

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Deutsch Engineered Connecting
Devices
250 Eddie Jones Way
Oceanside, California 92054

ID No. CAD 009 630 708

Respondent.

Docket HWCA 20071482

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Deutsch Engineered Connecting Devices (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates, handles, treats, and stores hazardous waste at 250 Eddie Jones Way, Oceanside, California 92054 (Site).
2. The Department inspected the Site on January 29 through February 1, 2007.
3. The Department alleges the following violations:
 - 3.1. Respondent violated Health and Safety Code section 25201, subdivision (a) and Stipulation and Order 93/94-015, section 7.2 in that Respondent treated hazardous wastestreams onsite without authorization from the Department. Respondent treated spent cyanide plating baths, Resource Conservation and Recovery Act (RCRA) listed waste F007, by dilution on a daily basis; Respondent treated spent cyanide stripping and cyanide cleaning baths,

RCRA listed waste F009, by dilution; Respondent treated spent cyanide plating baths, RCRA listed waste F007, and spent cyanide stripping and cyanide cleaning baths, RCRA listed wastes, F009, treated in ion-exchange resins to recover gold; residual cyanide waste water is pumped to the waste accumulation tank for further treatment. Respondent rinsed and dried spent cyanide filters, RCRA listed waste F008, over the cyanide sump; Respondent rinsed and dried nickel-containing filters; Respondent rinsed and crushed 55-gallon containers; and, Respondent performed batch treatment of spent plating baths containing hexavalent chromium without automatic addition of acid and sodium metabisulfite.

3.2. Respondent violated California Code of Regulations, title 22, section 66265.17 and Stipulation and Order 93/94-015, in that Respondent stored incompatible hazardous waste without a berm or separate secondary containment in the following areas: 1. cyanide waste accumulation tanks; 2. chrome reduction tank; 3. acid waste accumulation tanks, and 4. a pipe (not secondarily contained) which contained acid and was located over the secondary containment for the cyanide plating tanks with cyanide liquid in the containment.

3.3. Respondent violated Health and Safety Code, section 25201, California Code of Regulations, title 22, section 66262.34, subdivision (a) and Stipulation and Order 93/94-015 in that Respondent stored hazardous waste for greater than 90 days without authorization from the Department. Respondent stored hazardous wastes in two tanks, each with a capacity of approximately 6,000-gallons that were previously used for treating hazardous waste under the

Permit-By-Rule tier in the Wastewater Treatment Area. Respondent stored these two tanks onsite since the year 2000. Based on the waste analysis results, one of the tanks contained corrosive (acidic) RCRA waste with metals and the other tank contained non-RCRA hazardous waste.

3.4. Respondent violated California Code of Regulations, title 22, section 66265.31 and Stipulation and Order 93/94-015 in that Respondent failed to minimize the possibility of a release of 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. Leaking pumps and pipes were observed in the Wastewater Treatment Area, including duct taped pipes. Also, ongoing releases of metal hydroxide sludge, RCRA listed waste F006, from the sludge dryer onto the floor were observed at the time of the inspection.

3.5. Respondent violated California Code of Regulations, title 22, sections 66265.16 and 67450.3, subdivisions (c)(8)(C) and (c)(9)(A), 66262.34, subdivision (a)(4) and Stipulation and Order 93/94-015 in that Respondent failed to have adequate written training documents and failed to provide initial training to employees handling hazardous waste and performing hazardous waste treatment activities.

3.6. Respondent violated California Code of Regulations, title 22, sections 66265.191 and 66262.10, subdivision (h), 66265.191, subdivision (a) and 66265.192, subdivisions (a), (b), and (k) and Stipulation and Order 93/94-015 in that Respondent failed to have an adequate tank assessment conducted for the

existing tanks in the Wastewater Treatment Area and the addition in 1994 of one new 9,000-gallon tank to the Wastewater Treatment Area.

