

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Heraeus Precious Metals North
America, LLC
15524 Carmenita Road
Santa Fe Springs, California 90670

ID No. CAD060398229

Respondent.

Docket HWCA 20125369

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Heraeus Precious Metals North America, LLC (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent stores, treats, and transports hazardous waste at the following site: 15524 Carmenita Road, Santa Fe Springs, California 90670 (Site).

1.3. Inspection. The Department inspected the Site on May 21, 22 and June 4, 2012.

1.4. Authorization Status. The Department has authorized the Respondent to store, treat, and transfer hazardous waste pursuant to a Standardized Hazardous Waste Facility Permit, Series B, with effective date of October 31, 2011.

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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66264.15 (d), in that on or about May 22, 2012, Respondent failed to document in its inspection record a notation of the observations made, and the date and nature of any repairs or other remedial actions taken. For example, WO67050 shows the inlet line for PS-302 was leaking on April 4, 2012, but inspection log did not have any observation noted. In addition, the inspection records did not record the date in which the remedial action was taken

2.1.2. Respondent violated California Code of Regulations, title 22, section 66264.195, in that on or about June 4, 2012, Respondent failed to inspect and record the data from overflow controls, to wit: inspection records did not show that the overflow controls have been inspected each operating day.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66264.112(d), in that on or about May 21, 2012, Respondent failed to notify the Department in writing at least 45 days prior to the date on which the owner or operator expects to begin the

closure, to wit: reactor K-13 had been replaced with a new one, and K-22 had been removed but the Department was not notified prior to the starting of these activities.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66264.73 (b), in that on or about June 4, 2012, Respondent failed to record the transfer, treatment and storage for the hazardous wastes received, to wit: the quantities for the hazardous waste tanks (i.e. PS301 ~ PS304) were not recorded in the Facility's operating records.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth in Section 2.1.

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 \$10,000.

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 Hazardous Substances Scientist
Enforcement & Emergency Response Program
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

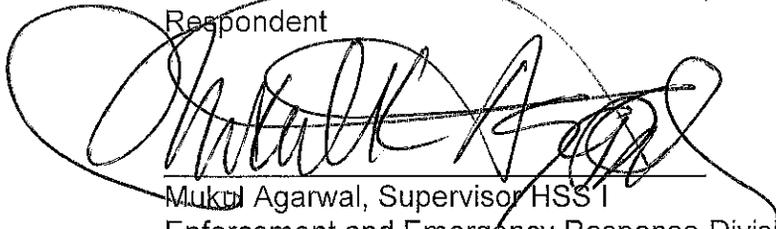
6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5/7/13



Curtis Mello, Vice President
Heraeus Precious Metals North America, LLC
Respondent

Dated: 5/14/13



Mukul Agarwal, Supervisor HSS I
Enforcement and Emergency Response Division
Department of Toxic Substances Control