DTSC’s Enforcement Program

Prepared for the
Independent Review Panel

Elise Rothschild, Deputy Director
Hazardous Waste Management Program

Department of Toxic Substances Control
DTSC Enforcement Organizational Structure

Deputy Director
Hazardous Waste Management Program

Enforcement and Emergency Response Division
111 Positions

Office of Criminal Investigations
33 Positions
Enforcement and Emergency Response Division

Prepared for the Independent Review Panel

Keith Kihara, Division Chief
Enforcement and Emergency Response
Enforcement and Emergency Response Organizational Structure

- Division Chief
  - Enforcement Performance Management (8 Positions)
  - Enforcement and Emergency Response (3 Positions)
    - Statewide Emergency Response and Sacramento Enforcement (EPM I) (21 Positions)
    - Chatsworth Enforcement (EPM I) (26 Positions)
    - Cypress & San Diego Enforcement (EPM I) (17 Positions)
    - Berkeley/Clovis Enforcement (EPM I) (18 Positions)
    - Imperial/Trinity Counties CUPAs (EPM I) (12 Positions)
EERD Mission Statement

The mission of the EERD is to promote a cleaner and safer environment for all Californians through fair, consistent and timely enforcement and effective emergency response.

The vision of EERD is to ensure California’s regulated community is in compliance with all hazardous waste and hazardous substances laws.
Laws Enforced

Health and Safety Code (HSC), Division 20, Chapter 6.5 (Hazardous Waste Control Law).

California Code of Regulations (CCR), title 22

Imperial and Trinity County CUPA:

- HSC, Division 20, Chapters 6.67, 6.7 and 6.95
- HSC, Division 12, Chapter 1
- CCR, titles 19, 23 & 24
Core Activities

- Inspect permitted facilities, generators, transporters, and electronic waste recyclers and handlers
- Investigate or refer complaints
- Conduct appropriate and timely enforcement actions
- Oversee CUPA activities
  - Act as CUPA for Trinity and Imperial Counties
- Perform emergency responses
- Conduct focused compliance initiatives for specific geographic regions and industries
Enforcement - Funding Sources

- General Fund: $1,821,018
- HWCA: $7,421,126
- Unified Program: $505,729
- Illegal Drug Cleanup: $803,000
- Used Oil: $332,563
- TSCA: $1,117,459
- Federal Trust: $1,387,886
- Reimbursements: $2,017,916
- Electronic Waste: $803,658
- SCUPA: $361,392

FY 2014-2015

Department of Toxic Substances Control

Cal/EPA
Intra-Departmental Coordination

Department of Toxic Substances Control
Types of Facilities Inspected

DTSC inspects:
- Treatment, Storage, and Disposal Facilities
- Transporters
- E-Waste Facilities

CUPAs inspect:
- Generators

Department of Toxic Substances Control  Cal/EPA
## Frequency of Regular Inspection

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Federal Facility with HW Permit</td>
<td>Every year</td>
</tr>
<tr>
<td>Operating HW Landfills</td>
<td>Every year</td>
</tr>
<tr>
<td>Transporters</td>
<td>Ongoing</td>
</tr>
<tr>
<td>E-Waste Recyclers</td>
<td>Every year</td>
</tr>
<tr>
<td>E-Waste Handlers</td>
<td>Every 5 years</td>
</tr>
<tr>
<td>Operating treatment or storage facility with a HW Permit</td>
<td>Every 2 years</td>
</tr>
<tr>
<td>Operating treatment or storage with a Standardized or State only HW Permit</td>
<td>Every 1 - 3 years.</td>
</tr>
<tr>
<td>Facility with HW Post Closure Permit</td>
<td>Every 3 – 5 years.</td>
</tr>
</tbody>
</table>
Complaint Intake Process

Complaints are received via:

- DTSC Waste Alert Complaint Hotline
- Cal EPA Online Complaint Form System

Complaints are reviewed within DTSC
Inspection Planning

- Division Chief & Branch Chiefs
  - Annual Work Plan and schedule inspections (~May)
- Distribution of Work Plan to Supervisors (End of June)
- Implementation of Work Plan (July 1st)
Mandatory Certification and Training

