

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket HWCA 93/94-015
)	
Deutsch Engineered Connecting Devices)	AMENDMENT TO
)	STIPULATION AND ORDER
Municipal Airport)	
Oceanside, California 92054)	Health and Safety Code
EPA ID# CAD009630708)	Section 25187
Respondent)	

The State Department of Toxic Substances Control (Department) and Deutsch Engineered Connecting Devices (Respondent) entered into a Stipulation and Order (Order) signed by the Department on April 4, 1994. The parties hereby amend Paragraph 7.2.16 of that Order as follows:

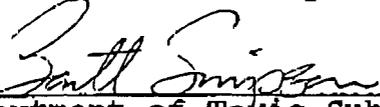
7.2.16 Liability Requirements. Respondent shall comply with the liability requirements of 22 CCR section 67450.15 (b) when required by law. Respondent shall submit a Certification of Financial Responsibility for Permit by Rule Operations (DTSC Form 8113 (9/90)) to the Department when required and each January 1, thereafter, as long as this Order is in force. The Certification shall include the information specified in 22 CCR sections 67450.15(d) (1) and (2).

Dated: November 15, 1994


Signature of Respondent's Representative

Treve Smith, Vice President Quality Assurance
Typed or Printed Name and Title
of Respondent's Representative

Dated: 11/23/94


Department of Toxic Substances Control

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:) Docket HWCA 93/94-015
Deutsch Engineered Connecting)
Devices) STIPULATION AND ORDER
Municipal Airport)
Oceanside, California 92054) Health and Safety Code
EPA ID# CAD009630708) Section 25187
)
)
)
Respondent)

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

1. A dispute exists regarding the Enforcement Order issued
by the Department on November 4, 1993. (Attached as Exhibit 1.)
2. The parties wish to avoid the expense of further
litigation and to ensure prompt action to achieve the Schedule for
Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code
(HSC) section 25187.
4. Respondent waives any right to a hearing in this matter.
5. This Order shall constitute full settlement of the
violations alleged in the Enforcement Order, but does not limit
the Department from taking appropriate enforcement action
concerning other violations.

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1 with all requirements for operation under those provisions and
2 this Order will no longer apply to that activity.

3 7.2.2. If the Department later determines that Respondent's
4 activity authorized pursuant to Paragraph 6.2 above will not be
5 addressed under Permit By Rule or other forms of authorization,
6 the Respondent shall cease operation as a hazardous waste facility
7 and complete closure of the facility, or immediately apply for a
8 full permit following the requirements of Title 22, California
9 Code of Regulations (22 CCR), Division 4.5, Chapter 20. Closure
10 shall be conducted in accordance with interim status facility
11 closure requirements specified in 22 CCR, Division 4.5, Chapter
12 15, Article 7. If Respondent chooses to apply for a permit,
13 Respondent shall comply with the conditions of this agreement
14 until a permit decision is made.

15 7.2.3. If the Department determines that the Respondent has
16 failed to substantially comply with this Order, Respondent shall
17 cease operation of hazardous waste facility activities authorized
18 pursuant to Paragraph 6.2 above and begin closure of those
19 activities. Closure shall be conducted in accordance with interim
20 status facility closure requirements specified in 22 CCR, Division
21 4.5, Chapter 15, Article 7.

22 7.2.4. Respondent shall continue to comply with all
23 requirements applicable to a Permit by Rule facility, as detailed
24 in 22 CCR, Division 4.5, Chapter 45, Section 67450.3 (c)(5)
25 through (c)(12) except as otherwise provided herein or as
26 specifically directed by the Department.

27 7.2.5. Respondent shall immediately comply with the

1 requirements listed in Paragraph 7.2.4. above, unless a different
2 date is specified below.

3 7.2.6. Required Notices. Respondent shall comply with all
4 requirements of 22 CCR section 66265.12.

5 7.2.7. Waste Analysis. Respondent shall comply with the
6 requirements of 22 CCR section 66265.13.

