

**REQUEST FOR ACTION**

**To:** Mark de Bie, Deputy Director  
Waste Permitting, Compliance and Mitigation Division

**From:** Steve Santa Croce  
Senior Waste Management Engineer  
Solid Waste and Waste Tire Cleanup Programs Unit  
Engineering Support Branch

**Reviewed By:** Steve Levine, Legal Office

**Request Date:** November 2, 2016

**Decision Subject:** **APPROVAL OF THE SOLID WASTE DISPOSAL AND  
CODISPOSAL SITE CLEANUP PROGRAM'S ASSISTANCE IN  
THE USEPA'S CLEANUP OF THE PANDA INTERNATIONAL  
TRADING ILLEGAL DISPOSAL SITE (SOLID WASTE  
DISPOSAL TRUST FUND, FY 2016/2017)**

**Action By:** November 2, 2016

---

**Summary of Request:**

Department of Resources Recycling and Recovery (CalRecycle) staff have completed an evaluation and recommend approval of CalRecycle providing assistance to the USEPA's cleanup of the Panda International Trading Illegal Disposal Site (site) pursuant to the requirements of the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

**Recommendation:**

Staff recommend the approval of CalRecycle's provision of assistance in the USEPA's remediation of the site.

---

**Deputy Director Action:**

On the basis of the information and analysis in this Request for Action, CalRecycle hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.

  
\_\_\_\_\_  
Mark De Bie, Deputy Director  
Waste Permitting, Compliance and Mitigation Division

Dated: November 2, 2016

---

## **Background Information, Analysis, and Findings:**

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through CalRecycle-managed contracts, grants, and loans. Staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

## **Project Scope:**

Site Location/Description: Panda International Trading (PIT) is located at 3570 Fruitland Avenue, Maywood, in Los Angeles County. The site is a privately owned facility which recycles metals to divert the material from the solid waste stream, with a portion sub-leased to an “ewaste” solid waste recycling facility. The site was partially burned in a fire on June 14, 2016. The United States Environmental Protection Agency, Region IX (USEPA) is currently pursuing an enforcement action through the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and is concurrently preparing to fund a cleanup of hazardous substances at the site. Through its’ enforcement action, the USEPA has determined that the owner /operators of the site are unable to conduct a cleanup themselves, and thus the owner/operators are effectively abandoning the solid waste, at what has now become a solid waste and hazardous waste illegal disposal site. Under CERCLA, the USEPA’s jurisdiction is limited to the removal of materials that meet the federal definition of hazardous substances. There is a substantial amount of solid waste on the site which needs to be removed and which is also obstructing USEPA’s ability to adequately assess the site for hazardous substances.

The USEPA has requested assistance from local and State agencies in the completion of the cleanup to supplement their efforts and has specifically requested assistance from CalRecycle in the form of utilizing CalRecycle contractors involved with the hauling off in trucks solid waste and disposing of said waste.

CalRecycle and its contractor, American Integrated Services (AIS), have conducted a site visit to discuss a potential cleanup operation. The proposed approach for the cleanup project is for the USEPA contractor to segregate the non-hazardous solid waste from hazardous materials and incidental disaster debris (i.e., not deemed solid waste prior to the fire), to the extent practicable, and load the solid waste into CalRecycle contractor trucks. CalRecycle would also provide the trucking and disposal of materials. Recyclable metals will be recycled to the degree possible to offset project costs.

CalRecycle will be operating under the umbrella of the USEPA CERCLA enforcement action. CalRecycle has on occasion engaged in the cleanup of defunct recycling operations. These materials are considered solid waste by CalRecycle once the recycling business is no longer viable. USEPA, as the lead agency, will be conducting the field operations for this cleanup project. They will be segregating hazardous materials from non-hazardous solid waste. During the course of the project, CalRecycle will be relying on their determination of what is solid waste. CalRecycle will be present in the field and will concur that materials being provided to us constitute solid waste. We will also be recycling metals to the degree possible to offset the costs of disposal.

Site Prioritization: The site is rated as an environment priority of A2. Priority A2 is a known condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within one mile of the site.

Proposed Remediation Project: USEPA is the lead agency and is responsible for the overall site remediation. CalRecycle's role will be limited to supporting the solid waste removal portion of the project by transporting and disposing of the solid waste provided to us by the USEPA and its contractor.

#### **California Environmental Quality Act (CEQA):**

Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 8 exemption (Title 14, California Code of Regulations (14 CCR) Section 15308: Actions by Regulatory Agencies for Protection of the Environment). Compliance with CEQA requirements will be made with a Notice of Exemption filed by Program staff.

#### **Fiscal Impacts:**

Cost Estimate: The CalRecycle-managed portion of this project will be performed on a time-and-materials basis utilizing the Program's Southern California remediation contract number DRR15032. The contractor has conducted a site visit with Program staff and developed a preliminary cost estimate of \$320,000, which includes a 20 percent contingency.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Southern California remediation contract number DRR15032. The contract currently has approximately \$2,000,000 in available funds and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs CalRecycle to seek reimbursement for monies expended under the Program to the extent feasible. While the USEPA is the lead agency on the enforcement action on this project, CalRecycle is also acting as an enforcement agency with respect to its implementation of the Program, pursuant to Public Resources Code Section 48023(b). However, as USEPA has asserted the cleanup of this site is of the utmost urgency, CalRecycle is proceeding with enforcement via a letter agreement with the operators

and owners of the site, in lieu of formal enforcement proceedings, which include, among other provisions, the following stipulated facts:

Amongst other materials at the site, there are metals and certain other material which constitute non-hazardous solid waste;

As the property owners, Pan and Su, Su as principal of PIT, along with PIT, have the responsibility to properly remove and dispose of said non-hazardous solid waste to an approved facility;

Pan and Su, in their capacity as property owners of the site, and Su as principal of PIT, acknowledge that the Site now constitutes a disposal site, subject to the jurisdiction and authority conferred over disposal sites under the California Integrated Waste Management Act (IWMA) of 1989, and subsequent enactments thereunder;

Pan and Su, in their capacity as property owners of the site and principals of PIT, acknowledge that if CalRecycle provides the aforementioned assistance in the cleanup being conducted by USEPA Region 9, then CalRecycle may seek repayment of its costs in providing such assistance from any and all of them in their respective capacities through court action and/or imposing a statutory lien on the property, in accordance with Public Resources Code Sections 48023 and 48023.5.

**Support:**

Staff has not received any written support at the time this document was submitted for approval.

**Opposition:**

Staff has not received any written opposition at the time this document was submitted for approval.