3.7. Respondent violated California Code of Regulations, title 22, sections 66265.195, subdivisions (a) and (c), 66262.10, subdivision (h) and Stipulation and Order 93/94-015 in that Respondent failed to have a daily tank inspection schedule and conduct inspections for the following: 1. waste accumulation tanks and the Wastewater Treatment tank systems in the Wastewater Treatment Area; 2. sludge dryer, 3. filter presses, and; 4. used oil tanks and failed to respond to and correct ongoing leaks in the Wastewater Treatment System. In addition, Respondent failed to document when corrections for these ongoing releases were made.

3.8. Respondent violated California Code of Regulations, title 22, sections 67450, 66265.194, subdivision (b)(3), and 66262.10, subdivision (h) and Stipulation and Order 93/94-015 in that Respondent failed to maintain two feet of freeboard for open tanks located outside, which were subject to precipitation. During the inspection it was observed that Tank number 1G (one of the compartments of tank 1) used for the storage of spent hexavalent chrome plating baths was full and did not have the required freeboard.

3.9. Respondent violated California Code of Regulations, title 22, section 67450.3, subdivision (c)(12) and Stipulation and Order 93/94-015, in that Respondent failed to comply with the tank cleaning and closure requirements for two treatment tanks and a filter press, which were taken out of service in 2000 and 2005, respectively.

3.10. Respondent violated California Code of Regulations, title 22, sections 67450.3, subdivision (c)(8)(A) and 66265.13 and Stipulation and Order 93/94-015, in that Respondent failed to have an adequate written waste analysis plan for the waste treatment operations under the Permit-by-Rule tier.

3.11. Respondent violated California Code of Regulations, title 22, sections 67450.3, subdivision (c)(9)(A) and 66265.13 and Stipulation and Order 93/94-015. in that Respondent failed to have waste analysis performed at the point of generation for the waste streams under the Permit-by Rule tier.

3.12. Respondent violated California Code of Regulations, title 22, sections 66262.10, subdivision (h) and 66265.35 and Stipulation and Order 93/94-015, in that Respondent failed to provide aisle space in the reclaim room containing cyanide wastes.

3.13. Respondent violated California Code of Regulations, title 22, section 67450.3, subdivision (c)(7) and Stipulation and Order 93/94-015 in that Respondent failed to permanently mark the exterior of each fixed treatment unit (FTU) with the name of the owner/operator, the facility identification number and an individual serial number.

3.14. Respondent violated California Code of Regulations, title 22, section 67450.3, subdivisions (c)(11)(B) and (E) and Stipulation and Order 93/94-015, in that Respondent failed to include in the closure plan an estimate of the expected year of closure, a schedule for final closure, and closure information and costs for the filter presses, the sludge dryer, and the drum crusher.

3.15. Respondent is subject to a civil penalty pursuant to Health and Safety Code, section 25188 in that Respondent failed to abide by the terms and conditions as set out in the Stipulation and Order 93/94-015.

4. The parties wish to avoid the expense of litigation and ensure prompt compliance.

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

6. Respondent waives any right to a hearing in this matter.

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.

8. A dispute exists regarding the alleged violations.

SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1.1. Respondent shall submit a completed certified tank assessment for the Wastewater Treatment System and for any other on site tanks used for the accumulation or treatment of hazardous waste by May 17, 2010. The tank assessment shall be completed in accordance with California Code of Regulations, title 22, sections 66265.192 and 66265.193. If the tank assessment is not received by the Department on or before May 17, 2010, Respondent shall immediately cease all treatment activities for the Wastewater Treatment System and shall immediately begin closure of the Wastewater Treatment System. Any remaining hazardous waste going to or from this treatment system shall be

shipped off site for proper treatment or disposal. Closure of the Wastewater Treatment System shall be completed by November 13, 2010, and shall follow the regulatory closure requirements of California Code of Regulations, title 22, section 67450.3(c)11. Respondent shall submit monthly reports documenting the progress toward closure. These reports shall be submitted on or before the tenth of the month beginning on June 10, 2010 and ending upon submission of the closure certification on November 13, 2010.

