

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Coachella Valley Water District
88995 Avenue 60
Thermal, California 92274

EPA ID No. CAL000300636

Respondent.

Docket HWCA 2014-7049

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Coachella Valley Water District (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates handles, treats, and stores hazardous waste at the following site: 88995 Avenue 60, City of Thermal, California, 92274 (Site).

1.3. Inspection. The Department inspected the Site on June 26, 2014.

1.4. Respondent generates hazardous wastes onsite from its potable water treatment process.

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 alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.1.1. Respondent violated Health and Safety Code, section 25189.5(a) and 25189.2(c), in that on or about June 26, 2014, Respondent caused the disposal of hazardous waste at a Respondent without a valid hazardous waste treatment permit or authorization. To wit: On February 20, 2014, Respondent shipped one load of 5,000 gallons of hazardous salt brine waste (from its Ion Exchange Treatment Plant Number 6806) containing arsenic to Lakeland/Ridgeline Processing Company, an off-site non-hazardous waste treatment Respondent; and on April 1, 2014, Respondent shipped a second 5,000 gallon load of arsenic contaminated salt brine waste to Lakeland/Ridgeline Processing Company.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66262.11, in that on or about June 26, 2014, Respondent failed to determine if the waste is a hazardous waste using the methods as mentioned within the sub-sections of section 66262.11. To wit: Respondent failed to determine two loads of 5,000 gallon of salt brine wastes on February 20 and April 1 of 2014, before the wastes were shipped off-site.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66262.20(a), in that on or about June 26, 2014, Respondent failed to prepare an appropriate manifest for shipping hazardous waste to an off-site Respondent. To wit:

Respondent shipped two loads of 5,000 gallons of hazardous salt brine waste (containing arsenic) to Lakeland/Ridgeline Processing Company, an off-site non-hazardous waste treatment Respondent, without the required manifest.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time 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.

4.4. 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 a total sum of \$9,405 in penalty for the violations.

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 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:

Richard Hubbell, Unit Chief
Enforcement and Emergency Response Division
Cypress Office
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

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.

6. EFFECTIVE DATE

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

Dated: 1/28/2015

Originally Signed by Michael Herrera
Michael Herrera
Assistant Director of Operations
Coachella Valley Water District

Dated: 2/2/2015

Originally Signed by Richard Hubbell
Richard Hubbell, Unit Chief
Enforcement and Emergency Response
Division
Cypress Office
Department of Toxic Substances Control