



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

RECEIVED

MAY 11 2015

Los Angeles Regional Water Quality Control Board

LEGAL

May 8, 2015

Mr. Eric Lardiere
Whittaker Corporation
1955 Surveyor Avenue
Simi Valley, CA 93063

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7014 2120 0004 7561 8952

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW - WHITTAKER CORPORATION, FORMER WHITTAKER-BERMITE FACILITY, 22116 SOLEDAD CANYON ROAD, SANTA CLARITA (ORDER NO. R4-2008-0032, NPDES PERMIT NO. CAG994004, CI NO.8727)

Mr. Lardiere,

Thank you for your correspondence from CDM Smith dated August 22, 2014 regarding Settlement Offer No. R4-2014-0119 (Settlement Offer) issued by the Los Angeles Regional Water Quality Control Board Prosecution Team (Regional Board Prosecution Team) to the Whittaker Corporation (Permittee or Whittaker). The Settlement Offer was previously amended on February 6, 2015, however, upon further review, Regional Board staff has made additional changes to the Settlement Offer. This letter, along with the first amendment, addresses your comments in this regard.

Issue 1:

CDM Smith asserts that the influent and effluent samples were inadvertently swapped prior to being analyzed; therefore the sampling event on December 1, 2008 and four (4) effluent limit violations for trichloroethylene (TCE) and tetrachloroethylene (PCE) are invalid.

Response 1:

Regional Board staff agrees that there is evidence that these alleged exceedances of TCE and PCE were erroneous. PCE and TCE were not detected in the samples reported to have been collected from the influent and CDM Smith reasoned that the influent and effluent sampling bottles were inadvertently switched. CDM Smith also provided an invoice showing the vessels treating these constituents were serviced twelve (12) days prior to the samples being taken in an attempt to demonstrate that they were functioning adequately. Therefore, the Permittee's assertions that the violations were caused due to the samples being switched and not from violations caused by exceedances are substantiated. As a result these four (4) alleged effluent limit violations are hereby dismissed.

You are hereby notified that, based on your August 22, 2014 submittal to the Regional Board, four (4) effluent violations have been dismissed. However, as stated on the February 6, 2015 letter, all nitrogen violations remain.

Subsequently, the Regional Board staff evaluated your self-monitoring reports and identified one (1) additional effluent limit violation that is subject to MMPs. The updated list of violations and penalties are listed in the amended Exhibit "1"- Notice of Violation which is attached.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Eric Lardiere
Whittaker Corporation

- 2 -

May 8, 2015

Since the Whittaker Corporation requested an additional review of these violations; the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **June 8, 2015**. By signing the Acceptance and Waiver, the Whittaker Corporation agrees to pay the penalty of \$6,000 as indicated on Exhibit "1" – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violations.

If you have any questions, please call Ms. Erin Mustain at (916) 445-9379 or email at erin.mustain@waterboards.ca.gov or call Mr. Russ Colby at (213) 620-6373 or email at russ.colby@waterboards.ca.gov.

Sincerely,


Paula Rasmussen
Assistant Executive Officer

Enclosures:

Amended Exhibit "1"
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order

cc: *(via email only)*

Vanessa Young, Office of Enforcement, State Water Resources Control Board
Melissa Hall, Office of Enforcement, State Water Resources Control Board
Erin Mustain, Office of Enforcement, State Water Resources Control Board
Russ Colby, Enforcement Unit, Los Angeles Regional Water Quality Control Board
Bobbi Valencia, Enforcement Unit, Los Angeles Regional Water Quality Control Board
Jose Diaz, Department of Toxic Substances Control

EXHIBIT "1" - NOTICE OF VIOLATION
Effluent Limit Violations

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
12/01/08	4th Quarter 2008	Daily Maximum	Trichloroethene	61	5	ug/L	2	1120%	Serious	(h)1	Dismissed
12/01/08	4th Quarter 2008	Daily Maximum	Tetrachloroethene	20	1.6	ug/L	2	1150%	Serious	(h)1	Dismissed
12/31/08	4th Quarter 2008	Monthly Average	Tetrachloroethene	20	0.8	ug/L	2	2400%	Serious	(h)1	Dismissed
12/31/08	4th Quarter 2008	Monthly Average	Trichloroethene	61	2.7	ug/L	2	2159%	Serious	(h)1	Dismissed
11/05/12	4th Quarter 2012	Daily Maximum	Nitrogen, Total (as N)	8.1	5	mg/L	1	62%	Serious	(h)1	\$3,000
06/02/14	2nd Quarter 2014	Daily Maximum	Oil and Grease	47	10	mg/L	1	370%	Serious	(h)1	\$3,000
										Total	\$6,000

* Violations occurred prior to effective date of CWC section 13385(h) and (i)

** Staff Calculation

Settlement Offer No. R4-2014-0119
CI No. 8727, NPDES Permit No. CAG994004

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Whittaker Corporation
Settlement Offer No. R4-2014-0119
NPDES Permit No. CAG994004

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), Whittaker Corporation (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$6,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to California Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Russ Colby, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) calendar days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, this Acceptance and Waiver will be presented to the Regional Board Executive Officer for execution.

Settlement Offer No. R4-2014-0119
CI No. 8727, NPDES Permit No. CAG994004

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$6,000 liability shall be paid by a cashiers or certified check for \$6,000 made out to the "State Water Pollution Cleanup and Abatement Account" referencing the number of this Settlement Offer. The payment must be submitted to the State Water Resources Control Board, Division of Administrative Services, Accounting Branch, at 1001 "I" Street, 18th Floor [95814], P.O. Box 1888, Sacramento, California 95812-1888 no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board Executive Officer.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Whittaker Corporation

By:  06/02/15
(Signed Name) (Date)

ERIC G. LARDIERE President & Secretary
(Printed or typed name) (Title)
ITS PRESIDENT & SECRETARY

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
Samuel Unger, P.E.
Executive Officer