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1 NANCY J. MARVEL  
Regional Counsel

2 REBECCA A. SUGERMAN  
3 Assistant Regional Counsel  
4 U.S. Environmental Protection Agency, Region IX  
5 75 Hawthorne Street  
San Francisco, CA 94105  
(415)972-3928

6 UNITED STATES  
7 ENVIRONMENTAL PROTECTION AGENCY  
8 REGION IX

9 In the matter of:

) U.S. EPA Docket No.  
) RCRA-09-2010-0003

10 ZKW TRADING CORP.

)  
) MOTION FOR DEFAULT  
) JUDGMENT

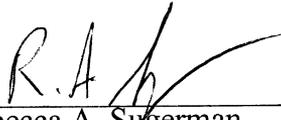
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12  
13 Respondent.

14  
15 Pursuant to the authority set forth at section 22.17 of the "Consolidated Rules of Practice  
16 Governing the Administrative Assessment of Civil Penalties", 40 C.F.R. Part 22, Complainant,  
17 United States Environmental Protection Agency, Region IX, moves for default judgment against  
18 Respondent, ZKW Trading Corp., for liability under Section 3008 of the Resource Conservation  
19 and Recovery Act, as amended, 42 U.S.C. § 6928, as alleged in the Determination of Violation,  
20 Compliance Order and Notice of Right to Request a Hearing for this matter, filed January 4,  
21 2010.

22 This Motion for Default Judgment is based on the attached Memorandum in Support of  
23 Complainant's Motion for Default Judgment.

24 Respectfully submitted,

25  
26  
27 Date

  
28 Rebecca A. Sugerman  
U.S. Environmental Protection Agency,  
Region IX

1/25/11

1 NANCY J. MARVEL  
Regional Counsel

2 REBECCA A. SUGERMAN  
3 Assistant Regional Counsel  
4 U.S. Environmental Protection Agency, Region IX  
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San Francisco, CA 94105  
(415)972-3928

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7 UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
8 REGION IX

9 In the matter of:

10  
11 **ZKW TRADING CORP.**

12  
13 Respondent.

**DOCKET NO. RCRA-09-2010-0003**

MEMORANDUM IN SUPPORT OF  
MOTION FOR DEFAULT  
JUDGMENT

14  
15 I. INTRODUCTION

16 Pursuant to the authority set forth at section 22.17 of the "Consolidated Rules of Practice  
17 Governing the Administrative Assessment of Civil Penalties ("CROP")," 40 C.F.R. Part 22,  
18 Complainant, United States Environmental Protection Agency, Region IX ("EPA"), hereby  
19 submits this Memorandum and supporting Declaration in support of its Motion for Default  
20 Judgment with regard to the liability of Respondent, ZKW Trading Corp., for a violation of  
21 Section 3008 of the Resource Conservation and Recovery Act, as amended, ("RCRA"), 42  
22 U.S.C. § 6928.

23  
24 II. STANDARD FOR GRANTING A MOTION FOR DEFAULT JUDGMENT

25 Section 22.17 of the CROP, entitled "Default" states:

26  
27 (a) *Default.* A party may be found to be in default: after motion, upon failure to file a  
28 timely answer to the complaint . . . . Default by respondent constitutes, for purposes of  
the pending proceeding only, an admission of all facts alleged in the complaint and a  
waiver of respondent's right to contest such factual allegations. . . .

1 (b) *Motion for default*. A motion for default may seek resolution of all or part of the  
2 proceeding. . . .

3 (c) *Default order*. When the Presiding Officer finds that default has occurred, he shall  
4 issue a default order against the defaulting party as to any or all parts of the proceeding  
5 unless the record shows good cause why a default order should not be issued. . . . The  
6 relief proposed in the . . . motion for default shall be ordered unless the requested relief is  
clearly inconsistent with the record of the proceeding or the [Resource Conservation and  
Recovery Act]. . . .

7 40 C.F.R. § 22.17(a) (emphasis added).

8  
9 III. PROCEDURAL BACKGROUND

10 On September 9, 2009, pursuant to the authority of Section 3008(a)(1) of RCRA, 42  
11 U.S.C. § 6928(a)(1), EPA filed a Determination of Violation, Compliance Order and Notice of  
12 Right to Request a Hearing (the “First Complaint”) and sent a copy by certified mail, return  
13 receipt requested, and by Federal Express, to Robert Pang, President and Registered Agent of  
14 ZKW Trading Corp. *See* Declaration of Rebecca Sugerman in Support of Motion for Default  
15 Judgment at ¶¶ 2, 3. The First Complaint alleged that Respondent failed to meet requirements  
16 for import and export of hazardous waste. The First Complaint included a Compliance Order,  
17 and did not assess a penalty. Respondent contacted Complainant by phone to discuss the  
18 Compliance Order in September 2009. On September 28, 2009, Respondent submitted a letter  
19 indicating it would not comply with the requirements in the First Complaint. *See* Letter from  
20 Robert Pang, Exhibit 4 to the Declaration of Rebecca Sugerman in Support of Motion for Default  
21 Judgment at ¶ 5. Respondent had actual notice that he was required to file an answer or other  
22 response to the First Complaint. The cover letter that accompanied the First Complaint restated  
23 Respondent’s obligation to respond to the Complaint within thirty (30) days. *See* Cover letter to  
24 First Complaint, Exhibit 2 to Declaration of Rebecca Sugerman in Support of Motion for Default  
25 Judgment. Respondent failed to file an Answer. Pursuant to 40 C.F.R. § 22.37(b), a compliance  
26 order included in a complaint “shall automatically become a final order unless, no later than 30  
27 days after the order is served, the respondent requests a hearing pursuant to § 22.15.”  
28 Respondent failed to request a hearing, and failed to comply with Compliance Order in the First

1 Complaint.

2 EPA filed a second Determination of Violation, Compliance Order and Notice of Right to  
3 Request a Hearing (the "Second Complaint"), and sent a copy by certified mail, return receipt  
4 requested, and by Federal Express, to Robert Pang, President and Registered Agent of ZKW  
5 Trading Corp. *See* Declaration of Rebecca Sugerman in Support of Motion for Default Judgment  
6 at ¶¶ 6, 7. The Second Complaint sought a penalty for Respondent's failure to comply with the  
7 final order that resulted from the First Complaint. Pursuant to 40 C.F.R. § 22.15(a), Respondent  
8 was required to file an Answer to the Second Complaint within thirty (30) days after service of  
9 the Complaint. *See* 40 C.F.R. § 22.15(a). As of the date of the Memorandum, Respondent has  
10 not filed any Answer or other response to the Complaint. *See* Declaration of Rebecca Sugerman  
11 in Support of Motion for Default Judgment at ¶ 9.

