

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

STANDARD IRON & METALS CO.  
4525 SAN LEANDRO STREET  
OAKLAND, CALIFORNIA 94601

EPA ID No. CAL000226056

Respondent.

Docket No. HWCA 2020 7569

CONSENT ORDER

Health and Safety Code  
Section 25187

The State of California Department of Toxic Substances Control (Department) and STANDARD IRON & METALS CO. (Respondent), a California corporation #C0876173, collectively the Parties, enter into this Consent Order and agree as follows:

1. The Respondent is a metal recycler and electronic waste collector located at 4525 San Leandro Street, Oakland, California, 94601 (Site).
2. The Department inspected the Site on November 5, 2019.
3. The Department alleges the following violations:
  - 3.1 The Respondent violated Health and Safety Code, section 25212(a), in that, on or about November 5, 2019, the Respondent failed to properly remove Materials that Require Special Handling (MRSH) from appliances (specifically air conditioning units) in which they are contained prior to the appliance being crushed, baled, shredded, sawed or sheared apart, disposed of, or otherwise processed in a manner that could result in the release or prevent the removal of

MRSB. DTSC staff observed a least eight (8) air conditioner units stacked on the pavement, still intact with compressor and refrigerant lines attached. The compressor oil and refrigerant contained within the air conditioner units are MRSB and were not removed before being processed and placed on the ground where a release could have occurred.

3.2 The Respondent violated California Code of Regulations, title 22, section 66262.34(a)(4) and section 66265.31, in that, on or about November 5, 2019, the Respondent failed to maintain and operate the facility to minimize the release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health and the environment. Metal recycling activities such as the movement and storage of bales and acceptance of dirt and debris mixed in with metal, led to dirt and debris accumulations containing hazardous waste and hazardous waste constituents throughout the site on paved ground. These uncontained accumulations could be dispersed offsite by wind, water, vehicle traffic, on employees or customers clothing or shoes.

4. Respondent does not admit to the violations alleged in this Consent Order. However, the Parties agree that the violations alleged in this Consent Order will be deemed proven without any need for testimony or other evidence to the extent they are used by the Department as evidence in an administrative or civil proceeding as a basis for enhanced penalties; and/or for permitting proceeding(s), decision(s), and/or process(es); and/or to enforce this Consent Order. Further, Respondent agrees that Respondent will not dispute the facts underlying the violations alleged in this Consent Order or the Department's use of the violations alleged in this Consent Order as a basis for enhanced penalties; and/or for

permitting proceeding(s), decisions(s), and/or process(es); and/or to enforce this Consent Order.

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

6. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violations alleged in this Consent Order for any of the purposes described in paragraph 13 (Reservation of Authority), Respondent will not assert any defenses based on the passage of time, including, but not limited to, laches, estoppel, and statute of limitations.

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, except to the extent provided in the Consent Order.

8. The Respondent has addressed the violations cited above and returned to compliance on July 9, 2020.

#### COMPLIANCE REQUIREMENTS

9. Definitions: All terms shall be interpreted consistent with chapter 6.5 of division 20 of the California Health and Safety Code (Chapter 6.5) and the regulations promulgated in division 4.5 of title 22 of the California Code of Regulations (Title 22).

10. Respondent shall comply with the following:

10.1. Pursuant to provisions of the Health and Safety Code (HSC) sections 25181 and 25184, Respondent shall comply with the Hazardous Waste Control

Law (HWCL) in connection with the management of hazardous waste, used oil, and materials that require special handling (MRSH) at and from the Site.

10.2. MRSH Removal: Respondent shall comply with HSC section 25212 and Public Resources Code section 42175 by ensuring that MRSH has been removed from major appliances in which they are contained prior to storing in piles and crushing for transport or transferring to a baler, shear, or shredder for recycling. This includes but is not limited to the following:

- Respondent shall not remove MRSH pursuant to HSC section 25211.1.
- Respondent shall not accept any discarded major appliance from any person unless the MRSH has been removed and the person demonstrates compliance with HSC section 25211.2.
- Respondent shall comply with all applicable recordkeeping requirements provided in HSC section 25211.3.

10.3. Prohibition on acceptance:

A. Respondent shall post obvious and clearly visible signage from the street (e.g. at the entrance) which states that, "The deposit and/or transfer of hazardous waste is illegal and punishable by law. Violators will be reported to the California EPA."

B. Respondent shall not accept from off-site locations hazardous waste or hazardous waste constituents including, but not limited to, the following: contaminated soil (e.g. soil contaminated with heavy metals), used oil in sealed

units, non-empty refrigerant compressors and compressed gas cylinders, lithium batteries, gasoline, and PCB and mercury-containing items.

