

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ducommun AeroStructures, Inc.  
4001 El Mirage Road  
El Mirage, California 92301

ID No. CAD093245645

Respondent.

Docket HWCA 2019-7531

CONSENT ORDER

Health and Safety Code  
Section 25187

**INTRODUCTION**

The California Department of Toxic Substances Control (“Department”) and Ducommun AeroStructures, Inc., a Delaware corporation (“Respondent”) (collectively, the “Parties”), enter into this Consent Order and agree as follows:

1. Respondent owns and operates a facility at 4001 El Mirage Road, El Mirage, San Bernardino County, California (“Facility”), which contains a closed percolation pond and surface impoundment (“Regulated Unit”). The Regulated Unit is subject to a Resource Conservation and Recovery Act Hazardous Waste Post-Closure Permit issued by the Department effective April 13, 2010 (modified October 31, 2011), with an expiration date of April 13, 2020 (the “2010 Permit”). The 2010 Permit, inter alia, requires Respondent to comply with a March 2009 Surface Impoundment Post-Closure Water Quality Sampling and Analysis Plan (the “2009 WQSAP”).

2. The Department performed a Groundwater Audit Inspection at the Facility on May 14, 2019 and performed a review of Respondent's field documentation through June 4, 2019.

3. The Department alleges the following violations:

3.1. Respondent violated California Code of Regulations, title 22, section 66264.99(b), and Part IV of the 2010 Permit, in that on and before June 4, 2019, Respondent failed to collect samples from wells B101, B102, and P-1 to assess the nature and extent of the release from the Regulated Unit, as required by the 2009 WQSAP; and

3.2. Respondent violated California Code of Regulations, title 22, sections 66264.97(b)(4) and 66270.30(e), and Part IV of the 2010 Permit, in that on and before June 4, 2019, Respondent failed to maintain the integrity of the borehole of monitoring well EM-9 and prevent the borehole from acting as a conduit for contaminant transport, and failed to maintain all facilities and systems to maintain compliance with the 2010 Permit.

4. Respondent admits the alleged violations set forth in paragraph 3.1 above for any of the purposes described in paragraph 13 (Reservation of Authority) of this Consent Order. Respondent denies the alleged violation set forth in paragraph 3.2 above.

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

6. The Parties wish to avoid the expense of litigation.

7. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violations alleged in paragraph 3.1 of this Consent Order, admitted by

Respondent pursuant to paragraph 4, and Respondent's admission to the violations in paragraph 3.1, for any of the purposes described in paragraph 13 (Reservation of Authority), Respondent will not assert any defenses based on the passage of time, including, but not limited to, laches, estoppel, and statute of limitations.

8. 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, except to the extent provided in this Consent Order.

### **COMPLIANCE REQUIREMENTS**

9. On July 3, 2019, Respondent provided documentation to the Department demonstrating that Respondent replaced the concrete apron at well EM-9. Accordingly, the Department has determined that the alleged violation set forth in paragraph 3.2 has been corrected. On August 6, 2019, Respondent collected groundwater samples from wells B102 and P-1. Moreover, on or about August 30, 2019, Respondent submitted a proposed 2019 Groundwater Sampling and Analysis Plan that accounts for Respondent's reported inability to sample from well B101. Respondent has thereby corrected the violations set forth in paragraph 3.1 above. As of the Effective Date of this Consent Order, as defined in paragraph 16, Respondent's proposed 2019 Groundwater Sampling and Analysis is being reviewed by the Department.

10. Effective immediately, Respondent shall comply with the 2010 Permit, including, but not limited to, the 2009 WQSAP, and all other applicable provisions of the Hazardous Waste Control Law (Health & Saf. Code, § 25100 et seq.) and its implementing regulations (California Code of Regulations, title 22, section 66260.1 et seq.) at the Facility and in connection with its operations.

## PAYMENTS

11. Within 60 days of the Effective Date of this Consent Order, as defined in paragraph 16, Respondent shall pay the Department a total of \$40,000 as a penalty, payable in two installments of \$20,000, with the first installment payment due within 30 days of the Effective Date, and the second installment payment due within 60 days of the Effective Date. Respondent's checks shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number as shown in the caption of this Consent Order, 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 checks shall be sent to:

Maria G. Durand  
Senior Environmental Scientist (Supervisory)  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

Colin Roberts  
Senior Staff Counsel  
Department of Toxic Substances Control  
1001 I Street, MS23  
Sacramento, California 95814

12. 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

13. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use the violations alleged in paragraph 3.1 of this Consent Order, and Respondent's admission to the violations in paragraph 3.1, to seek enhanced penalties in any subsequent administrative or civil action to show a pattern or course of conduct, or a history of noncompliance; and 3) use the violations alleged in paragraph 3.1 of this Consent Order, admitted by Respondent pursuant to paragraph 4, and Respondent's admission to the violations in paragraph 3.1, in any future Department permit decision, proceeding, or process.

14. 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.

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

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

17. Integration: This Consent Order constitutes the entire agreement between the Parties and may not be amended, supplemented, or modified, except by express written agreement signed by both the Department and Respondent.

18. Future Statutory or Regulatory Changes: Nothing in this Consent Order shall exempt or excuse Respondent from complying with existing law, or with meeting any more stringent requirements that may be imposed by applicable law or changes in the applicable law.

19. Authority to Bind: Each person executing this Consent Order represents that he or she has full and legal authority to execute this Consent Order for and on behalf of the respective party for whom he or she is executing this Consent Order and to bind that party.

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20. Counterparts: This Consent Order may be executed and delivered in one or more counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Dated: September 2, 2020

**Original signed by Rajiv Tata**

Respondent  
Ducommun AeroStructures, Inc.

Rajiv Tata, Secretary

Typed or Printed Name and Title of  
Respondent's Representative

Dated: 9/2/2020

**Original signed by Maria G. Durand**

Maria G. Durand  
Senior Environmental Scientist (Supervisory)  
Cypress/San Diego Enforcement Branch  
Department of Toxic Substances Control