12 The Complaint may be served on Respondent by any reliable commercial delivery service  
13 that provides written verification of delivery. *See* 40 C.F.R. §22.5(b)(1). Service of the Second  
14 Complaint on ZKW was completed on January 5, 2010. *See* Declaration of Rebecca Sugerman  
15 at ¶ 8. Respondent's Answer to the Complaint was due on February 4, 2010. *Id.* at ¶ 9.

16 Respondent had actual notice that it was required to file an answer or other response to the  
17 Second Complaint. The cover letter that accompanied the Second Complaint restated  
18 Respondent's obligation to respond to the Complaint within thirty (30) days. *See* Cover letter to  
19 Second Complaint, Exhibit 7 to Declaration of Rebecca Sugerman in Support of Motion for  
20 Default Judgment. The Complaint also restated Respondent's obligation to respond to the  
21 Complaint within thirty (30) days. *See* Second Complaint at ¶ 41, Exhibit 4 to Declaration of  
22 Rebecca Sugerman in Support of Motion for Default Judgment.

23

24 IV. ARGUMENT

25 As stated above, the Compliance Order in the First Complaint automatically became a  
26 Final Order since Respondent did not request a hearing pursuant to 40 C.F.R. § 22.15 within 30  
27 days after the First Complaint was served. 40 C.F.R. § 22.37(b). The accompanying Motion for  
28 Default Judgment seeks default judgment on liability for the violation alleged in the Second

1 Complaint.

2 EPA argues that a default judgment on liability as alleged in the Second Complaint should  
3 be granted in EPA's favor because Respondent has failed to provide any response to the Second  
4 Complaint. Respondent received the Second Complaint on January 5, 2010, and pursuant to 40  
5 C.F.R. § 22.15(a), was required to respond by February 4, 2010. As set forth at 40 C.F.R. §  
6 22.17(a), Respondent is subject to a default judgment for failing to provide a timely answer to the  
7 Second Complaint. Such a default constitutes an admission of all facts alleged in the Complaint  
8 and a waiver of any right to contest such factual allegations. *Id.*

9 EPA is authorized to seek a default judgment that only resolves a portion of the pending  
10 matter, and here is only seeking a default judgment as to the matter of liability. EPA reserves the  
11 right to seek a judgment addressing an appropriate penalty. Respondent may have an opportunity  
12 to present facts and argument regarding an ultimate penalty amount.

13 Although Respondent has given no indication that he has retained counsel in this matter,  
14 EPA is uncertain whether Respondent would proceed *pro se* in this matter. Nonetheless,  
15 Respondent's *pro se* status should not excuse such inaction or preclude the default judgment. In  
16 *In re: Rybond, Inc.*, the Environmental Appeals Board upheld default judgment against *pro se*  
17 respondent Rybond, which had been issued based on Rybond's failure to comply with the order  
18 on an Administrative Law Judge requiring the submission of prehearing exchange. *In re:*  
19 *Rybond, Inc.*, 1996 EPA App. LEXIS 16 (EPA); 6 E.A.D. 614, \*33 - \*34 (E.A.B. Nov. 8, 1996).  
20 The Board noted:

21 It is true that both the federal courts and the Agency have adopted the approach that more  
22 lenient standards of competence and compliance apply to *pro se* litigants. Nonetheless, a  
23 litigant who elects to appear *pro se* takes upon himself or herself the responsibility for  
complying with the procedural rules and may suffer adverse consequences in the event of  
noncompliance.

24 *Id.* (internal citations and quotations omitted). However, the Board in *Rybond* upheld the default  
25 judgment because, as is the case here, Rybond was "carefully apprised of the due date . . . ." *Id.*  
26 at \*32. Here, the Respondent was apprised of the need to file an answer through the cover letter  
27 transmitting the Complaint and the Complaint itself. It has now been almost a year since the due  
28 date for a response, and Respondent has not made any answer or request for a hearing. Given

1 Respondent's failure to respond, an order for default judgment against Respondent should be  
2 entered.

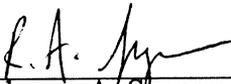
3 V. CONCLUSION

4 For the reasons set forth above, EPA respectfully requests that the Motion for Default  
5 Judgment on Liability be granted.

6  
7 Respectfully submitted,

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10 1/25/11

11 Date

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14 Rebecca A. Sugarman  
15 Assistant Regional Counsel  
16 U.S. Environmental Protection Agency  
17 Region IX  
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1 NANCY J. MARVEL  
Regional Counsel

2 REBECCA A. SUGERMAN  
3 Assistant Regional Counsel  
4 U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
5 San Francisco, CA 94105  
(415)972-3928

6 UNITED STATES  
7 ENVIRONMENTAL PROTECTION AGENCY  
8 REGION IX

9  
10 In the matter of:

11  
12 **ZKW TRADING CORP.**

13  
14 Respondent.

