

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ormat Nevada Inc
895 Pitzer Rd.
Heber, CA 92249

Respondent.

Docket HWCA SCUPA 2011-IM006

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control acting in its capacity as the Imperial County Certified Unified Program Agency (DTSC Imperial CUPA), and Ormat Nevada Inc. (Respondent) enter into this Consent Order and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 895 Pitzer Rd., Heber CA 92249 (Site).

1.3. Inspection. The Department inspected the Site on April 25, 2008.

1.4. 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 violation 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 violation as alleged in Section 2 below.

2. VIOLATION ALLEGED

2.1. The Department alleges the following violation: The Respondent violated California Code of Regulations, title 22, sections 66262.10, subsection (h) and 66265.31 in that on or about April 25, 2008, the Respondent operated the facility such that a release of sandblast grit, a California-regulated hazardous waste, occurred. The spent sandblast grit was released adjacent to the cooling towers on the southern area of the Facility.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violation set forth above.

3.2. 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 sum of \$7,500.00.

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(s) shall be made payable to DTSC Imperial CUPA, 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:

DTSC Imperial CUPA
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:

Roberto Kou, Acting Branch Chief
Department of Toxic Substances Control
Enforcement & Emergency Response Program
Chatsworth and Cypress Office
9211 Oakdale Avenue
Chatsworth, California 91311-6505

And

Roger Vintze, Branch Chief
Department of Toxic Substances Control, Imperial CUPA
627 Wake Avenue
El Centro, California 92243

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: February 14, 2012

Original signed by Lee Jensen
Lee Jensen
Plant Manager
Ormat Nevada Inc.
Heber Facilities

Dated: March 22, 2012

Original signed by Roberto Kou
Roberto Kou, Acting Branch Chief
Enforcement & Emergency Response Program
Chatsworth and Cypress Offices
Department of Toxic Substances Control