- Mandatory Medical Monitoring
- Fit-Test for Respirators
- 40-Hour HAZWOPER Training (8 CCR 5192)
- First Aid/CPR (Every 2 years – 8 hour class)
- Annual 8-Hour HAZWOPER Refresher
Inspector Required Training

- Cal EPA Basic Inspector Academy
- California Compliance School
- Hazardous Waste Tracking System
- Waste Classification and Recycling
- Hazardous Waste Manifest
- Hazardous Waste Transporter
- Field Sampling for Enforcement
- EnviroStor Training
Inspector Safety
Hazard Appraisal Recognition Plan (HARP)

- Prepare a HARP for each inspection:
  - Conduct file review
  - Coordinate with Health and Safety to assess all potential hazards
  - Determine adequate personal protective equipment for inspection
  - Determine all monitoring and sampling equipment needed
Sulfur Complex Process Overview

Process Description:
The Sulfur Complex converts H2S and NH3 gases to elemental sulfur, nitrogen and water. The DGA Regeneration System removes H2S Gases from the rich DGA received from Units 233, 240 and 250 by using steam stripping in 3 Regeneration towers. The Water Stripping System removes NH3 Gases received from the Refinery Process Water System (Tanks 204, 205, 206) by using steam stripping in 4 Water Stripping towers. The Sulfur Recovery System converts the H2S and NH3 Gases to elemental sulfur by burning them in a Reaction Furnace at 2300 to 2500 deg. F and then cooling them down to e 300 deg. F, then the gases are reheated to e 450 deg. F and passes over 3 reactor beds to convert 97% of the gases to elemental sulfur. The remaining 3% is converted to elemental sulfur in the Tail Gas Removal System by converting the remaining sulfur compounds back to H2S gases by using a Hydrogenation Reactor and then absorbing the H2S gases in a Streftol Solution (Unit 235) or in a MDEA solution (Unit 235). The Streftol Solution chemically converts the H2S gases to elemental sulfur and the H2S gases in the MDEA solution is removed by steam stripping in a Regeneration tower.

Process
- DGA Regeneration System
- Water Stripping System
- Sulfur Recovery System
- Tail Gas Removal System

Temperatures/Pressure
- 60-260 deg. F
- 9-10 psig
- 275-2800 deg. F
- 0-10 psig
- 60-600 deg. F
- 0-16 psig

Safety Hazards
- Ammonia Acid Gas (NH3)
- Antifoam
- BF-W Oxygen Scavenger
- Bleach
- CTW Corrosion Inhibitor
- Caustic Soda Solution 50%
- Diglycolamine (DDGA)
- Hydrogen Sulfide (H2S)
- Natural Gas
- Oxygen 100%
- Refinery Fuel Gas
- Sour Water
- Sulfur

Check-in/out Procedure:
- All Personnel entering the unit must check in at the Operators shelter.
- Sign out when exiting the unit.

Sulfur Complex Radio Channel - A-9

In case of emergency:
- Dial 88 or 2222 on a Refinery Telephone
- Contact the Unit Operator via In-Plant Radio, or
- Direct Dial Telephone (510) 245-4475

Standard Refinery PPE Required when entering this unit:
- Fire Resistant Clothing (Nomex or Equivalent Fabric)
- Safety Goggles with side shields
- Hard Hat
- Safety Toe Footwear with designated heel
- Hearing Protection
- Personal H2S Monitor
- Gloves

Please refer to the PPE matrix for PPE required for Specialized tasks

Date: 03.16.2016
Post-Inspection

- Discuss findings with supervisor
- Send samples collected to ECL
- Enter data into EnviroStor
- Inspection report sent to facility within 65 days
- Determine if a formal enforcement action required and request attorney from Office of Legal Counsel
Enforcement Response

- No Violations
- Violations
  - Minor
  - Class 2
  - Class 1
Enforcement Options