**DOCKET NO. RCRA-09-2010-0003**

DECLARATION OF REBECCA  
SUGERMAN IN SUPPORT  
OF MOTION FOR DEFAULT  
JUDGMENT ON LIABILITY

15  
16 I, Rebecca Sugerman, declare as follows:

- 17
- 18 1. I am an attorney with the Office of Regional Counsel for Region IX of the U.S.  
19 Environmental Protection Agency ("EPA") 75 Hawthorne Street, San Francisco,  
20 California. I represent Complainant in the above-referenced matter.  
21
  - 22 2. On September 9, 2009, a Determination of Violation, Compliance Order and Notice of  
23 Right to Request a Hearing ("First Complaint") in the above-referenced matter was filed  
24 with the EPA Region IX Regional Hearing Clerk. The Complaint alleged two violations  
25 of RCRA. A true and correct copy of the First Complaint is attached hereto as Exhibit 1.  
26
  - 27 3. The Complaint was sent to Respondent, Robert Pang, President, Registered Agent, ZKW  
28 Trading Corp., at 218 W. Garvey Ave., Suite I, Monterey Park, CA 91754, by Federal  
Express. A true and correct copy of the cover letter accompanying the First Complaint is

attached hereto as Exhibit 2.

1  
2 4. Federal Express documents show that the First Complaint was successfully delivered on  
3 September 4, 2009. A true and correct copy of the Federal Express Signature Proof of  
4 Delivery is attached hereto as Exhibit 3.

5  
6 5. On September 28, 2009, EPA received a letter from Mr. Pang, on behalf of ZKW, stating  
7 that ZKW had received the First Complaint, and that ZKW planned to abandon the waste  
8 at issue. A true and correct copy of the September 28, 2009 letter is attached hereto as  
9 Exhibit 4.

10  
11 6. On January 4, 2010, a Determination of Violation, Compliance Order and Notice of Right  
12 to Request a Hearing ("Second Complaint") in the above-referenced matter was filed with  
13 the EPA Region IX Regional Hearing Clerk, alleging one violation for Respondent's  
14 failure to comply with the Compliance Order in the First Complaint. A true and correct  
15 copy of the Second Complaint is attached hereto as Exhibit 5.

16  
17 7. The Second Complaint was sent to Respondent, ZKW Trading Corp., at 218 W. Garvey  
18 Ave., Suite I, Monterey Park, California, 91754, by Federal Express. A true and correct  
19 copy of the cover letter that accompanied the Complaint is attached hereto as Exhibit 6.

20  
21 8. Federal Express documents show that the Second Complaint was successfully delivered  
22 on January 5, 2010. A true and correct copy of the Federal Express Signature Proof of  
23 Delivery is attached hereto as Exhibit 7.

24  
25 9. Respondent's response to the Complaint was due on February 4, 2010. As of this date,  
26 neither the Regional Hearing Clerk or Complainant have received an answer or any other  
27 response to the Complaint from ZKW Trading Corp.

28

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration  
1 was signed this 25<sup>th</sup> day of January, 2011 at San Francisco, California.



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Rebecca A. Sugerman  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX

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# EXHIBIT 1

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

REGIONAL ADMINISTRATIVE CLERK

IN THE MATTER OF	)	U.S. EPA Docket No.
	)	RCRA-9-2009-0017
ZKW TRADING CORP.	)	
	)	DETERMINATION OF VIOLATION,
	)	COMPLIANCE ORDER
218 W. Garvey Ave. Ste I	)	AND
Monterey Park, Ca	)	NOTICE OF RIGHT TO
	)	REQUEST A HEARING
RESPONDENT	)	
	)	
Proceeding under Section 3008(a) of the	)	
Resource Conservation and Recovery	)	
Act, 42 U.S.C. § 6928(a)	)	

I. DETERMINATION OF VIOLATION

A. INTRODUCTION

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22 (2009). Complainant is the United States Environmental Protection Agency, Region IX ("EPA").
2. Respondent is ZKW Trading Corp ("Respondent").
3. Respondent is a California corporation which holds itself out as engaging in the import and export of used electronic equipment and parts.
4. This Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") serves as notice that EPA, on the basis of information available to it, has determined that Respondent violated Sections 3002 and 3017 of RCRA, 42 USC §§ 6922 and 6938, and the regulations promulgated thereunder at 40 C.F.R. Parts 261 and 262. This Complaint provides notice of compliance measures that must be undertaken by Respondent to address these violations as well as Respondent's opportunity to request a hearing.

B. JURISDICTION

5. RCRA empowers EPA to identify and list hazardous wastes. It also authorizes EPA to regulate hazardous waste generators, transporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270, 273, 279.
6. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are “solid wastes,” and of these solid wastes, what wastes are regulated as “hazardous wastes.” These regulations are set forth at 40 C.F.R. Part 261.
7. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded by regulation.
8. Section 3017 of RCRA, 42 U.S.C. § 6938, authorizes the EPA Administrator to promulgate regulations necessary to prevent the unauthorized export of hazardous waste. Such regulations were promulgated at 40 C.F.R. §§ 262.50-58; 262.80-89.
9. Section 3008 of RCRA, 42 U.S.C. § 6928(a), authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
10. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.
11. In June 2009, the Respondent consigned two containers for shipment to Hong Kong. The shipment included color computer monitors, containing cathode ray tubes (“CRTs”), to be shipped to Hong Kong.
12. Color computer monitors contain an average of four pounds of lead and studies show that CRTs leach lead at levels considerably above the toxicity characteristic regulatory level used to classify lead-containing wastes as hazardous (40 CFR § 261.24(b)). In addition, CRTs often contain mercury, cadmium, and arsenic. *See* 71 Fed. Reg. 42930 - 42931 (July 28, 2006).
13. The monitors shipped by the Respondent constitute “hazardous waste” as defined in 40 C.F.R. §§ 260.10 and 261.3, and Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
14. Respondent corporation is a “person” as defined in 40 C.F.R. § 260.10.
15. Respondent is a “primary exporter” as defined in 40 C.F.R. § 262.51.

