

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Los Angeles Department of Water
and Power
1630 North Main Street
Los Angeles, California, 90012

EPA ID No. CAD000633305

Respondent.

Docket HWCA 2016-7238

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Los Angeles Department of Water and Power (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates, handles, stores and/or disposes of hazardous waste at 1630 North Main Street, Los Angeles, California, 90012 (Site).
2. The Department inspected the Site on September 17, and 21, 2015.
3. The Department alleges the following violations:
 - 3.1 Respondent violated California Code of Regulations, title 22, sections 66262.34 and 66265.31, in that respondent failed to minimize a release in that used transformer oil was leaking from four transformers in the transformer yard with no containment.
 - 3.2 Respondent violated California Code of Regulations, title 22, sections 66262.34 and 66265.31, in that respondent failed to minimize a release in that dust containing hazardous waste levels of copper, chromium, and zinc, in finely divided particles, identified by Respondent as hazardous waste floor sweep, was stored in

an open bin (approximately 1 to 2 cubic yards in size) along with aluminum scrap metal, where it could release into the air and onto the surrounding surfaces both by further placement of additional scrap metal into the bin by employees and/or the use of a fan that was operating nearby.

3.3 Respondent violated California Code of Regulations, title 22, sections 66262.34 and 66265.173 (a), in that the following containers holding hazardous waste were not closed: An aluminum scrap metal bin, contaminated with hazardous waste levels of regulated metals, copper, chromium, and zinc in finely divided particles (< 100 microns in size) with no lid; one roll-off bin labeled as hazardous waste soil contaminated with PCB 153/CWC 731 in the Triangle Lot with the lid open; and one 30-gallon drum labeled as gasoline and water- D001 with an unsecured lid, and one five-gallon pail of Universal Waste – Batteries with no lid both stored outside in the 90 Day Storage Area.

3.4 Respondent violated California Health and Safety Code section 25202 (a), in that Respondent stored two roll-off bins of PCB contaminated soil and debris, a hazardous waste, in an area not authorized for storage. The waste log sheet for roll-off bin number CHHP20061, dated February 23, 2015, corresponding bill of lading, dated September 15, 2014, and manifest number 006996050FLE, showed that hazardous waste had been received and stored at the consolidation site from September 15, 2014 through February 23, 2015 (161 days); and waste log sheet for roll-off bin number 251305, dated June 17, 2015, corresponding bill of ladings, dated March 3, 2015 and May 5, 2015, and manifest number 008319033FLE, showed that hazardous waste had been received and stored at

the consolidation site from March 3, 2015 through June 17, 2015 (106 days).

3.5 Respondent violated California Code of Regulations, title 22, sections 66262.34 and 66265.174, in that Respondent failed to conduct inspections in the 90-day storage area for the month of August 2014.

3.6 Respondent violated California Code of Regulations, title 22, section 66262.34 (f) (3), in that the following containers holding hazardous waste had inadequate labeling: An aluminum scrap metal bin, contaminated with hazardous waste levels of regulated metals, copper, chromium, and zinc in finely divided particles (< 100 microns in size), in the Machine Shop with no label or accumulation start date; one roll-off bin containing contaminated soil in the Triangle Lot; one 55-gallon drum marked paint debris, and one 5-gallon pail of batteries in the 90-Day Storage Area; and one 55-gallon drum marked rags and aerosol cans in the Sheet Metal Shop.

3.7 Respondent violated California Code of Regulations, title 22, section 66262.34 (f) (1), in that on or about September 21, 2015, Respondent failed to mark accumulation start dates on the following containers of hazardous waste in the Triangle Lot: Two 55-gallon drums labeled as oil contaminated debris/CWC 181, and one 55-gallon drum labeled as PCB oil and debris all in the Triangle Lot.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

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

7. Respondent waives any right to a hearing in this matter.

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.

9. Respondent does not admit the violations alleged above.

SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1. Respondent has corrected the violations set forth above.

Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited above.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Dave Rasmussen
Supervising Environmental Scientist
Department of Toxic Substances Control
Chatsworth Enforcement Branch
9211 Oakdale Avenue
Chatsworth, California 91311

Richard Driscoll
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806
Sacramento, California 95812-0806

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by

the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

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

10.7. Liability: Nothing in this Consent 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 to those allegations contained in paragraph 3 herein and as otherwise provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

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

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent

pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent 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 Consent Order.

10.10. 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 specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the

Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

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

PAYMENTS

11. Within 45 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$51,160, of which \$51,160 is a penalty. 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: Robert Kou
Environmental Program Manager
Department of Toxic Substances Control
Chatsworth Enforcement Branch
9211 Oakdale Avenue
Chatsworth, California 91311

To: Richard Driscoll
Attorney
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806

Sacramento, California 95812-0806

11.1 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

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except as to those allegations contained in paragraph 3 herein and to the extent as otherwise provided in this Consent Order.

12.2. 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.

12.3. 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.

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

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a writing signed by the parties to this agreement.

12.6. 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.

Dated: 10-3-16 original signed by David H. Wright

Respondent
David H. Wright
General Manager
Los Angeles Department of Water and Power

Dated: Oct. 3, 2016 original signed by Robert Kou

Robert Kou
Environmental Program Manager
Department of Toxic Substances Control