7 7.2.8. Security. Respondent shall comply with 22 CCR
8 section 66265.14.

9 7.2.9. Inspections. Respondent shall meet the requirements
10 of 22 CCR section 66265.15.

11 7.2.10. Personnel Training. Respondent shall meet the
12 requirements of 22 CCR section 66265.16.

13 7.2.11. Ignitable, Reactive or Incompatible Wastes.
14 Respondent shall comply with 22 CCR sections 66265.17, 66265.176-
15 66265.177, and 66265.198-66265.199.

16 7.2.12. Operating Record. Respondent shall comply with the
17 requirements of 22 CCR section 66265.73.

18 7.2.13. Closure. Respondent shall comply with all closure
19 requirements as outlined in 22 CCR section 67450.3(c)(12) within
20 60 days of the effective date of this Order.

21 7.2.14. Closure Cost Estimate. Respondent has prepared and
22 will maintain a written closure cost estimate for the facility
23 meeting the requirements of 22 CCR sections 67450.13(a)(1)-(3).

24 7.2.15. Closure Cost Assurances. Within 90 days of the
25 effective date of this Order, Respondent shall establish and
26 demonstrate to the Department financial assurance for closure in
27 the amount of the closure cost estimate developed pursuant to

1 Paragraph 7.2.14. above, as required under 22 CCR section 67450.13
2 (a) (4).

3 7.2.16. Liability Requirements. Respondent shall comply
4 with the liability requirements of 22 CCR section 67450.15(b) by
5 January 1, 1995. Respondent shall submit a Certification of
6 Financial Responsibility for Permit by Rule Operations (DTSC Form
7 8113 (9/90)) to the Department by January 1, 1995, and each
8 January 1, thereafter, as long as this Order is in force. The
9 Certification shall include the information specified in 22 CCR,
10 sections 67450.15(d) (1) and (2).

11 7.2.17. Corrective Action Requirement. Respondent shall
12 comply with the corrective action requirements of 22 CCR section
13 67450.7 one year after the Department adopts the Phase I
14 environmental assessment checklist. For purpose of this Order,
15 the facility subject to corrective action shall include
16 investigation of releases resulting from activities authorized in
17 this Order.

18 7.2.18. Management of Wastes in Tank Systems. Respondent
19 certified that it has complied and will continue to comply with
20 the following regarding hazardous waste tanks which fail to meet
21 the requirements of 22 CCR section 66265.193:

22 7.2.18.1. Respondent certifies that it has conducted an
23 integrity assessment, meeting the requirements of 22 CCR section
24 66265.191(b); of the tank system.

25 7.2.18.2. Respondent certifies that the integrity assessment
26 conducted pursuant to Paragraph 7.2.18.1. above showed that the
27 tank system was not leaking and was fit for use and thus

1 Respondent has complied with the requirements of CCR section
2 66265.196.

3 7.2.18.3. Respondent certifies that it has provided
4 secondary containment meeting the requirements of 22 CCR
5 subsections 66265.193(c), (d)(1-3) & (e) for all its tanks.

6 7.2.18.4. Notwithstanding the above, Respondent agrees to
7 comply with applicable regulations specifying alternatives to the
8 secondary containment requirements currently in 22 CCR section
9 66264.193(a) if adopted by the Department.

10 7.2.19. Facility Modifications. Prior to changing
11 processes, equipment, or waste streams for the cyanide destruction
12 unit, Respondent shall notify and receive approval from the
13 Department. The Department will respond within a reasonable
14 amount of time.

