

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Evoqua Water Technologies LLC
5375 South Boyle Avenue
Los Angeles, California 90058

ID No. CAD097030993

Respondent.

Docket HWCA 2014-6809

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, handles, treats, and/or stores of hazardous waste at the following site: 5375 South Boyle Avenue, Los Angeles, California 90058 (Site).

1.3. Inspection. The Department inspected the Site on May 20, 21, 22, and 28, 2013.

1.4. Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the Site. A hazardous Waste Facility Permit was issued with an effective date of October 07, 1996, and Permit effective pending review of new application.

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 66264.195, subdivision (e), in that on or about May 22, 2013, Respondent failed to develop a procedure for assessing the condition of its tanks.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66264.73, subdivision (b), in that on or about May 20, 2013, Respondent failed to record the location of each hazardous waste within the Site and the quantity at each location. For example, the container D185218-1 observed at the Bulk Storage Areas was not listed on the container inventory. In addition, the quantity at each location was not properly recorded.

2.1.3. Respondent violated Health and Safety Code, section 25202 (a), and California Code of Regulations, title 22, section 66270.30, in that on or about August 30, 2013, Respondent stored and/or treat hazardous wastes in an un-authorized unit at the Site, to wit, hazardous wastes generated at laboratory had been stored in a tank, which was not authorized by the Department and transferred to the treatment unit through a un-authorized piping system.

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(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 penalty of \$11,000.

5.2. Payment of the total penalty 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(s) shall be sent to:

Mukul Agarwal
Supervising Environmental Scientist
Enforcement and Emergency Response Division
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

Debra Schwartz
Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

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: 7-31-14

Original signed by Kenneth M. Oldmixon

Mr. Kenneth M. Oldmixon - Signature
General Manager
Evoqua Water Technologies LLC
Respondent

KENNETH OLDMIXON

Mr. Kenneth M. Oldmixon - Print Name

Dated: 8-7-14

Original signed by Mukul Agarwal

Mukul Agarwal, Supervisor EST
Enforcement and Emergency Response
Department of Toxic Substances Control