C. ALLEGED VIOLATIONS

Count I

Unauthorized Exportation of Hazardous Waste

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
17. 40 C.F.R. § 262.52 prohibits exports of hazardous waste unless (a) notification of the EPA of intent to export in accordance with 40 C.F.R. § 262.53 has been provided, (b) the receiving country has consented to accept the hazardous waste, (c) a copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment), and (d) the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.
18. 40 C.F.R. § 261.40 provides a conditional exclusion from the hazardous waste export requirements if the exporter meets the notice and consent conditions of 40 C.F.R. § 261.39(a)(5). That section requires that the exporter must notify EPA of an intended export sixty (60) days before the CRTs are scheduled to leave the United States and the exporter must obtain an "Acknowledgement of Consent" from the receiving country, which must accompany the shipment.
19. Respondent shipped to Hong Kong two containers including color CRTs.
20. The shipment was consigned to Respondent when it was returned from Hong Kong.
21. On June 1, 2009 Respondent billed Kai Sheng International Electronic Co., of Hong Kong for 18 pallets of "plastic scrap." The invoice is for \$1,649.40. The invoice shows the pallets are in shipping container # CCLU6332107.
22. On June 10, 2009, Respondent billed Kai Sheng International Electronic Co., of Hong Kong for 20 pallets of "plastic scrap." The invoice is for \$1,599.98. The invoice shows the pallets are in shipping container # CCLU6586924.
23. According to bills of lading, the two containers were shipped from Los Angeles and Long Beach. The bill of lading for Container # CCLU6332107 shows ZKW Trading Corp as the shipper.

24. The containers identified in Paragraphs 21 and 22 contained electronic equipment and parts including computer monitors, which contain color CRTs.
25. A commercial invoice dated July 10, 2009, shows that Kai Sheng International Electronic Co. sold to Respondent 38 pallets value stated at \$3,298. The invoice states "Return back to USA. Non-commercial Value."
26. The containers referenced in the July 10, 2009 invoice are the same numbers as noted in Paragraphs 21 and 22 above, CCLU6332107 and CCLU6586924.
27. A bill of lading dated July 10, 2009 shows the shipper as Kai Sheng International Electronic Co., and the consignee as ZKW Trading Corp.
28. Respondent did not provide notification of its intent to export the CRTs as required by 40 C.F.R. § 262.53.
29. Respondent did not provide consent of the receiving country as required by 40 C.F.R. § 262.53.
30. Respondent did not obtain an Acknowledgement of Consent to Export required by 40 C.F.R. § 262.53.
31. By failing to meet the notice and consent provisions 40 C.F.R. § 261.39(a)(5), Respondent failed to meet the conditions of the exclusion at 40 C.F.R. § 261.40.
32. Therefore, EPA alleges that Respondent exported hazardous waste without authorization in violation of 40 C.F.R. § 262.52.

#### Count II

#### Unauthorized Import of Hazardous Waste

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. 40 C.F.R. § 262.60 states that any person who imports hazardous waste must meet the requirements of 40 C.F.R. § 262.20(a), which requires completion of a manifest form for transport of hazardous waste.
35. As noted above in paragraph 25, a commercial invoice dated July 10, 2009, shows that Kai Sheng International Electronic Co. sold to Respondent 38 pallets value stated at \$3,298. The invoice states "Return back to USA. Non-commercial Value."
36. The containers referenced in the July 10, 2009 invoice are the same numbers as noted in Paragraphs 21 and 22 above, CCLU6332107 and CCLU6586924. These

containers held electronic equipment and parts including computer monitors, which contain color CRTs.

37. A bill of lading dated July 10, 2009 shows the shipper as Kai Sheng International Electronic Co., and the consignee as ZKW Trading Corp.
38. Respondent failed to meet the requirements of 40 C.F.R. § 262.20(a) regarding completing a hazardous waste manifest.
39. Therefore EPA alleges that Respondent imported hazardous waste without authorization in violation of 40 C.F.R. § 262.60.

## II. COMPLIANCE ORDER

40. Based on the foregoing findings, Respondent is hereby ordered to achieve and maintain compliance with all applicable requirements of RCRA. Specifically:
  - a. Within thirty (30) days of receipt of this Order, Respondent shall take possession of all of the containers that are returned to the United States (including but not limited to container numbers CCLU6332107 and CCLU6586924) and remove them from the Port of Long Beach;
  - b. Respondent shall transport the containers to a secure warehouse for temporary storage under the control of Respondent; and
  - c. Within forty-five (45) days of receipt of this Order, Respondent shall submit a plan for EPA approval detailing how the Respondent will manage each item in each container (*i.e.*, for reuse, recycle, or discard) in accordance with RCRA and any other applicable state or federal laws and regulations.
    - i. If the Respondent proposes to export certain items for reuse, the plan must include test results that demonstrate the functionality for each item and a description of the testing method used for each item.
41. The Respondent shall not remove any items from the storage facility without EPA approval.
42. Respondent shall remove all items from storage within twenty (20) days of EPA's approval of the plan described in Paragraph 40.
43. To further ensure compliance with the requirements cited in Paragraphs 40-42, Respondent shall submit the following report to EPA within thirty (30) days of EPA's approval of the plan described in Paragraph 40: A written confirmation of compliance (accompanied by a copy of any appropriate supporting

documentation). This statement shall specify all actions taken by Respondent to comply with the plan as approved by EPA and all other terms of this Order and include:

- i. a statement containing an inventory of all items and the actual disposition of each item listed on the inventory; and
  - ii. the total cost of returning to compliance.
44. The information requested in this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*
45. Respondent shall submit the copies of any information, reports, and/or notices required by this Order to:

Jim Polek, Environmental Engineer  
Waste Management Division  
U.S. Environmental Protection Agency, WST-3  
75 Hawthorne Street  
San Francisco, Ca 94105

46. If Respondent fails to comply with the requirements of this Order within the time specified, Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), provides for further enforcement action in which EPA may seek the imposition of penalties of up to \$37,500 for each day of continued noncompliance, in addition to any other penalties that may be assessed for past or ongoing violations.
47. This Order shall become effective immediately upon receipt by Respondent.
48. In accordance with 40 C.F.R. § 22.37(b), this Order shall automatically become a final order unless, no later than thirty (30) days after the Order is served, Respondent requests a hearing pursuant to 40 C.F.R. § 22.15.

