

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Trident Plating, Inc.
10046 Romandel Avenue
Santa Fe Springs, California 90670

EPA ID: CAR 000 083 865

Respondent.

Docket HWCA 20040652

CONSENT ORDER TO CORRECT
VIOLATIONS

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Trident Plating, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 10046 Romandel Avenue, Santa Fe Springs, California (Site).

1.3. Inspection. The Department inspected the Site on October 26, 2004.

1.4. Authorization Status. Respondent generates metal and cyanide bearing waste rinse water from electroplating operations, spent electroplating solutions containing dissolved metals, spent stripping and cleaning bath solutions, metal- and cyanide-bearing residues from electroplating solutions, metal-bearing sludge from waste water treatment, and used oil. Respondent has been authorized by the City of Santa Fe Springs Fire Department (i.e., the local Certified Unified Program Agency) to treat

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certain hazardous wastes onsite, including spent rinse waters containing chrome, copper, silver, nickel, tin, and lead, and corrosive aqueous wastes under Permit by Rule. Respondent has been treating hazardous wastes at the Site under Permit by Rule since Respondent began operating at the site on May 1, 2001.

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. Partial Settlement. By their respective signatures 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. This Order shall constitute a partial settlement of the violations alleged below, addressing compliance issues only. **By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, or to impose penalties for the violations set forth in this Order. The Department will seek administrative or civil penalties, for the violations set forth in this order, through a separate action, order, or agreement.**

1.7. Hearing. Respondent waives any and all rights to a hearing as to the matters set forth in this Order.

1.8. Admissions. Respondent admits the violations described below.

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DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66265.192, in that Respondent failed to prepare a written tank system assessment, certified by a qualified, independent, registered engineer, for all hazardous waste tanks owned and operated by Respondent, and used to hold or treat hazardous wastes.

2.1.2. Respondent violated Health and Safety Code, section 25201, in that Respondent stored hazardous waste filter cake for more than 90-days without a storage permit. Waste filter cake had been stored onsite for at least 817 days as of October 26, 2004, the date of the Department's inspection.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66265.199, subdivision (a), and section 66265.31, in that Respondent placed incompatible acidic and cyanide-bearing wastes in the same tank system. The tanks and piping used to manage acidic and cyanide-bearing wastes are not segregated or separately contained to prevent mixing of the wastes in the event of a spill.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66265.199, subdivisions (a)(1) and (f), and section 66265.31, in that the plastic piping used to convey acidic and cyanide-bearing wastes was not adequately reinforced or shielded to protect it from damage, and the piping was routed across facility walk-ways used by employees to move through the facility.

2.1.5. Respondent violated California Code of Regulations, title 22, section 66265.195, and section 66265.31, in that Respondent failed to inspect hazardous waste tanks daily for signs of corrosion, structural damage, or unplanned releases of hazardous waste, so as to prevent unplanned releases, or to identify leaks or spills and ensure a response in a timely manner.

2.1.6. Respondent violated California Code of Regulations, title 22, section 66265.16, in that Respondent failed to provide training to two employees who handle, manage, and treat hazardous wastes, including extremely hazardous cyanide-bearing wastes.

2.1.7. Respondent violated California Code of Regulations, title 22, section 66265.13, in that Respondent failed to obtain and maintain waste analysis records showing the hazardous characteristics of all hazardous wastes, including cyanide-bearing hazardous wastes, treated onsite by Respondent.

SCHEDULE FOR COMPLIANCE

3. Respondent shall fully comply with the following schedule for compliance. The times set forth below for the completion of various items shall not be affected by the date of the signings of this Order and may only be changed by a writing executed by the Department.

3.1.1. Respondent shall obtain a preliminary tank assessment and submit the same to the Department not later than June 30, 2005. All work required to be performed pursuant to such preliminary tank assessment shall be completed not later

than August 15, 2005, and certified as such to the Department. A final tank assessment in full compliance with the requirements of California Code of Regulations, title 22, section 66265.192, shall be submitted to the Department not later than September 1, 2005. The tank assessments shall address the complete tank systems including all pipes that transport hazardous waste.