15 7.3. Submittals. Respondent has submitted evidence of
16 compliance for violations 2.4 through 2.11 of the Enforcement
17 Order. All other submittals from Respondent pursuant to this Order
18 shall be sent simultaneously to:

19 Paula Rasmussen, Chief
20 Surveillance and Enforcement Branch
21 Region 4
22 Department of Toxic Substances Control
245 West Broadway, Suite 425
Long Beach, California 90802

23 City of Oceanside
24 Water Utilities Department
300 North Hill Street
Oceanside, California 92054

25 7.4. Communications. All approvals and decisions of the
26 Department made regarding such submittals and notifications will
27 be communicated to Respondent in writing by the Regional
Surveillance and Enforcement Branch Chief, Department of Toxic

1 Substances Control, or his/her designee. No informal advice,
2 guidance, suggestions, or comments by the Department regarding
3 reports, plans, specifications, schedules, or any other writings
4 by Respondent shall be construed to relieve Respondent of its
5 obligation to obtain such formal approvals as may be required.

6 7.5. Department Review and Approval. If the Department
7 determines that any report, plan, schedule, or other document
8 submitted for approval pursuant to this Order fails to comply with
9 this Order or fails to protect public health or safety or the
10 environment, the Department may: (a) modify the document as deemed
11 necessary and approve the document as modified; or, (b) return the
12 document to Respondent with recommended changes and a date by
13 which Respondent must submit to the Department a revised document
14 incorporating the recommended changes.

15 7.6. Compliance with Applicable Laws. Respondent shall
16 carry out this Order in compliance with all local, State, and
17 Federal requirements, including, but not limited to, requirements
18 to obtain permits and to assure worker safety, except as
19 specifically provided in this Order.

20 7.7. Endangerment During Implementation. In the event that
21 the Department determines that any circumstances or activity
22 (whether or not pursued in compliance with this Order) are
23 creating an imminent or substantial endangerment to the health or
24 welfare of people on the site or in the surrounding area or to the
25 environment, the Department may order Respondent to stop further
26 implementation of this Order for such period of time as needed to
27 abate the endangerment. Any deadline in this Order directly
affected by a Stop Work Order under this section shall be extended
for the term of such Stop Work Order.

7.8. 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.

1 7.9. **Site Access.** Access to the Site shall be provided at
2 all reasonable times to employees, contractors, and consultants of
3 the Department, and any agency having jurisdiction. Nothing in
4 this Order is intended to limit in any way the right of entry or
5 inspection that any agency may otherwise have by operation of any
6 law. The Department and its authorized representatives may enter
7 and move freely about all property at the Site at all reasonable
8 times for purposes including but not limited to: inspecting
9 records, operating logs, and contracts relating to the Site;
10 reviewing the progress of Respondent in carrying out the terms of
11 this Order; and conducting such tests as the Department may deem
12 necessary. Respondent shall permit such persons to inspect and
13 copy all records, documents, and other writings, including all
14 sampling and monitoring data, in any way pertaining to work
15 undertaken pursuant to this Order.

16 7.10. **Sampling, Data, and Document Availability.** Respondent
17 shall permit the Department and its authorized representatives to
18 inspect and copy all sampling, testing, monitoring, and other data
19 generated by Respondent or on Respondent's behalf in any way
20 pertaining to work undertaken pursuant to this Order. Respondent
21 shall allow the Department and its authorized representatives to
22 take duplicates of any samples collected by Respondent pursuant to
23 this Order. Respondent shall maintain a central depository of the
24 data, reports, and other documents prepared pursuant to this
25 Order. All such data, reports, and other documents shall be
26 preserved by Respondent for a minimum of six years after the
27 conclusion of all activities under this Order. If the Department
requests that some or all of these documents 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 Order.

 7.11. **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

1 specified in Paragraph 8.18. below in carrying out activities
2 pursuant to this Order, nor shall the State of California be held
3 as a party to any contract entered into by Respondent or its
4 agents in carrying out activities pursuant to this Order.

5 7.12. Incorporation of Plans and Reports. All plans,
6 schedules, and reports that require Department approval and are
7 submitted by Respondent pursuant to this Order are incorporated in
8 this Order upon approval by the Department.

9 7.13. Extension Requests. If Respondent is unable to
10 perform any activity or submit any document within the time
11 required under this Order, the Respondent may, prior to expiration
12 of the time, request an extension of time in writing. The
13 extension request shall include a justification for the delay.