### III. ASSESSMENT OF PENALTIES

49. EPA reserves its right to assess penalties and/or seek other injunctive relief for violations of the requirements cited above, as provided by Section 3008 of RCRA, 42 U.S.C. § 6928.

### IV. NOTICE OF RIGHT TO REQUEST A HEARING

#### A. PUBLIC HEARING

50. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b), if Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will

constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.

51. The Answer and request for public hearing must be submitted in writing no later than thirty (30) days after the Effective Date of this Complaint with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, California 94105. A copy of the Answer and request for hearing and copies of all other documents relating to these proceedings filed with the Regional Hearing Clerk should be sent to Rebecca Sugerman (ORC-3), Assistant Regional Counsel at the same address.
52. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. A failure to admit, deny or explain any material fact or allegation contained in this Complaint will constitute an admission of the allegation. Where the Respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which Respondent intends to place at issue, (3) the basis for opposing any proposed relief, and (4) whether a hearing is requested.
53. If Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
54. If Respondent requests a public hearing, it will be held in a location determined in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, a copy of which accompanies the Complaint. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 552 et seq., and 40 C.F.R. Part 22. Respondent may request a hearing on any material fact alleged in the Complaint, or on the appropriateness of any proposed penalty, compliance or corrective action order.
55. Pursuant to 40 C.F.R. § 22.7(c) of the Consolidated Rules of Practice, where a pleading or document is served by first class mail or commercial delivery service, but not by overnight or same-day service, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

B. INFORMAL SETTLEMENT

56. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a

written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

57. In addition to the compliance schedule set forth in the Order above, any settlement reached as a result of an informal conference will be embodied in a written Consent Agreement and Final Order. The issuance of the Consent Agreement and Final Order will constitute waiver of Respondent's right to a hearing on any matter to which Respondent has stipulated.
58. If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty (30) days of the Effective Date of this Complaint will preserve Respondent's right to a hearing.
59. EPA encourages all parties against whom a penalty is proposed to explore the possibility of settlement. To request an informal conference, Respondent should contact Rebecca Sugerman, ORC-3, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 972-3893.

V. EFFECTIVE DATE

The "Effective Date" of this Complaint is the date of Service. Service is complete when the return mail receipt is signed by the Respondent or a duly authorized representative of the Respondent, in accordance with the provisions of 40 C.F.R. §§ 22.5(b) and 22.7(c).

Date

9/3/09

\_\_\_\_\_  
Jeff Scott

Director

Waste Management Division

United States Environmental Protection Agency,  
Region IX

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Robert Pang  
ZKW Trading Corp  
218 W. Garvey Ave. Suite I  
Monterey Park, CA 91754

4/3/09

Date

Dan Del Monte ORC Receptionist

Name, title:

Hazardous Waste Management Division

# EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

SEP 03 2009  
CERTIFIED MAIL NO. 7003 3110 0006 1998 0987  
RETURN RECEIPT REQUESTED

In reply, refer to:  
ZKW Trading Corp.

Robert Pang  
President, Registered Agent  
ZKW Trading Corp.  
218 W Garvey Ave. Ste I  
Monterey Park, CA 91754

Re: Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing, U.S. EPA Docket No. RCRA-09-2009-0017.

Dear Mr. Pang:

Enclosed is a Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing (hereinafter Complaint) concerning violations of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6991e(a)(1) by ZKW Trading Corp. ("Respondent").

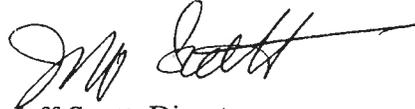
The Complaint and the Rules of Practice, 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalties, and opportunity for a hearing. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written answer within thirty (30) days of receipt of the Complaint. Please address the submittal to:

Regional Hearing Clerk  
Mail Code: ORC-1  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne St.  
San Francisco, CA 94105

Rebecca Sugerman  
Mail Code: ORC-3  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105.

The EPA is interested in resolving the violation listed in the Complaint. Whether or not you choose to request a hearing, You or if you are represented, your counsel, may explore the possibility of settlement by contacting Rebecca Sugerman (ORC-3, Regional Counsel) at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal flourish extending to the right.

Jeff Scott, Director  
Waste Management Division

Enclosure

# EXHIBIT 3



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

January 20,2011

Dear Customer:

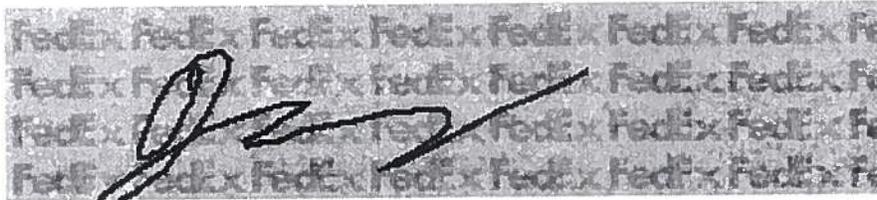
The following is the proof-of-delivery for tracking number **859540600876**.