- Administrative Enforcement: Prepare Enforcement Order or Consent Order to be reviewed by supervisor, Branch Chief, and assigned DTSC attorney
- Refer to Attorney General’s Office as Civil or Administrative Case (sometimes handled as criminal case)
- Refer to District Attorney’s Office as Criminal Case (sometimes handled as civil case)
## Routine Inspections
### CY 2014-April 1, 2016

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Inspections</th>
<th>Referrals</th>
</tr>
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<tbody>
<tr>
<td>2014</td>
<td>288</td>
<td>District Attorney: -</td>
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<tr>
<td>2015</td>
<td>309</td>
<td>District Attorney: -</td>
</tr>
<tr>
<td>2016 (1st Quarter)</td>
<td>82</td>
<td>District Attorney: -</td>
</tr>
<tr>
<td>Totals</td>
<td>679</td>
<td>District Attorney: 0</td>
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</table>

Department of Toxic Substances Control

Cal/EPA
# Complaints
## CY 2014-APRIL 1, 2016

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Assigned</th>
<th>Complaint Site Visit</th>
<th>Closed Investigation</th>
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<tr>
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<td>District Attorney</td>
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<tr>
<td>2014</td>
<td>57</td>
<td>39</td>
<td>55</td>
<td>-</td>
</tr>
<tr>
<td>2015</td>
<td>43</td>
<td>30</td>
<td>22</td>
<td>-</td>
</tr>
<tr>
<td>2016 (1st Quarter)</td>
<td>10</td>
<td>11</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>Totals</td>
<td>110</td>
<td>80</td>
<td>82</td>
<td>0</td>
</tr>
</tbody>
</table>
# Performance Metric: Inspection Reports

**CY 2014-April 1, 2016**

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Inspections</th>
<th>Inspection Reports Sent Within 65 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>327</td>
<td>277</td>
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<tr>
<td>2015</td>
<td>339</td>
<td>270</td>
</tr>
<tr>
<td>2016 (1st Quarter)</td>
<td>93</td>
<td>75</td>
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</tbody>
</table>
Performance Metric: Return To Compliance

- Not all inspections lead to violations
- No statutory requirement for facility to return to compliance
- Utilize EPA’s guidance requiring a facility to return to compliance within 240 days
Performance Metric: Enforcement
Actions

- Open cases
- Process enhancements
- Establishing performance metrics
Enforcement Performance Management Branch (EPMB)

- July 2015 BCP established a new branch with 8 positions to:
  - Determine work load standards
  - Develop and implement a comprehensive training program
  - Develop/update regulations, policies & procedures, guidelines, etc.
  - Increase program consistency, efficiency, effectiveness, and transparency
  - Lean Six Sigma Project
Certified Unified Program Agency (CUPA)

- Established in 1993 by statute, SB1082
- Cal/EPA’s certification of CUPAs began in 1997
- Local regulatory agency’s granted authority to implement 6 state programs
- DTSC conducts CUPA evaluations
- DTSC is the CUPA for Trinity and Imperial Counties
CUPA Evaluation

- 3 year evaluation cycle.
- Evaluation team consists of a CalEPA team leader plus 1 evaluator from DTSC, SWRCB, OES and OSFM.
- 2-3 evaluations are conducted every month; 32 evaluations per year for DTSC staff
- Office and field component.
- An evaluation summary of findings is issued to the CUPA with corrective actions if needed.
Border Activities
Data Management

- Inspection and enforcement data is stored in EnviroStor
- Data is used to measure performance
- Enhancements to EnviroStor are ongoing
Enforcement and Environmental Justice

- Using tools such as CalEnviroScreen and Geographic Information System
- Targeted Initiatives (e.g. Metal Recyclers and CalEPA EJ)
- Participation and support of IVAN
- DTSC’s SEP policy went into effect May 5, 2016
CalEnviroScreen

- The Office of Environmental Health Hazard Assessment (OEHHA’s) CalEnviroScreen is used to identify communities in California with high cumulative environmental impacts.

