruitland Avenue  
Maywood City, California 90270

David Pan, an individual  
3570 Fruitland Avenue  
Maywood City, California 90270

Pan Metal Company  
3570 Fruitland Avenue  
Maywood City, California 90270

ID No. CFI 000332721

Respondents.

Docket HWCA 2008 1896

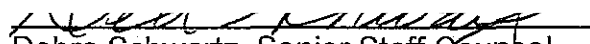
NOTICE OF FINAL ORDER

TO David Pan, an individual and Pan Metal Company (RESPONDENTS):

PLEASE TAKE NOTICE that pursuant to Health and Safety Code section 25187(d)(1), the Enforcement Order issued by the Department of Toxic Substances Control on June 23, 2009 and served upon you has become final. A true and correct copy of the Enforcement Order is attached to this Notice of Final Order. By the terms of the Order, payment of the penalty of \$21,500 must be mailed or delivered by August 10, 2009.

Original signed by Debra Schwartz

Dated: 7/27/09

  
Debra Schwartz, Senior Staff Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

David Pan, an Individual  
3570 Fruitland Avenue  
Maywood City, CA 90270

Pan Metal Company  
3570 Fruitland Avenue  
Maywood City, CA 90270

ID No. CFI 000000220

Respondents.

Docket HWCA 2008 1678

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 David Pan, an Individual, and Pan Metal Company (together "Respondents")

1.2. Site Respondents receive, handle, treat and/or store cathode ray tubes (CRTs) and universal waste electronic devices (UWEDs), both hazardous wastes, at the following site: 3570 Fruitland Ave., Maywood City, California 90270 (Site).

1.3. The Respondents do not have a state permit, certificate, registration, or interim status to manage hazardous waste, but have notified the Department of their intent to operate as a CRT material and UWED 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

1.4. 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. The Department has determined that:

2.1. The Respondents 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 September 5, 2008, Respondents failed to submit a written notification to the Department within 30 days prior to accepting CRT materials and UWEDs.

2.2. The Respondents violated California Code of Regulations, title 22, section 66273.33, subsection (d)(2)(B), and section 66273.82, subsection (b), in that on or about September 5, 2008, Respondents failed to submit an annual report to the Department by February 1 of each year

2.3. The Respondents violated California Code of Regulations, title 22, section 66273.34, subsection (d)(1), in that on or about September 5, 2008, Respondents failed to accumulate UWEDs within a designated area demarcated by boundaries that are clearly labeled

2.4. The Respondents violated California Code of Regulations, title 22, section 66273.33, subsection (d)(1)(A), in that on or about September 5, 2008, Respondents failed to handle any UWEDs in a manner that minimizes breakage.

2.5. The Respondents violated California Code of Regulations, title 22, section 66273.83, subsection (a)(1), in that on or about September 5, 2008, Respondents failed to contain any CRT materials in containers or packages that are structurally sound,

adequate to prevent breakage, and compatible with the contents of the containers.

2.6 The Respondents violated California Code of Regulations, title 22, section 66273.83, subsection (a)(2), in that on or about September 5, 2008, Respondents failed to immediately clean up and place in a container any CRT material that is broken or shows evidence of breakage, leakage or damage.

### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Within 15 days of the effective date of this Order, Respondents shall submit an annual report to the Department for CRT material and UWED handling activities during 2007 and 2008.

3.1.2. Effective immediately, Respondents shall accumulate Universal Waste Electronic Devices within a designated area demarcated by boundaries that are clearly labeled.

3.1.3. Effective immediately, Respondents shall handle all UWEDs in a manner that minimizes breakage.

3.1.4. Effective immediately, Respondents shall contain all CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the containers.

3.1.6. Effective immediately, Respondents shall immediately clean up and place in a container any CRT material that is broken or shows evidence of breakage, leakage or damage.

3.2. Compliance with Applicable Laws: Respondents 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.

3.3. 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 Respondents to stop further implementation of this Order 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 the Stop Work Order.

3.4. 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 Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.5 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 shall have the authority to 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 Respondents in carrying out the terms of this Order; and

conducting such tests as the Department may deem necessary. Respondents 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.

3.6. Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents 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 Respondents 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, Respondents shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this 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 Respondents or related parties 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 Respondents or their agents in carrying out activities pursuant to the Order.

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

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

3.10. 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.

#### 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 their 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. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$21,500.00. 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:

Robert Kou, Unit Chief  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue,  
Chatsworth, CA 91311

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 thirty 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 thirty-day period.



Date of Issuance June 23 2009

Original signed by Robert Kou

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Robert Kou, Acting Performance Manager  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control