---

**Delivery Information:**

---

<b>Status:</b>	Delivered	<b>Delivery location:</b>	218 W GARVEY AVE I
<b>Signed for by:</b>	J.JOSEPHINE	<b>Delivery date:</b>	Sep 4, 2009 09:15
<b>Service type:</b>	Priority Overnight		



---

**Shipping Information:**

---

<b>Tracking number:</b>	859540600876	<b>Ship date:</b>	Sep 3, 2009
-------------------------	--------------	-------------------	-------------

**Recipient:**  
ROBERT PANG  
ZKW TRADING CORP  
218 W GAVEY AVE STE I  
MONTEREY PARK, CA 91754 US

**Shipper:**  
REBECCA SUGERMAN  
ENVIRONMENTAL PROTECTION AGENC  
75 HAWTHORNE ST FL 11  
SAN FRANCISCO, CA 941053922 US

Thank you for choosing FedEx Express.

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1.800.GoFedEx 1.800.463.3339

# EXHIBIT 4

**ZKW Trading Corp.**

218 W. Garvey Ave., Suite 1, Monterey Park, CA 91754, USA  
Tel: 310-294-9378 Fax: 626-288-0010

September 28, 2009

Mr. Jim Polek, Environmental Engineer  
Waste Management Division  
U.S. Environmental Protection Agency, WST-3  
75 Hawthorne Street  
San Francisco, CA 94105

RE: Determination of Violation, Compliance Order, and Notice of Right to Request a  
Hearing, U.S.EPA Docket No.RCRA-09-2009-0017

Dear Sirs,

We refer to the captioned letter issued by your department dated September 3, 2009 and duly received by us on 9/3/2009 and 9/9/2009 respectively.

ZKW Trading Corporation (the company) was established in August 2005 by Mr. Robert Pang who was only an employee of the company; as a small overseas corporation in California, USA. The company is mainly doing trading business on buying merchandises from the States and shipped back Hong Kong for sales.

The merchandises include all kinds of used stuffs related to computer and electronic parts. The company bought and loaded the merchandises by containers and exported from the States back to Hong Kong.

These exported containers sometimes were loaded and mixed with CRT monitors. We do not realized that we are violated the rules and regulations of U.S. EPA by exporting the CRT monitors from the States.

We are now trying our efforts to remedy the consequence of these two containers (CCLU6332107 & CCLU6586924) mentioned in your letter.

However, we came across the following difficulties:

**ZKW Trading Corp.**

218 W. Garvey Ave., Suite I, Monterey Park, CA 91754, USA  
Tel: 310-294-9378 Fax: 626-288-0010

1. We have not yet received the debit note from the US Custom relating to the examination and storage fees since August 5, 2009. Our estimated cost may be over \$10,000 for these two containers.
2. The per diem charges from the shipping company have been estimated over \$5,000 per container as advised by our forwarder.
3. After we have contacting a few recyclers in California, the standard handling fee per container will be around \$5-6,000; it means around \$11,000 for two containers. But still no recycler is willing to handle these containers.
4. With the above three points, we may have to be ready to pay over \$30,000 fees and charges; plus we may receive a penalty for citation for more than \$20,000 on violation of exporting and importing "hazardous waste" according to US EPA's rules and regulations.

After a result, we expect that we are **unable** to pay the unforeseeable fees, charges and penalty for more than \$50,000(or more than that amount later on).

We hereby inform you that we decide to abandon the captioned containers with immediate effect.

ZKW TRADING CORP.



Robert Pang

Cc: Ms. Rebecca Sugerman  
Mail Code: ORC-3  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

# EXHIBIT 5

FILED

2010 JAN -4 PM 3: 58

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK  
REGION IX

IN THE MATTER OF	)	U.S. EPA Docket No.
	)	RCRA-9-2010-0003
ZKW TRADING CORP.	)	
	)	DETERMINATION OF VIOLATION,
	)	COMPLIANCE ORDER
218 W. Garvey Ave. Ste I	)	AND
Monterey Park, Ca	)	NOTICE OF RIGHT TO
	)	REQUEST A HEARING
RESPONDENT	)	
	)	
Proceeding under Section 3008(a) of the	)	
Resource Conservation and Recovery	)	
Act, 42 U.S.C. § 6928(a)	)	

I. DETERMINATION OF VIOLATION

A. INTRODUCTION

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22 (2009). Complainant is the United States Environmental Protection Agency, Region IX ("EPA").
2. Respondent is ZKW Trading Corp ("Respondent").
3. Respondent is a California corporation, which holds itself out as engaging in the import and export of used electronic equipment and parts.
4. This Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") serves as notice that EPA, on the basis of information available to it, has determined that Respondent violated Section 3008 of RCRA, 42 USC § 6928. This Complaint seeks to assess a civil penalty that Respondent must pay for the violation alleged herein and provides notice of Respondent's opportunity to request a hearing.

B. JURISDICTION

5. RCRA empowers EPA to identify and list hazardous wastes. It also authorizes EPA to regulate hazardous waste generators, transporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270, 273, 279.<sup>1</sup>
6. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are “solid wastes,” and of these solid wastes, what wastes are regulated as “hazardous wastes.” These regulations are set forth at 40 C.F.R. Part 261.
7. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded by regulation.
8. Section 3017 of RCRA, 42 U.S.C. § 6938, authorizes the EPA Administrator to promulgate regulations necessary to prevent the unauthorized export of hazardous waste. Such regulations were promulgated at 40 C.F.R. §§ 262.50-58; 262.80-89.
9. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
10. If a Respondent fails to take corrective action within the time specified in a compliance order, Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), authorizes the EPA Administrator to assess a civil penalty of \$37,500 for each day of continued noncompliance.
11. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.
12. In June 2009, the Respondent consigned two containers for shipment to Hong Kong. The shipment included color computer monitors, containing cathode ray tubes (“CRTs”), to be shipped to Hong Kong.
13. Color computer monitors contain an average of four pounds of lead and studies show that CRTs leach lead at levels considerably above the toxicity characteristic regulatory level used to classify lead-containing wastes as hazardous (40 CFR §

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<sup>1</sup> The State of California is not authorized for the regulations that are the basis for the violations alleged in the original complaint. Pursuant to 40 C.F.R. section 271.1 Table 2, notification of hazardous waste export is a self-implementing provision of HSWA, so these federal regulations are directly enforceable by EPA. Accordingly, the allegations in this complaint are for violations of federal requirements, rather than requirements of the authorized program.