- Enforcement is using GIS mapping of communities with high cumulative environmental impacts to prioritize inspection and enforcement work.
Cal EPA Environmental Justice Initiative

- Los Angeles
  - Boyle Heights
  - Pacoima

Department of Toxic Substances Control
Boyle Heights
July – September 2015

- Led 12 hazardous waste facility inspections
- Joint inspection with LA CUPA and LA County Fire/Health/HazMat with 11 inspections
- Joined other agencies on 23 joint inspections
- Coordinated with USEPA, DPR, CalRecycle on joint inspections
Pacoima
November – December 2015; January 2016

- Led 12 hazardous waste facility inspections
- 6 joint inspections with LA CUPA, LA County Fire/Health/HazMat and State Water Board
California Compliance School

- Classes provided in Pacoima and Boyle Heights:
  - 2 classes provided
  - 1 class was in Spanish
Identifying Violations Affecting Neighborhoods (IVAN) Program

- Original IVAN in Imperial County
- DTSC receives and refers or investigates environmental complaints and incident reports
- DTSC supports 8 IVAN task forces: Imperial County, Coachella, Wilmington, Bayview Hunters Point, Kern County, Kings County, Fresno (City & County) and Sacramento (City & County)
Supplemental Environmental Projects (SEP)

• Policy went into effect on May 5, 2016
• Proposed SEP must improve public health and the environment
• Prioritizes Environmental Justice communities
• Up to 50% of penalty can be applied to a SEP
• “Completion Report” required
Lean Six Sigma

Enforcement Case Response Time Improvement

GOAL

90% Administrative Cases with assessed penalties up to $75,000 are settled within 180 days
Lean Six Sigma
Draft Violation Scoring Procedure

- To clarify how a facility’s compliance history would be used as a basis for determining when violations support denial of a permit application or revocation of a permit

- To assist with making permit decisions in a consistent, transparent and accountable way
Draft Violation Scoring Procedure

- **DTSC Outreach Efforts**
  - **Community**
    - Kern Environmental Enforcement Network
    - LA Environmental Justice Network
  - **Legislature**
    - Legislative Assembly and Senate Staff
  - **Industry**
    - California Council for Environmental and Economic Balance
    - California Chamber of Commerce

Department of Toxic Substances Control

Cal/EPA
Draft Violation Scoring Procedure

- Draft regulations in development
- Aligns with SB 673
- Evaluation of existing tools
- Additional outreach sessions
- Move to formal rulemaking by Jan 1, 2017
AB 1075 (Alejo)

Health & Safety Code

◦ 25186.05(a): Defines a noncompliance as: creates a significant risk of harm to the public health or safety of the environment resulting from acute or chronic exposure to hazardous waste or hazardous waste constituents, and that threat makes it reasonably necessary to take action to prevent, reduce, or mitigate that exposure.

◦ 25186.05(d)(1): DTSC shall consider three or more incidents of …noncompliance … for which a person or entity has been found liable or has been convicted, with respect to a single facility within a five-year period, as compelling cause to deny, suspend, or revoke the permit, registration, or certificate.
AB 1075 (Alejo)

- Authority to temporarily suspend a permit without a hearing.
- Additional enhanced civil penalty if a person has been found liable or convicted of two or more previous violations within a 5-year period.
Emergency Response Overview

- Off-Highway Cleanup Account
- Drug Lab Cleanup Account
- Coordination Activities w/ USEPA, State Agencies, and CUPA’s on Disaster Planning & Response
- Recent Activities include responding to wildfires in Lake, Calaveras, Trinity, and Monterey Counties
Mission Statement

The mission statement of OCI is to prevent and investigate violations of California’s Hazardous Waste Control Laws for the safety of the public and protection of the environment.
OCI Funding Sources

- Hazardous Waste Control Account: 87.57%
- Toxic Substances Control Account: 12.42%
- Other: 0.01%
Program Organization

Department of Toxic Substances Control

Cal/EPA
Criminal Investigators

- Sworn Peace Officers
- Investigate most serious offenses
Criminal Investigators – Recruit/Retention

- Hiring Process
  - POST requirement
- Maintaining Certification
- Cost/Time
- Turnover
Environmental Scientists

- Lead civil investigations
- Work side by side with OCI investigators on criminal cases
- Provide support to local, state and federal agencies
Computer Forensic Examiner

