STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: SA Recycling, LLC 9754 San Fernando Road Sun Valley, CA 91352 EPA ID No. CAL000338754 Respondent.	Docket HWCA 2015-7218 CONSENT ORDER Health and Safety Code Section 25187

The State Department of Toxic Substances Control (Department) and SA Recycling, LLC, and California limited liability company (Respondent) enter into this Consent Order and agree as follows:

1. Respondent is a scrap metal recycler and universal waste handler of electronic devices and used appliances. Respondent generates and handles hazardous waste at 9754 San Fernando Road, Sun Valley, California 91352 (Site).

2. The Department inspected the Site on May 23, 2013.

3. The Department alleges the following violations:

3.1. Respondent violated Health and Safety Code (HSC) section 25211.3, in that on or before May 23, 2013, it failed to retain onsite records demonstrating compliance with the applicable requirements of HSC, division 20, chapter 6.5, Article 10.1and section 42175 of the Public Resources Code. Specifically, Respondent failed to maintain all CAR Orphan Waste Forms (DTSC Form 1459),

CAR Waste Management Certifications (DTSC Form 1430), and monthly reports sent to DTSC and the local Certified Unified Program Agency (CUPA) (DTSC Form 1468). Form 1459 tracks appliances that have been found already processed in a manner that could result in the release, or prevent the removal of materials requiring special handling (MRSH) delivered to a scrap recycling facility by a person other than a CAR. Form 1430 is filled out by a CAR and documents that MRSH were removed prior to the appliance being processed in a way that could result in the release, or prevent the removal of MRSH. Monthly reports track the amount of MRSH removed and how and where it was disposed, and the number of appliances from which MRSH was removed. DTSC created Form 1468 for CARs to utilize as their monthly report.

3.2. Respondent violated HSC section 25211.2, subdivision (d) in that on and/or before May 23, 2013, SA failed to submit a monthly report to DTSC that includes the name and address of each person who transported, delivered, or sold each orphan appliance received by SA and the total number of appliances SA received.

4. A dispute exists regarding the alleged violations.

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

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

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

8. 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.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Effective Immediately, Respondent shall retain onsite records demonstrating compliance with the applicable requirements of HSC, division 20, chapter 6.5, Article 10.1and section 42175 of the Public Resources Code for at least three years. Those records shall include, but not be limited to, CAR Orphan Waste Forms (DTSC Form 1459), CAR Waste Management Certifications (DTSC Form 1430), and monthly reports sent to DTSC and the local Certified Unified Program Agency (CUPA) (DTSC Form 1468). Those records shall be made available for inspection upon request of a representative of DTSC or the local CUPA.

9.2. Effective Immediately, Respondent shall submit monthly reports to DTSC and the local CUPA. Monthly reports shall include the following information: the name and address of the person who transported, delivered, or sold each orphan appliance received by Respondent and the total number of "orphan" appliances received.

9.3. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements.

9.4. 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.

9.5. 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 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, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

9.6. 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 12.3, 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.

PAYMENTS

10. Within 30 days of the Effective Date of this Consent Order, Respondent shall pay the Department a total of $36,500 as an administrative penalty. Respondent's check 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: Allison Shirer
Senior Environmental Scientist
Office of Criminal Investigations
Department of Toxic Substances Control
9211 Oakdale Ave.
Chatsworth, CA 91311

To: Ann Carroll
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

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

11.1. 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.

11.2. 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.

11.3. 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.

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

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

11.6. 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.

Dated: 3/29/16

orginal signed by George Adams

George Adams
Respondent

Dated: 3/29/16

original signed by Antonia Becker

Antonia Becker
Environmental Program Manager I
Office of Criminal Investigations
Department of Toxic Substances Control