261.24(b)). In addition, CRTs often contain mercury, cadmium, and arsenic. *See* 71 Fed. Reg. 42930 - 42931 (July 28, 2006).

14. The monitors shipped by the Respondent constitute “hazardous waste” as defined in 40 C.F.R. §§ 260.10 and 261.3, and Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
15. Respondent corporation is a “person” as defined in 40 C.F.R. § 260.10.
16. Respondent is a “primary exporter” as defined in 40 C.F.R. § 262.51.
17. On September 3, 2009 EPA issued a Complaint against ZKW Trading Corp. alleging violations of RCRA and its implementing regulations for export and import of hazardous waste found at 40 C.F.R. Sections 262.52 and 262.60 (“first Complaint”).
18. EPA served the first Complaint via Federal Express. That Complaint package was received by Robert Pang, an employee of ZKW Trading Corp., on September 4, 2009.
19. EPA also served the first Complaint via USPS certified mail. The certified mail first Complaint package was received by Respondent on September 9, 2009.
20. The first Complaint was served on Mr. Robert Pang. According to filings with the California Secretary of State, Mr. Robert Pang is the President of and Registered Agent for ZKW Trading Corp.
21. Mr. Pang contacted EPA in response to receiving the first Complaint. For purposes of enforcing the deadlines in the first Complaint, EPA staff and Mr. Pang agreed to use September 9, 2009 as the effective date of service.
22. The first Complaint included a Compliance Order, requiring Respondent to perform certain tasks, including managing the electronic waste in the containers appropriately.
23. On September 28, 2009, Mr. Pang submitted a letter to Mr. Jim Polek, Environmental Engineer, Waste Management Division, EPA Region 9. In the letter Mr. Pang stated: “[w]e hereby inform you that we decide to abandon the captioned containers with immediate effect.”
24. On or about October 13, 2009, after several discussions between EPA staff and Respondent, Respondent confirmed that it intended to abandon the waste at issue.
25. In accordance with 40 C.F.R. § 22.37(b), the Complaint states, at Paragraph 48, that the Compliance Order shall automatically become a final order unless, no

later than thirty (30) days after the Order is served, Respondent requests a hearing pursuant to 40 C.F.R. § 22.15. Respondent did not request a hearing.

26. The Compliance Order became a final order on October 9, 2009, 30 days after the first Complaint was received by Mr. Pang.

C. ALLEGED VIOLATIONS

Count I

Failure to Comply with Compliance Order

27. Paragraphs 1 through 26 above are incorporated herein by this reference as if they were set forth here in their entirety.
28. 40 C.F.R. § 22.37(b) states that a complaint may contain a compliance order issued under section 3008(a), and that any such order shall automatically become a final order unless, no later than thirty (30) days after the order is served, Respondent requests a hearing pursuant to 40 C.F.R. § 22.15.
29. RCRA Section 3008(c), 42 U.S.C. § 6928(c), states that if a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty.
30. EPA served the complaint on September 9, 2009. The complaint included a compliance order, requiring Respondent to perform certain tasks, including:
  - a. Take possession of all of the containers that are returned to the United States (including but not limited to container numbers CCLU6332107 and CCLU6586924) and remove them from the Port of Long Beach, within 30 days of receipt of the order;
  - b. Transport the containers to a secure warehouse for temporary storage under the control of Respondent; and
  - c. Submit a plan for EPA approval detailing how the Respondent will manage each item in each container (*i.e.*, for reuse, recycle, or discard) in accordance with RCRA and any other applicable state or federal laws and regulations, within forty-five (45) days of receipt of this Order
31. Respondent failed to comply with the compliance order.
32. Respondent failed to request a hearing.
33. Respondent sent a letter to EPA dated September 28, 2009 stating it intended to abandon the waste at issue in the complaint.

34. The compliance order became a final order on October 9, 2009, 30 days after the first Complaint was received by, and therefore properly served on, Mr. Pang.
35. Therefore, EPA alleges that Respondent is subject to penalties for failing to take corrective action within the time specified in a compliance order, pursuant to RCRA Section 3008(c), 42 U.S.C. § 6928(c).

### III. CIVIL PENALTY

36. Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, (61 Fed. Reg. 69360 (Dec. 31, 1996)), and the Civil Monetary Penalty Inflation Adjustment Rule (73 Fed. Reg. 75340 (Dec. 11, 2008), and 74 Fed. Reg. 626 (Jan. 7, 2009)) authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq., occurring after January 12, 2009.
37. The violation addressed in Count I, failure to comply with the compliance order, poses a substantial risk of exposure to humans or other environmental receptors to the hazardous materials such as lead, cadmium, and mercury found in CRTs. This violation began on October 9, 2009 and is continuing.
38. In assessing the severity of these violations, EPA has determined that these violations demonstrate substantial noncompliance with the applicable requirements, and resulted in substantial risk to human health and the environment.
39. Therefore, Complainant requests that the Administrator assess a civil penalty against Respondent of up to \$37,500 per day for the violation cited in the above outlined Count.

### IV. NOTICE OF RIGHT TO REQUEST A HEARING

#### A. PUBLIC HEARING

40. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b), if Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
41. The Answer and request for public hearing must be submitted in writing no later than thirty (30) days after the Effective Date of this Complaint with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, California 94105. A copy of the Answer and

request for hearing and copies of all other documents relating to these proceedings filed with the Regional Hearing Clerk should be sent to Rebecca Sugerman (ORC-3), Assistant Regional Counsel at the same address.

42. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. A failure to admit, deny or explain any material fact or allegation contained in this Complaint will constitute an admission of the allegation. Where the Respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which Respondent intends to place at issue, (3) the basis for opposing any proposed relief, and (4) whether a hearing is requested.
43. If Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
44. If Respondent requests a public hearing, it will be held in a location determined in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, a copy of which accompanies the Complaint. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 552 *et seq.*, and 40 C.F.R. Part 22. Respondent may request a hearing on any material fact alleged in the Complaint, or on the appropriateness of any proposed penalty, compliance or corrective action order.
45. Pursuant to 40 C.F.R. § 22.7(c) of the Consolidated Rules of Practice, where a pleading or document is served by first class mail or commercial delivery service, but not by overnight or same-day service, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

B. INFORMAL SETTLEMENT

46. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.
47. In addition to the compliance schedule set forth in the Order above, any settlement reached as a result of an informal conference will be embodied in a written Consent Agreement and Final Order. The issuance of the Consent

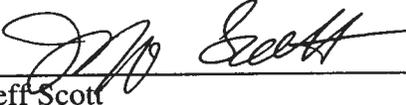
Agreement and Final Order will constitute waiver of Respondent's right to a hearing on any matter to which Respondent has stipulated.

48. If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty (30) days of the Effective Date of this Complaint will preserve Respondent's right to a hearing.
49. EPA encourages all parties against whom a penalty is proposed to explore the possibility of settlement. To request an informal conference, Respondent should contact Rebecca Sugerman, ORC-3, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 972-3893.

V. EFFECTIVE DATE

The "Effective Date" of this Complaint is the date of Service. Service is complete when the return mail receipt is signed by the Respondent or a duly authorized representative of the Respondent, in accordance with the provisions of 40 C.F.R. §§ 22.5(b) and 22.7(c).

12/30/09  
Date

  
\_\_\_\_\_  
Jeff Scott  
Director  
Waste Management Division  
United States Environmental Protection Agency,  
Region IX

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Robert Pang  
ZKW Trading Corp  
218 W. Garvey Ave. Suite I  
Monterey Park, CA 91754

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, title:  
Hazardous Waste Management Division

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Robert Pang  
ZKW Trading Corp  
218 W. Garvey Ave. Suite I  
Monterey Park, CA 91754

1/7/10  
Date

Vasilis Kontaxakis  
Name, title: Vasilis Kontaxakis  
Receptionist  
Office of Regional Counsel  
EPA Region IX

# EXHIBIT 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

CERTIFIED MAIL NO. 7003 3110 0006 1998 1038  
RETURN RECEIPT REQUESTED

DEC 31 2009

In reply, refer to:  
ZKW Trading Corp.

Robert Pang  
President, Registered Agent  
ZKW Trading Corp.  
218 W Garvey Ave. Ste I  
Monterey Park, CA 91754

Re: Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing, U.S. EPA Docket No. RCRA-09-2010-0003

Dear Mr. Pang:

Enclosed is a Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing (hereinafter Complaint) concerning a violation of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6991e(a)(1) by ZKW Trading Corp. ("Respondent").

The Complaint and the Rules of Practice, 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalties, and opportunity for a hearing. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written answer within thirty (30) days of receipt of the Complaint. Please address the submittal to:

Regional Hearing Clerk  
Mail Code: ORC-1  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne St.  
San Francisco, CA 94105

Rebecca Sugerman  
Mail Code: ORC-3  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105.

The EPA is interested in resolving the violation listed in the Complaint. Whether or not you choose to request a hearing, You or if you are represented, your counsel, may explore the possibility of settlement by contacting Rebecca Sugerman (ORC-3, Regional Counsel) at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal flourish extending to the right.

Jeff Scott, Director  
Waste Management Division

Enclosure

# EXHIBIT 7



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

January 20,2011

Dear Customer:

The following is the proof-of-delivery for tracking number **988642893976**.

---

**Delivery Information:**

---

<b>Status:</b>	Delivered	<b>Delivery location:</b>	218 W GARVEY AVE I
<b>Signed for by:</b>	J.JOSEPHINE	<b>Delivery date:</b>	Jan 5, 2010 09:32
<b>Service type:</b>	Standard Overnight		



---

**Shipping Information:**

---

<b>Tracking number:</b>	988642893976	<b>Ship date:</b>	Jan 4, 2010
-------------------------	--------------	-------------------	-------------

**Recipient:**  
ZKW TRADING CORP  
ROBERT PANG  
218 W. GARVEY AVE  
SUITE I  
MONTEREY PARK, CA 91754 US  
**Reference**

**Shipper:**  
JASON ALCANTARA  
UNITED STATES E.P.A.  
75 HAWTHORNE ST.  
SUITE#1101  
SAN FRANCISCO, CA 94105 US  
WST-3 J. POLEK

Thank you for choosing FedEx Express.

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1.800.GoFedEx 1.800.463.3339

1 **CERTIFICATE OF SERVICE**

2  
3  
4 I hereby certify that the original and one copy of the foregoing :

5 Complainant's Motion for Default Judgment on Liability

6 Complainant's Memorandum in Support of Motion for Default Judgment on Liability

7 Declaration of Rebecca Sugerman in Support of Motion for Default Judgment

8 in the matter of ZKW Trading Corp. Docket No. RCRA-09-2010-0003, were filed with the

9 Regional Hearing Clerk, Region IX, and that a copy was sent this day in the following manner to

10 the addressees listed below.

11 Copy by certified mail, return receipt requested, to:

12  
13 Robert Pang  
14 ZKW Trading Corp.  
15 218 W. Garvey Ave. Ste I  
16 Monterey Park, Ca 91754

17 and to

18 Robert Pang  
19 America Jin Jiang International  
20 218 W. Garvey Ave. Ste J  
21 Monterey Park, CA 91754

22 Date

01/25/2011

23   
Office of Regional Counsel, EPA Region IX

24 JOHN BLAIS  
25  
26  
27  
28