- Seizure of electronic evidence
- Operates OCI’s Surveillance Program
- Liaison between agencies and department
Case Initiation

- DTSC’s Waste Alert Complaint Hotline, 800-698-6942
- Self generated
- Referral from local, state, federal agencies
Investigation Process

OCI-led case assigned to staff

- Perform preliminary investigation
- Prepare for field work/evidence collection
- Perform field work/evidence collection
- Review and analyze evidence collected
- Organize and document findings
- Develop referral package
- Case referred

Department of Toxic Substances Control
Current Projects

• Key Initiatives
  o Metal Recyclers Enforcement
  o Transportation Enforcement
  o Task Force/Statewide activities
  o Program Improvements (Lean Six Sigma)

• Performance Metrics: Ongoing cases and data management
OCI Special Project -
2016 Metal Recyclers Enforcement Initiative

Montclair Recycling yard fire has spread to neighborhood structures.
MontclairFD/LACoFD @FOXLA

Massive fire tears through Sun Valley auto wrecking yard

Antonia Becker, Environmental Program Manager
Department of Toxic Substances Control
OCI Special Projects – Metal Recyclers Enforcement Initiative

- Over 1,000 metal recycling facilities in California
- Most are located in EJ communities
- Many releasing toxic chemicals
OCI Special Projects – Metal Recyclers Enforcement Initiative

- Objectives:
  - To eliminate threats to EJ communities
  - To significantly improve the environmental regulatory compliance rate
  - To evaluate the need for operating standards
OCI Special Projects – Metal Recyclers Enforcement Initiative

- **Scope:**
  - Metal recycling inspections in EJ communities
  - Focus on facilities that accept and process vehicles, appliances, and electronic waste
  - OCI collaborating with CUPAs, Air and Water Quality agencies

Department of Toxic Substances Control  
Cal/EPA
OCI Special Projects – Metal Recyclers Enforcement Initiative

- Scope (Cont’):
  - 42 inspections by July 1, 2017

  - Selection criteria:
    - having significant impacts to EJ communities
    - metal recycling facilities with metal shredding units
    - have uncontained hazardous waste
OCI Special Projects – Metal Recyclers Enforcement Initiative

• Progress:
  ◦ Inspections started in January 2016
  ◦ 9 inspections conducted, 11 more this year
  ◦ Violations at all 9 facilities inspected thus far
  ◦ Enforcement actions being prepared
OCI Special Projects – Transportation Enforcement Initiative
OCI Special Projects – Transportation Enforcement Initiative

- **Objective:**
  - To improve the environmental regulatory compliance rate among Hazardous Waste Transporters

- **Goal:**
  - Inspect 500 trucks within one year
OCI Special Projects – Transportation Enforcement Initiative

- CHP – DTSC collaboration at Livermore Scales in Alameda County
OCI Special Projects – Transportation Enforcement Initiative

- Inspections of commercial vehicles at the US/Mexico Ports-of-Entry, at Calexico and Otay Mesa borders
Task Force/Statewide Activities

- Task Force Activities
- Quarterly meeting with District Attorney Offices
- Partnership with District Attorney Offices and Attorney General Office
  - Multi-county cases
  - Statewide cases
    - Civil Penalties – more than $100 million over 8 years
Lean Six Sigma
Referral Improvement Process Initiative

Taryn Stokell Buck, Sr. Environmental Scientist

Department of Toxic Substances Control
Lean Six Sigma Program

- OCI participated in 2015 Lean Six Sigma Green Belt training program offered by GO-Biz

- Problem: Over the past 10 years, the average time for a case to be investigated and referred has grown from under 5 months to 1.5 years

- Objective: To refer 95% of cases within 6 months
Lean Six Sigma Program – Problem Root Causes

- Competing case work
- Staff vacancies or extended leave
- Non-value added activities
- Search warrants
- Long completion times for post-field work steps

Department of Toxic Substances Control  Cal/EPA
Lean Six Sigma Program – Improvement Techniques