10.1.2. If the completed tank assessment identified in paragraph 10.1 is received on or before May 17, 2010, and Respondent decides to conduct closure of the Wastewater Treatment System, Respondent shall follow the regulatory closure requirements of California Code of Regulations, title 22, section 67450.3(c)11 and complete closure on or before May 17, 2011. Respondent shall submit quarterly reports documenting progress toward closure. These updates shall be submitted by the tenth day of the month in June, September, December, and March beginning on June 10, 2010 and ending upon submission of the closure certification on May 17, 2011.

10.1.3. Respondent shall make payments as set forth in "PAYMENTS" below.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Charles A. McLaughlin
Performance Manager
Enforcement and Emergency Response Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Debra Schwartz
Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311-6505

10.3. Communications: All approvals and decisions of the Department shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required by the applicable requirements.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to comply with an applicable requirement, the Department may return the document to Respondent with recommended changes and provide a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not

pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.7. Liability: Nothing in this Consent 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 to the violations which are the subject of this Consent Order, the Inspection Report (March, 2008) or the Summary of Violations/Notice to Comply dated February 16, 2007. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary pursuant to protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying

out the terms of this Consent Order; and conducting such tests as the Department may deem necessary, provided that all such inspections adhere to all safety requirements applicable to or employed at the Site. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, pursuant to Health and Safety Code sections 25185.6 and 25173 and this consent order, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data, pursuant to Health and Safety Code sections 25185.6 and 25173 and this consent order, generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take contemporaneous duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. To the extent that applicable requirements require preservation of documents for a longer period of time, the Respondent will adhere to the requirements of the applicable requirement. If the Department requests that some or all of these documents, pursuant to Health and Safety Code sections 25185.6 and 25173 and this

consent order, be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order; however, no such notice is required for documents destroyed at least six years and six months after the conclusion of all activities under this Consent Order.

10.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new

compliance schedule. Approvals of extensions do not require any modification of or re-execution of this Consent Agreement.

PAYMENTS

11.1. Respondent shall pay the Department a total of \$330,000 as a penalty. In recognition of Respondent's agreement to conduct and complete closure of its Wastewater Treatment System, pursuant to section 10.1.2 of this Order, the penalty has been reduced by \$82,500. As a result, Respondent shall complete the following payment schedule for the remaining \$247,500: On or before April 15, 2010, Respondent shall submit its first payment in the amount of \$20,625 to the Department and shall submit each subsequent payment in the amount of \$20,625 on or before the first of each month with the final payment, in the amount of \$20,625, due and payable on or before March 15, 2011.

11.2. Should Respondent not complete said closure, pursuant to section 10.1.2 of this Order, on or before noon Pacific Time May 17, 2011, the penalty of \$82,500 shall be immediately due and payable to the Department.

11.3. Should Respondent fail to submit a completed certified tank assessment on or before May 17, 2010 and fail to conduct the required closure as stated in section 10.1.1. of this Order, the reduction in penalty, in the amount of \$82,500 shall be immediately due and payable to the Department.

11.4. Should Respondent fail to make payments pursuant to section 11.1., the full penalty of \$330,000, less credit for any payments received by the Department, shall be immediately due and payable to the Department.

11.5. Respondent's check, made payable to Department of Toxic Substances Control, 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:

To: Charles A. McLaughlin
Performance Manager
Enforcement and Emergency Response Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

To: Debra Schwartz
Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311-6505

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

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive, except as to the violations which are the subject of this Consent Order, the right to take further enforcement actions.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages 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.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and to 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.

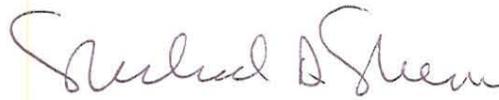
12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

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

12.6. 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.

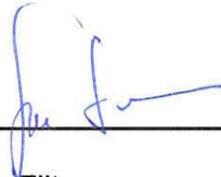
Notices under this paragraph are subject to paragraph 10.2.

Dated: 3/22/10



Respondent
Richard Niemi
Chief Operating Officer
Deutsch Engineered Connecting Devices

Dated: 3/29/2010



Gale Filter
Deputy Director
Enforcement and Emergency Response
Program
Department of Toxic Substances Control