

Mary Pitto

From: ewaste@calepa.ca.gov
Sent: Thursday, September 27, 2007 6:08 PM
To: Mary Pitto
Subject: California E-Waste Updates: Implementing the Electronic Waste Recycling Act

CIWMB Electronic Product Management ListServ

September 27, 2007

Dear Electronic Waste Stakeholder:

This electronic newsletter is an update on the implementation of California's Electronic Waste Recycling Act of 2003 and other electronic waste (e-waste) management developments in California.

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COVERED ELECTRONIC WASTE STAKEHOLDER WORKSHOP SCHEDULED: MONDAY, NOVEMBER 5TH

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Covered Electronic Waste Stakeholder Workshop Scheduled: Monday, November 5th

The California Integrated Waste Management Board (CIWMB) has scheduled a full day meeting for stakeholders in the covered electronic waste (CEW) recovery and recycling payment system that was established through the Electronic Waste Recycling Act of 2003 (the Act, or SB 20). The meeting will be held Monday, November 5, 2007, at the Cal/EPA Headquarters Building in Sacramento.

The format of the meeting will be a structured and moderated conversation, seeking to facilitate substantive discussion between program and participants, and between participants themselves.

The purpose for holding this meeting is to explore several issues facing the program, including:

. It has been nearly a year since the final regulations were approved, and the payment system has been operating under more stringent requirements since then. How is that going?

. The respective roles of collector and recycler are in flux, with industry dynamics placing pressures on each party that affects their ability to fulfill intended responsibilities. Is tighter regulation necessary?

. Market conditions are fluctuating for many of the residuals derived from covered electronic waste, leading to questions regarding the appropriateness of the payment system structure and rates. What does the future hold?

. The program is reaching the critical *money in, money out* threshold of revenue vs. program costs, which could lead to recommendations that payment rates and/or advance recycling fees be adjusted to maintain fiscal integrity.

. The program continues to field allegations that SB 20 in general, and/or the CIWMB's implementation of the Act in particular, has adversely affected the reuse industry. Is this true?

This meeting is not intended to be a grand summit on e-waste management in general in California, nor is it a rulemaking exercise, though issues that are discussed at the meeting will inform possible future regulatory considerations. It should be viewed as an opportunity to better understand the implications, consequences and realities that the program and its participants face, and to continue what has been a robust and open dialog

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

City of Glendale, California
Public Works Department
Integrated Waste Management
Division
548 W. Chevy Chase Drive
Glendale, California 91204-1814

ID No. CFI000000002

Respondent.

Docket HWCA 20071363

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and City of Glendale, California, Public Works Department, Integrated Waste Management Division (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent collects and transports electronic waste.

1.3. Inspection. The Department inspected the Respondent on December 5 and 6 of 2006.

1.4. Authorization Status. The Department authorized Respondent to be a handler/collector of electronic waste, such as cathode ray tube (CRT) material pursuant to section 66273.82 of Title 22, California Code of Regulations.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to 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.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (a) (1), in that Respondent failed to contain CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container.

2.3. The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (a) (2), and section 66273.87, subsection (a), in that the Respondent failed to immediately clean up and place in a container CRT devices and CRT glass that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of lead or other hazardous constituents to the environment.

2.4. The Respondent violated California Code of Regulations, title 22, section 66273.87, subsection (a), in that the Respondent failed to manage all residue of CRT material as a universal waste by repackaging the residue according to the standards of section 66273.83.

2.5. The Respondent violated California Code of Regulations, title 22, section 66273.86, subsections (a), (b) and (c), in that the Respondent failed to inform all employees who handle or have responsibility for managing CRT material of the proper

handling and emergency procedures; failed to provide specified initial training; and failed to provide annual review of the initial training.

2.6. The Respondent violated California Code of Regulations, title 22, section 66273.86, subsection (a) (b) and (c), in that the Respondent failed to inform all employees who handle or have responsibility for managing Universal Waste material of the proper handling and emergency procedures; failed to provide specified initial training; and failed to provide annual review of the initial training.

3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. 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 Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, 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 Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, 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 Order.

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

5. PAYMENTS

5.1. Respondent shall pay the Department a total penalty of \$13,000.00. Up to \$8,000.00 of the penalty amount is available as a credit against the penalty in the form of a supplemental environmental project (SEP) described in Exhibit 1 to this Order. The SEP shall be completed within one year of the effective date of this Order. If the Department approved documented costs for the SEP exceeded the \$8,000.00, the excess amount shall not be considered as an additional credit to the total penalty amount. If the documented costs for the SEP do not total \$8,000.00, the Respondent shall pay the shortfall to the Department by check as part of the total penalty. Such difference shall be paid by Respondent to the Department within 30 days from Department's notice of the applicable amount to Respondent. For waste for which the Department authorizes SEP credits, the Respondent shall not receive reimbursement from the California Integrated Waste Management Board (CIWMB) pursuant to the SB 20/ SB 50.

5.2. Respondent hereby agrees to send one employee to the California Compliance School, Modules I-IV. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department of Toxic Substances Control within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000.00 if the employee satisfactorily

completes the specified school and the Department receives the Certificates of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the certificates as required, the penalty of \$5,000.00 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from Respondent.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 8/8/07

Original signed by Mario F. Nunez
Respondent Signature

Mario F. Nunez
Print Name of Respondent

Dated: 8/8/07

Original signed by Robert Kou
Robert Kou, Unit Chief
Glendale Branch
Statewide Compliance Division

