

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Whittaker Corporation  
22116 West Soledad Canyon Road  
Santa Clarita, CA 91350

CAD064573108  
Respondent.

Docket HWCA 2004-0037

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Whittaker Corporation (Respondent) enter into this Consent Order and agree as follows:

1. Respondent owned and operated a facility with regulated units from approximately 1967 to approximately July 1999 at 22116 West Soledad Canyon Road, Santa Clarita, California (Site) that generated, handled, treated, stored, and disposed of hazardous waste.

2. The Department conducted a Comprehensive Groundwater Monitoring Evaluation (inspection) of the Site on March 26, 2001. The Department alleges that financial responsibility violations were discovered by the Department in October 2002.

3. The Department alleges the following violations:

3.1 Respondent violated California Code of Regulations, title 22, section 66265.143, in that from 1996 to 1999, the Respondent failed to establish and demonstrate to the Department financial

assurance for closure of the Site; to wit: from 1996 to 1999, the Respondent failed to submit to the Department financial assurance documents for closure, thereby failing to demonstrate that financial funds were in place for closure.

3.2 The Respondent violated California Code of Regulations, title 22, section 66265.147 (a) and (b), in that since 1996 to 1999, the Respondent failed to demonstrate to the Department financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the Site; to wit: from 1996 to 1999, the Respondent failed to submit to the Department financial documents for sudden accidental occurrences, thereby failing to demonstrate that financial funds were in place for sudden accidental occurrences.

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 disputed violations alleged above. In

return for the Payment described below, the Department agrees not to take any further action regarding the violations described above, but the Department is not limited from taking appropriate enforcement action concerning other violations. In signing this Consent Order, Whittaker does not admit the allegations of paragraph 3 of this Order.

#### SCHEDULE FOR COMPLIANCE

9. Respondent shall hereafter comply with the following:

9.1.1 The Respondent shall maintain compliance with California Code of Regulations, title 22, section 66265.143, until the regulated unit has been certified closed by the Department.

9.1.2. The Respondent shall maintain compliance with California Code of Regulations, title 22, section 66265.147 (a) and (b), until the regulated unit has been certified closed by the Department.

9.2. 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 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 and welfare or the environment, but no further actions shall be required respecting the alleged violations in this Consent Order.

#### PAYMENTS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$27,500, which is a penalty, in settlement of the Department's alleged violations. Respondent's check shall be made payable to Department of Toxic Substances Control, 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: Nennet V. Alvarez, Branch Chief  
Department of Toxic Substances Control

Statewide Compliance Division  
Cypress Branch  
5796 Corporate Avenue  
Cypress, California 90630

To: Brian Hembacher, Deputy Attorney General  
Department of Justice  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013

To: Richard Sherwood  
Office of Legal Counsel  
Department of Toxic Substances Control 001 I Street, 23rd floor  
P. O. Box 806  
Sacramento, California 95812-0806

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

11. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties or for any costs incurred by the Department or other government agencies as otherwise may be authorized by law.

13. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its successors and assignees, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

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

15. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: June 2, 2004

Original signed by Eric Lardiere  
Whittaker Corporation, by its General Counsel,  
Eric Lardiere

Dated: June 14, 2004

Original signed by Nennet V. Alvarez  
Nennet V. Alvarez, Branch Chief  
Statewide Compliance Division  
Department of Toxic Substances Control