14 7.14. Extension Approvals. If the Department determines
15 that good cause exists for an extension, it will grant the request
16 and specify in writing a new compliance schedule.

17 7.15. Penalties for Noncompliance. Failure to comply with
18 the terms of this Order may subject Respondent to civil penalties
19 and/or punitive damages for costs incurred by the Department or
20 other government agencies as a result of such failure, as provided
21 by HSC section 25188 and other applicable provisions of law.

22 7.16. Parties Bound. This Order shall apply to and be
23 binding upon Respondent and its officers, directors, agents,
24 receivers, trustees, employees, contractors, consultants,
25 successors, and assignees, including but not limited to
26 individuals, partners, and subsidiary and parent corporations, and
27 upon the Department or any successor agency of the State of
California that may have responsibility for and jurisdiction over
the subject matter of this Order.

7.17. 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.

PAYMENTS

8. Respondent shall pay the Department a total of \$40,500

1 which is partial reimbursement of the Department's costs.
2 Respondent's check shall be made payable to Department of Toxic
3 Substances Control, and shall identify the Respondent and Docket
4 Number, as shown in the heading of this case. Within 30 days of
5 the date this Order is fully executed Respondent shall deliver the
6 payment to:

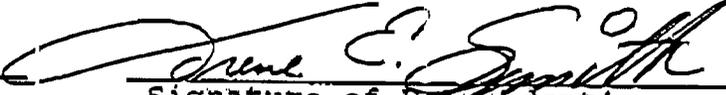
6 Department of Toxic Substances Control
7 Accounting Office
8 400 P Street, 4th Floor
9 P. O. Box 806
10 Sacramento, CA 95812-0806

9 A photocopy of the check shall be sent:

10 To: Paula Rasmussen,
11 Chief, Surveillance & Enforcement Branch
12 Department of Toxic Substances Control
13 245 West Broadway, Suite 425
14 Long Beach, CA 90802

13 To: Bonnie Wolstoncroft
14 Office of Legal Counsel
15 Department of Toxic Substances Control
16 400 P Street, 4th Floor
17 P. O. Box 806
18 Sacramento, CA 95812-0806

17 Dated: 4/1/94


Signature of Respondent's
Representative

19 Treve Smith
20 Vice President - Quality Assurance
21 Typed or Printed Name and Title
22 of Respondent's Representative

23 Dated: 4/4/94


Department of Toxic Substances
Control

<u>Tank</u>	<u>Contents</u>	<u>Tank Make-Up Cyanide (CN-) Concentration</u>	<u>Volume</u>	<u>Waste Schedule</u>	<u>Total Cyanide by EPA Methods 9010 & 9014</u>
1	Cadmium Cyanide	9.8 oz/gal		not routinely dumped	
8	Gold Cyanide	very low		not routinely dumped	
10	Gold Cyanide	very low		not routinely dumped	
12	Gold Cyanide	very low		not routinely dumped	
13	Reverse Gold Cyanide	7.4 oz/gal		reclaimed for gold	
36	Cadmium Cyanide	9.8 oz/gal		not routinely dumped	
115	Reverse Cyanide	7.5 oz/gal		dumped once a year	58,000 ppm
210	Cyanide Dip	1.0 oz/gal		dumped once a week	4630 ppm
212	Copper Cyanide	6.3 oz/gal	157 gal	not routinely dumped	
226	Gold Cyanide	very low		not routinely dumped	
231	Gold Cyanide	very low		not routinely dumped	
234	Gold Cyanide	very low		not routinely dumped	
238	Gold Cyanide	very low		not routinely dumped	
343	Silver Cyanide	8.0 oz/gal	75 gal	not routinely dumped	
540	Cadmium Cyanide	9.8 oz/gal		not routinely dumped	
805	Cyanide Dip	1.0 oz/gal		dumped once a week	4630 ppm
807	Copper Cyanide	6.3 oz/gal		not routinely dumped	