- **“Case Tracker” Documentation**
  - Outline deliverables and deadlines for each step of the investigation and referral process

### Civil and Administrative Case Traveler

<table>
<thead>
<tr>
<th>Stage</th>
<th>Due Dates</th>
<th>Completion Date</th>
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<tbody>
<tr>
<td>1. Preliminary investigation</td>
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<td></td>
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<tr>
<td>2a. Prepare for field work</td>
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</tr>
<tr>
<td>2b. Perform field work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2c. Perform post-field work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Review and analyze evidence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Organize and document findings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Develop referral package</td>
<td></td>
<td></td>
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</tbody>
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### Office of Criminal Investigations

<table>
<thead>
<tr>
<th>Prepare for field work</th>
<th>Due Date</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare inspection warrant</td>
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<tr>
<td>Write inspection warrant</td>
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<tr>
<td>Review by OLC</td>
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<tr>
<td>Review by supervisor</td>
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<td></td>
</tr>
<tr>
<td>Prepare health &amp; safety forms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare pre-HARP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submit to IH for review &amp; signature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare and submit post-HARP</td>
<td></td>
<td></td>
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<tr>
<td>Develop sampling plan</td>
<td></td>
<td></td>
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<tr>
<td>Submit web-AR</td>
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<td></td>
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<tr>
<td>Coordinate staff availability and travel</td>
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<tr>
<td>Prepare sampling supplies and vehicles</td>
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<tr>
<td>Review site plan with supervisor</td>
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<tr>
<td>Hold pre-site visit briefing</td>
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<table>
<thead>
<tr>
<th>Perform field work</th>
<th>Due Date</th>
<th>Completion Date</th>
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<tbody>
<tr>
<td>Travel to site</td>
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<tr>
<td>Site safety meeting</td>
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<td>Perform inspection</td>
<td></td>
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<tr>
<td>Perform inspection warrant</td>
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<tr>
<td>Perform sampling event</td>
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Department of Toxic Substances Control

Cal/EPA
Lean Six Sigma Program – Progress

- Evaluated all the backlogged cases
- Refined Case Tracker and condensed into 4 steps
- Trained staff to use Case Tracker and entering steps into Daily Log for audits
- EnviroStor 180-day report developed
### Performance Metrics: Ongoing cases and data management

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Cases active at beginning of the calendar year</th>
<th>Cases Opened in Calendar Year</th>
<th>Total Cases open during calendar year</th>
<th>ACTIVE CASES</th>
<th>Current Active Caseload</th>
<th>Cases closed-No Enforcement Action by DTSC</th>
<th>Cases handled in-house</th>
<th>Cases Referred Civil</th>
<th>Cases Referred Criminal</th>
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<tr>
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<td>Enforcement Investigation</td>
<td>Prosecutor Assist</td>
<td>Toxic Assist</td>
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<tr>
<td>2014</td>
<td>296</td>
<td>37</td>
<td>333</td>
<td>260</td>
<td>45</td>
<td>28</td>
<td>101</td>
<td>1 City Attorney</td>
<td>3 Attorney General</td>
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<tr>
<td>2015</td>
<td>232</td>
<td>83</td>
<td>315</td>
<td>255</td>
<td>36</td>
<td>24</td>
<td>229</td>
<td>2 DTSC</td>
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<tr>
<td>1st Quarter 2016</td>
<td>86</td>
<td>35</td>
<td>121</td>
<td>102</td>
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<td>7</td>
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<td>3</td>
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</table>
OCI and EERD Case Profiles

Department of Toxic Substances Control
Electro-Forming, Richmond, CA

- DTSC OCI Investigator and Contra Costa DA Investigator engaged in investigation and surveillance activities

- Enough evidence was gathered to support probable cause for a search warrant
Electro-Forming, Richmond, CA

- Search Warrants simultaneously executed at Electro-Forming and Patigler’s home
- A number of regulatory and law enforcement agencies were involved
- Documents and computers seized
- 27 samples were collected from drums, tanks, totes, floor drains, and trash cans
- Employees were interviewed
Determination of Risk to Human Health & Environment