C. If Respondent accepts hazardous waste or hazardous waste constituents that it is prohibited from accepting, as identified in paragraph 10.3.(B) above, Respondent shall make a hazardous waste determination, containerize, label, and manage the hazardous waste and/or hazardous waste constituents in accordance with the generator requirements of Title 22, Division 4.5, Chapter 12, and notify DTSC through the CalEPA Environmental Complaint system online (<https://calepacomplaints.secure.force.com/complaints/Complaint>) or the Waste Alert Hotline (1-800-698-6942) of the illegal acceptance within 48 hours of discovery of the illegal acceptance.

10.4. Load Checks: Respondent shall implement a load check protocol and load check training program. This protocol shall address various factors including, but not limited to, the following:

A. A load check protocol to verify whether MRSH has been removed from major appliances prior to receipt by the Respondent. If MRSH remains, the protocol shall identify the process by which major appliances containing MRSH will not be accepted by Respondent and/or transferred to a certified appliance recycler (CAR) for depollution.

B. A load check protocol to verify no hazardous waste is being unloaded with the waste metal. If hazardous waste continues to be found in the loads of any customers, then their name and address should be entered into the CalEPA Environmental Complaint as discussed in 10.3.C.

C. A copy of this load check protocol shall be provided to the Department within 30 days of the execution of the Consent Order.

10.5. Minimization of Releases: Respondent shall maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment as required by California Code of Regulations, title 22, section 66265.31, including, but not limited to:

A. Storage/Processing:

i. Respondent shall store and process all major appliances, other metallic discards, and recycling residues from consolidating, loading, unloading, crushing, baling, and/or shearing activities on a surface designed and constructed of materials to prevent migration of hazardous constituents into the surface. The surface must be of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used by the Respondent so as to prevent releases to soil, surface water and groundwater. The surface must also be free of cracks to prevent the migration of hazardous constituents into the soil.

ii. Respondent shall store and process all major appliances, and other metallic discards, in a manner to prevent accidental ignition, reaction, fire or explosion.

B. Prevention of Dispersal: Respondent shall take all measures necessary to prevent the uncontained accumulation, storage, and dispersal

(including, but not limited to, air dispersal and tracking by equipment, vehicles and persons) of hazardous waste (including, but not limited to, fine powders, as that term is defined in California Code of Regulations, title 22, section 66260.10) and hazardous waste constituents at the Site and from the Facility to off-site locations.

C. Drainage Control: Respondent shall take all drainage control measures necessary (including, but not limited to, installing and maintaining berms, drain filters, and collection sumps) to ensure that stormwater and process waste water that may come in contact with hazardous waste or hazardous waste constituents is appropriately diverted and collected to prevent releases of hazardous waste and/or hazardous constituents to soil and/or groundwater on-site and to off-site locations. Respondent shall obtain all necessary permits for stormwater/process water systems and hazardous waste tank certifications.

#### PAYMENTS

11. Within thirty (30) calendar days of the Effective Date of this Consent Order, Respondent shall pay the Department a total of **\$32,200.00** in administrative penalties. The Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number as shown in the caption for this Consent Order in the memo line, 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 via mail or email:

To: Ashley Gage

Senior Environmental Scientist  
Office of Criminal Investigations  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
Email: Ashley.Gage@dtsc.ca.gov

To: Paige Fennie  
Attorney  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> floor P.O. Box 806  
Sacramento, CA 95812-0806  
Email: Paige.Fennie@dtsc.ca.gov

12. 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

13. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use all violations alleged in this Consent Order to seek enhanced penalties in any subsequent administrative or civil action to show a pattern or course of conduct, or a history of noncompliance; and 3) use all violations alleged in this Consent Order, in any future Department permit decision, processing, or process.

14. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or damages to the extent authorized by law, and 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.



15. 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.

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

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

18. 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.

19. Future Statutory or Regulatory Changes: Nothing in this Consent Order shall exempt or excuse Respondent from complying with existing law, or with meeting any more stringent requirements that may be imposed by applicable law or changes in the applicable law.

20. Authority to Bind: Each person executing this Consent Order represents that he or she has the full legal authority to execute this Consent Order for and on behalf of the respective party for whom he or she is executing this Consent Order and to bind that party.

21. Counterparts: This Consent Order may be executed and delivered in one or more counterparts, each of which when executed and delivered shall be

deemed to be an original, but such counterparts shall together constitute one and the same documents.

Original signed

Dated: 8-17-21

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Jason Allen, President  
STANDARD IRON & METALS CO.,  
Respondent

Original signed

Dated: 8/18/2021

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Dylan Clark  
Senior Environmental Scientist, (Supervisory)  
Office of Criminal Investigations  
Department of Toxic Substances Control