

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ducommun AeroStructures, Incorporated
4001 El Mirage Road.
Adelanto, CA 92301

EPA ID No. CAD093245645
Respondent.

Docket HWCA 2016-7239

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Ducommun Aerostructures, Inc., a California Corporation (Respondent).

1.2. Site. Respondent operates at 4001 El Mirage Road, San Bernardino County, California 92301 (Site).

1.3. Permit/Interim Status. The Respondent is operating the Facility under a RCRA Post Closure Permit effective from April 13, 2010, with an expiration date of April 13, 2020.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

DETERMINATION OF VIOLATIONS

2. The Department has determined that: the Respondent violated California Code of Regulations, Title 22, sections 66264.145(f)(3)(A) & 66264.145(f)(5), in that on or about November 1, 2011, Respondent failed to demonstrate financial assurance for post-closure. The financial assurance submitted on December 8, 2011, was deficient in the amount of \$448,253.00. Respondent had returned to compliance on August 24, 2012 when Department received the financial assurance documents with approved post-closure amount of \$827,948.00.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. Respondent shall comply with the following:

3.1.1. The violations have been corrected.

3.2. Submittals: All submittals from a Respondent pursuant to this Order shall be sent to:

Carmelita E. Lampino
Environmental Program Manager I (Sup)
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by

the 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 the obligation to obtain such formal approvals as may be required.

3.4. 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.

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

3.6. 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 in carrying out activities pursuant to this 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 the Order.

3.7. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this 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.

3.8. 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.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, 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.

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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$72,660.00. Payment is due within 30 days from the Effective Date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the

penalty payment 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:

Carmelita E. Lampino
Environmental Program Manager I (Sup)
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

RIGHT TO A HEARING


6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: September 15, 2016

- original signature -


Carmelita E. Lampino
Environmental Program Manager I (Sup)
Department of Toxic Substances Control