3.1.2. Violation 2.1.2, above, has been corrected. Effective immediately, Respondent shall not store hazardous wastes without a permit, unless subject to an exemption.

3.1.3. Respondent contends that Violation 2.1.3. has been corrected. Respondent shall provide evidence of correction to the Department not later than June 30, 2005. Effective immediately, Respondent shall not place incompatible wastes within the same tank system, except as may be provided by California Code of Regulation, title 22, section 66265.199.

3.1.4. Correction of Violation 2.1.4 shall be included in the requirements set forth above for Violation 2.1.1.

3.1.5. Respondent shall revise its inspection schedules and forms to fully comply with the requirements of California Code of Regulations, title 22, section 66265.195 and shall submit said schedules and forms to the Department not later than June 30, 2005. At the same time, Respondent shall submit the completed inspection forms for the week of June 20, 2005.

3.1.6. Respondent shall prepare and submit to the Department the job

descriptions and training plan required pursuant to California Code of Regulations, title 22, section 66265.16, not later than June 30, 2005. The training plan shall require that the following employees of Respondent attend California Compliance School: Ian Holmberg, Jesse Lopez, and Rodriguez. Respondent shall complete all training necessary to bring all employees current with said training plan not later than September 1, 2005.

3.1.7. Respondent shall submit to the Department a list of all tanks in its facility that generate hazardous waste that is treated on site, together with a description of the waste generated, not later than June 30, 2005. Pursuant to California Code of Regulations, title 22, section 66265.13, the [Facility] shall obtain a detailed chemical and physical analysis (hereafter referred to as "analytical records") for a representative sample of each hazardous waste that it treats onsite under Permit by Rule. Each waste that must be analyzed shall be sampled for analysis at the point it is generated, and before it is commingled with any other waste, and before it is treated in any way that may alter its chemical, physical, or biological properties. The analytical records shall show all hazardous characteristics for each representative sample of hazardous waste, including, but not be limited to, a determination of pH, the concentration of metals, and the concentration of cyanide in each hazardous waste that was sampled for analysis. The laboratory that performs the analyses shall use the recognized analytical procedures for analyzing hazardous wastes as described in the U.S. Environmental Protection Agency's publication SW-846, or equivalent established analytical

procedures. Pursuant to section 25198 of the Health and Safety Code, the laboratory shall be certified by the California Department of Health Services to perform each of the required tests.

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

Mr. Charles McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

Ms. Janet L. Ortiz,
Director, Santa Fe Springs Environmental Protection Services
11300 Greenstone Avenue
Santa Fe Springs, California 90670

3.3. Communications. All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by the 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.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order

fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. 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.

3.5. 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.

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

3.7. 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.

3.8. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to 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 Order; and conducting such tests as the Department may deem necessary.

Nothing in this 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.

3.9. Sampling, Data, and Document Availability.

3.9.1. Respondent shall permit the Department and/or its authorized representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring) generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.9.2. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and

other documents prepared pursuant to this 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 Order.

3.9.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

- (a) comply with that request,
- (b) deliver the documents to the Department, or
- (c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.10. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties specified in paragraph 4.3, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that were submitted by Respondent pursuant to the violations set forth above, and/or this schedule for compliance, and were approved by the Department are hereby incorporated into this Order.

3.12. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this 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.

3.13. 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.

OTHER PROVISIONS

4.1. 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.

4.2. 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.

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.4. Time Periods. "Days" for the purpose of this Order means calendar days.

4.5. Integration. This Order constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a writing duly executed by the Department and specifically referencing this document by title and docket number, or as otherwise provided in this Consent Agreement.

EFFECTIVE DATE

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

Date: June 20, 2005

Trident Plating, Inc.

Original signed by Juan C. Rodriguez, V.P.
BY:

Date: July 5, 2005

Department of Toxic Substances Control

Original signed by Charles A. McLaughlin
BY: Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division