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STATE OF CALIFORNIA

ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

LAWRENCE LIVERMORE NATIONAL
LABORATORY

7000 East Avenue,
Livermore, California 94551
CA2 890 012 584

Lawrence Livermore National Security,
LLC
2300 First Street, Ste. 204 & 206
Livermore, CA 94550

Respondent.

Docket No. HWCA 2011-4130

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (DTSC) and Lawrence Livermore National Security, LLC (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, and stores hazardous waste at 7000 East Livermore Avenue in the City of Livermore, Alameda County, California (Site). The Site is owned by the U.S. Department of Energy (DOE) and operated by Respondent.

1.3. Inspection. The Department inspected the Site on April 28 and May 2, 2011.

1.4. Authorization Status. Respondent holds Hazardous Waste Facility Permit

number 99-NC-006 issued by DTSC July 1999.

The permit expired in July 2009, but remains operative until DTSC approves Respondent's permit renewal application. Also, Respondent's predecessor was granted an Interim Status Document by DTSC in May 1983 for hazardous waste operations at Building 419. Building 419 is currently undergoing closure.

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.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66265.51(b) in that on or about June 28, 2011, Respondent failed to implement its contingency plan for a release to the storm drain system of approximately 2600 gallons of rainfall water contaminated with hazardous

constituents from Building 419. The effluent from the storm drain discharged to Lake Haussmann, an engineered onsite detention basin, which, in turn, discharges to the Arroyo Las Positas watershed. Respondent's failure to contain the contaminated rainfall released from the closure area at Building 419 also violated closure requirements set forth in Attachment A of Building 419's Interim Status Document dated May 16, 1983.

2.1.2. Respondent violated provisions in California Health and Safety Code, sections 25160(b) (1) and (3) in that on or about December 2010, and January 2011, Respondent failed to ensure that all transporters were included on manifests associated with at least thirty (30) shipments of hazardous waste from Building 419 that was initially transported by truck to the Port of Oakland, and subsequently transported by rail to a disposal facility in Utah.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall ensure that all rainfall water entering the Building 419 closure area is contained, analyzed and treated, if necessary, prior to discharge. In case of an unplanned or inadvertent release of storm water runoff, Respondent shall fully implement its contingency plan.

3.1.2. Respondent shall ensure that all transporters are included, as required, on out-going hazardous waste manifests. Within 60 days from the effective date of this order, Respondent shall prepare manifest correction

letters for the manifests that were incompletely prepared.

The letters shall be submitted to:

**Department of Toxic Substances Control
Generator Information Services Section
Attention: Manifest Corrections – Bonnie Amoruso
P.O. Box 806
Sacramento, California 95812-0806**

Respondent shall provide the manifest corrections on company letterhead and include the information noted in Exhibit 1 of this Order.

3.1.3. Respondent shall maintain compliance with all applicable hazardous waste management requirements in the future.

3.1.4. 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.

4.8. 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. PENALTY

5.1. Respondent shall pay the Department the total sum of \$8,180, of which \$7,160 is a penalty and \$1,020 as reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Paul Kewin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, 95826-3200

and

Sonia Feldstein, Esq.
Office of Legal Affairs
Department of Toxic Substances Control
700 Heinz Avenue, Suite 300
Berkeley, California 94710

5.4. 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.

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6. EFFECTIVE DATE

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

Dated: 23 July 12



Tom Gioconda
Deputy Director
Lawrence Livermore National Laboratory

Dated: 7/24/12



Phillip E Hill
Technical Deputy
National Nuclear Security Administration
Livermore Site Office

Dated: 7/26/12



Rick Robison
Supervising Hazardous Substances Scientist
Department of Toxic Substances Control

EXHIBIT 1

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
GENERATOR INFORMATION SERVICES SECTION
ATTENTION: MANIFEST CORRECTIONS
P.O. BOX 806
SACRAMENTO, CA 95812-0806

Please review your records to see if there are manifests with incorrect or incomplete information. If you find that you need to correct a manifest, please submit a manifest correction letter. Generators are not charged a correction fee for self-identified errors.

To submit the letter, please provide the manifest corrections on company letterhead, and include the following information:

1. Manifest Tracking Number; either 8-digits (pre-Sept. 5, 2006, DTSC 8022) or 12-digits (on or after September 5, 2006, EPA 8700-22).
2. Generator Date; the date the generator signed the manifest.
3. Generator EPA ID number used on the original manifest, even if it was incorrect.
4. The incorrect or incomplete item number from the manifest.
5. The corrected information.
6. Signature, title, mailing address, and phone number of person submitting the correction.

The following is a sample correction letter:

ON COMPANY LETTERHEAD
Current Date
Department of Toxic Substances Control Generator Information Services Section Attention: Manifest Corrections P.O. Box 806 Sacramento, CA 95812-0806
Subject: Manifest Correction Letter
Please make the following corrections to the manifest(s) listed below:
1. Manifest Tracking Number: Either 8 digits (old manifest forms) or 12 digits (new federal manifest form)
2. Generator Date: 00/00/00
3. Generator EPA ID number used on manifest: CAL000000000
4. Incorrect Item number: Item number from the manifest. For example, Item 1, Generator ID number.
5. Corrected Information: CAL000000010
SIGNATURE Printed Name Title Mailing Address Phone Number

One manifest correction letter that corrects several manifests is sufficient provided it contains items 1 through 5 above for each manifest. If an identical mistake was made on several manifests, provide a description of the error(s) and/or omission(s) and needed correction(s) followed by a list of the manifest numbers and the generator dates. Please do not attach copies of manifests.

Refer to <http://www.dtsc.ca.gov/IDManifest/Manifests.cfm> for more information.