- Greatest Threats posed by Electro-Forming:
  - 6900 gallon polyethylene tank containing high levels of cyanide
  - Incompatible chemicals stored next to each other
  - Nitric acid stored next to cyanide
  - Hazardous waste stored in drums, tanks, and other containers in deteriorated/corroded condition

Department of Toxic Substances Control
Attorney General’s Office
Complaint & Temporary Restraining Order

- Complaint filed August 8, 2013
- DTSC obtains a default judgement against EFC for $8.9 million
- Temporary Restraining Order granted by the Court to require:
  - removal of hazardous waste from property by 3rd party
  - cease violating hazardous waste laws
- The court issued a preliminary injunction order to force Patigler to cease illegal hazardous waste activities

Department of Toxic Substances Control
Criminal Conviction

- On February 18, 2015, Patigler pled guilty to 9 misdemeanor hazardous waste violations and EFC to 4 felonies
- Patigler was sentenced to 3 years (sentence stayed conditioned on compliance with probation terms)
- 5 years probation
- 200 hours community service
- $50,000 fine
- EFC – 5 years probation, $250,000 fine
- Jointly liable for restitution to DTSC for laboratory, scientist and investigator costs in the amount of $228,424.10.
Patigler Sentenced to Jail

• Violated terms of Probation:
  • Continued to operate
  • Did not remove waste from site
• The Court found Patigler in violation and she was ordered to self-surrender herself to the Contra Costa County Sheriff’s Department November 2015 and is currently serving her sentence.
Emergency Response

Department of Toxic Substances Control

Cal/EPA
Comcast

Comcast Oakland/improper hazardous material disposal.
Jeffrey Cash

Sent: Tuesday, September 28, 2010 7:27 AM
To: Ask CEPD

I've just read the article about Target being sued over improper handling and disposal of hazardous waste. I am an employee of Comcast here in Oakland, and they are doing exactly the same thing, and have been doing so for years. I've attempted to notify the city of this but they seem less that interested. Can you help?

Sincerely,
Jeffrey Cash
Interview

- (Field Tech) Service center
  - Batteries
  - E-waste
Dumpster Inspection

- Two 40-yard roll-offs
- 3-day time frame since last pickup

Department of Toxic Substances Control

Cal/EPA
Waste Inspection Summary

• 20,000+ items recovered from waste inspections of 31 facilities:
  ◦ 5,400+ Batteries, including:
    • Alkaline, lead acid, nickel-cadmium, lithium-ion.
  ◦ 6,300+ Splitters
  ◦ 3,450+ Remote Controls
  ◦ 2,400+ Power Adaptors
  ◦ 2,000+ Devices with PCBs, including:
    • Drop amplifiers, cable filters, circuit boards, modems, computers/computer peripherals, etc.
  ◦ 470+ Taps
  ◦ 140+ Fluorescent light tubes
## DTSC E-Waste Testing

### Comcast Cable E-Waste

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>SVI SV-SG</td>
<td>TCLP: Pb-15.4 (C)</td>
</tr>
<tr>
<td>SV-3G</td>
<td>TCLP: Pb-5.38</td>
</tr>
<tr>
<td>SVI SV-4G</td>
<td>TCLP: Pb-18.8</td>
</tr>
<tr>
<td>Evolution EV01-SP-2</td>
<td>TCLP: Pb-32.2 (C)</td>
</tr>
<tr>
<td>Evolution EV01-SP-4</td>
<td>TCLP: Pb-49</td>
</tr>
<tr>
<td>Genesys II PCT-NGNII-3SB</td>
<td>TTLC: Pb-3380</td>
</tr>
<tr>
<td>Genesys II PCT-NGNII-3S</td>
<td>TTLC: Pb-2030</td>
</tr>
<tr>
<td>Holland DFD2</td>
<td>TCLP: Pb-124</td>
</tr>
<tr>
<td>Holland DPLS-2AR</td>
<td>TCLP: Pb-16.3</td>
</tr>
<tr>
<td>Dish DP Plus Separator 123254</td>
<td>TCLP: Pb-65.9</td>
</tr>
</tbody>
</table>

### Power Adapters

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC Bell WA8077</td>
<td>STLC: Zn-1622</td>
</tr>
<tr>
<td>Challenger HK-X122-U12</td>
<td>STLC: Zn-325, Sb-22.6</td>
</tr>
<tr>
<td>Challenger HK-R104-A06</td>
<td>STLC: Zn-251</td>
</tr>
</tbody>
</table>

### Multi-switches

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADC SignalOn N-NSF32M0</td>
<td>TCLP: Pb-77.5</td>
</tr>
<tr>
<td>Zinwell 3x4 SAM-3402</td>
<td>TCLP: Pb-43.2</td>
</tr>
<tr>
<td>Zinwell Wide-band 6x8 WB68</td>
<td>TCLP: Pb-7.26</td>
</tr>
</tbody>
</table>

### Remote Controls

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comcast Universal (Silver)</td>
<td>TCLP: Pb-17.3</td>
</tr>
<tr>
<td>AT&amp;T TCI-200C</td>
<td>TCLP: Pb-33</td>
</tr>
</tbody>
</table>

### Drop Amplifiers

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commscope SV-A15PRSm</td>
<td>TCLP: Pb-92.7</td>
</tr>
<tr>
<td>SVI SV-A15PRS</td>
<td>TCLP: Pb-15.4 (C)</td>
</tr>
<tr>
<td>Electroline EDA 2400</td>
<td>TCLP: Pb-102</td>
</tr>
</tbody>
</table>

### Taps

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scientific-Atlanta #17</td>
<td>TCLP: Pb-201</td>
</tr>
<tr>
<td>Regal RMT 104 #23</td>
<td>TCLP: Pb-242</td>
</tr>
<tr>
<td>General Instrument 23H</td>
<td>TCLP: Pb-149</td>
</tr>
<tr>
<td>Regal RLDC10-8</td>
<td>TCLP: Pb-12</td>
</tr>
</tbody>
</table>

### Circuit Boards

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit Board (No ID #)</td>
<td>TTLC: Pb-67,500</td>
</tr>
<tr>
<td>T-JP three pin</td>
<td>TTLC: Pb-65,400</td>
</tr>
<tr>
<td>BCS-75</td>
<td>TTLC: Pb-42,000</td>
</tr>
<tr>
<td>BCS-7504</td>
<td>TTLC: Pb-16,800</td>
</tr>
<tr>
<td>410011-001-RA</td>
<td>TCLP: Pb-678</td>
</tr>
</tbody>
</table>

### Cable Filters

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcom FRP-AA (A)/FFF</td>
<td>TCLP: Pb-29.4</td>
</tr>
</tbody>
</table>

### Devices w. Circuit Boards

<table>
<thead>
<tr>
<th>Splitters</th>
<th>Test Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linksys WN Adapter</td>
<td>TCLP: Pb-45</td>
</tr>
<tr>
<td>GWMP54G</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL ITEMS FAILED:** 32
Firsts

- **First** hazardous waste disposal enforcement case in US, where E-waste was the primary waste of concern.
- **First** enforcement case in CA and US to conduct analytical testing of E-waste.
Final Judgment and Permanent Injunction (December 2015)
Final Judgment and Permanent Injunction
(December 2015)

- Monetary Component = $25.95 million
  - Civil Penalties (HWCL and B&P) = $17,850,000.00
  - Prosecutor/Agency Investigation Costs = $2,000,000.00
  - Supplemental Environmental Projects = $3,000,000.00
  - Public Service Announcements = $2,250,000.00
  - Comcast’s Additional Remedial Measures = $700,000.00
Penalty Distribution

- Hazardous Waste Control Law (HWCL) vs Business and Profession Code (B&P)
- Health and Safety Code 25192
  - 50% to Toxic Substances Control Account in the General Fund
  - 25% to the prosecuting office that brought the action
  - 25% to DTSC and used to fund the activity of CUPA/agency investigated the action
- Business and Profession Code 17204
  - Unfair business competition
  - Up to the discretion of the prosecuting office as to distribution of the penalty