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of the State of California
2 THEODORA BERGER
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Deputy Attorney General
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Los Angeles, California 90013, Filed Dept.
5 Telephone: (213) 897-2614 of Judge O'Brien

ORIGINAL FILED

FEB X1 1995

LOS ANGELES
SUPERIOR COURT

FEB 01 1995

6 Attorney for Plaintiffs
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 PEOPLE OF THE STATE OF CALIFORNIA,)
11 ex rel. William Soo Hoo, Director,)
California Department of Toxic)
12 Substances Control,)
13 Plaintiffs,)
14 v.)
15 SOUTHERN CALIFORNIA EDISON)
16)
17 Defendant.)
18

No. BC 121219

FINAL JUDGMENT PURSUANT
TO STIPULATION

| |
|-------------------|
| DOCKET |
| 07-AFC-2 |
| DATE Feb 01 1995 |
| RECD. SEP 15 2008 |

19 Judgment is hereby entered in the above captioned case pursuant
20 to the following terms as stipulated by the parties:

21 I. Introduction

22 On or about February 1, 1995, the People of the State of
23 California ex rel. William Soo Hoo, Director, State Department of
24 Toxic Substances Control ("Department") filed a Complaint
25 ("Complaint") in the Superior Court for the County of Los Angeles
26 pursuant to § 25187 of the California Health and Safety Code
27 against Southern California Edison (hereinafter "Edison")

1 alleging violations of the Health and Safety Code at its
2 Alamitos, Cool Water, El Segundo, Etiwanda, Huntington Beach,
3 Highgrove, Long Beach, Mandalay, Ormond Beach, Redondo Beach, San
4 Bernardino generating stations ("facilities"). The Department
5 and Edison now stipulate to judgment on the terms set forth in
6 this Final Judgment Pursuant to Stipulation ("Stipulation").
7 The effective date of this Stipulation shall be the date on which
8 it is signed by the Department. All further proceedings in this
9 case, including the filing of an answer by Edison, are stayed
10 during the pendency of this Stipulation.

11 II. Complaint

12 The Complaint in this case (attached hereto as Exhibit A)
13 alleges that Edison violated provisions of the Hazardous Waste
14 Control Law ("HWCL"), Cal. Health and Safety Code §§25100 et seq.
15 and the regulations thereunder, California Code of Regulations,
16 Title 22, Division 4 ("Title 22"), with respect to its hazardous
17 waste operations at the facilities named above, and requests
18 certain corrective action.

19 III. Jurisdiction

20 The Department and Edison agree that the Los Angeles
21 Superior Court has subject matter jurisdiction over the matters
22 alleged in the Complaint and personal jurisdiction over the
23 parties to this Stipulation.

24 IV. Settlement of Disputed Claim

25 The parties enter into this Stipulation pursuant to a
26 compromise and settlement of disputed claims for the purpose of
27 avoiding prolonged and complicated litigation and furthering the

1 public interest. For the purposes of this Stipulation, Edison
2 admits none of the allegations of the Complaint, except for the
3 limited purposes of any subsequent action brought by the
4 Department pursuant to the Hazardous Waste Control Act, Health &
5 Safety Code §§25100 et seq., within 5 years of the date of the
6 Complaint, Edison admits the allegations of the Complaint.

7 V. Waiver of Hearing

8 By signing this Stipulation, Edison waives its right to a
9 hearing on the allegations of the Complaint.

10 VI. Settlement Amount

11 Edison agrees to pay the Department a total of \$950,000.00
12 in civil penalties and reimburse the Department's administrative
13 costs in the amount of \$300,000.00 within 30 days of the
14 effective date of this Stipulation. Payment shall be delivered
15 to: Cashier, DTSC Accounting, Department of Toxic Substances
16 Control, P. O. Box 806, Sacramento, California 95812-0806.

17 Copies of all checks shall be sent to:

| | |
|---|-------------------------|
| 18 Chief | Pearl Lattaker |
| 19 Statewide Compliance Division | Deputy Attorney General |
| 20 Department of Toxic Substances Control | 300 S. Spring Street |
| 21 Region 4 | 11th Floor North |
| 22 245 West Broadway | Los Angeles, California |
| 23 Suite 425 | 90013 |
| 24 Long Beach, California 90802 | |

22 FUNDING OF ENVIRONMENTAL PROJECTS: Edison agrees to fund
23 five environmental projects: PETE, SPECTRA, Compliance School,
24 bill stuffers and the Western States Hazardous Waste Project as
25 set forth below. Edison shall contribute \$700,000.00 to fund
26 these projects. If Edison fails to fund any of these projects,
27 then Edison shall contribute any unused funds to alternate

1 projects mutually agreed upon by the Department and Edison.

2 A. (PETE): Within 30 days of the effective date of this
3 Stipulation, Edison shall contribute \$100,000.00 to the
4 Partnership for Environmental Technology Education (PETE) for the
5 purpose of promoting science education at the community college
6 level by funding equipment acquisition and commencement of degree
7 programs for environmental professionals. Payment shall be made
8 in two separate checks of \$50,000.00 each and specifically
9 designated for the above uses by Rio Hondo College and El Camino
10 College, Los Angeles, California. Payments shall be mailed to:
11 Western Partnership for Environmental Technology Education
12 2150 River Plaza Drive, Suite 170
13 Sacramento, CA 95833

14 B. (SPECTRA): Within 30 days after the Department notifies
15 Edison of the effective date of SPECTRA implementation, Edison
16 shall contribute \$316,800.00 toward marketing and distribution of
17 the Department's SPECTRA software. The \$316,800.00 shall be
18 apportioned as set forth below:

19 1. \$50,000.00 for a marketing study. The \$50,000.00
20 allotted for marketing shall be used to increase an existing
21 SPECTRA marketing study contract with Sacramento State
22 University. Payment for this project shall be made to the
23 manager of contracts at Sacramento State University.

24 2. \$266,800.00 for a user's station and subsidy
25 account for the purchase of SPECTRA by Edison rate payers.
26 Edison shall establish a dedicated SPECTRA account to subsidize
27 part or all of the purchase of SPECTRA software. Edison shall
28 establish a SPECTRA user's station at the Edison Irwindale

1 facility.

2 3. Within 60 days after the Department notifies Edison
3 of the effective date of SPECTRA implementation, Edison shall
4 submit for Department review and approval a procedure for
5 establishing and utilizing the SPECTRA users's station at the
6 Edison Irwindale CTAC facility. The user's station shall be
7 operational within 30 days of the Department's approval of the
8 procedure. The procedure shall also include an accounting which
9 demonstrates that the cost of establishing the user's station is
10 at least \$40,000.00. If the cost of establishing the user's
11 station is less than \$40,000.00, then the difference shall be
12 added to the SPECTRA subsidy account.

13 4. Edison and the Department shall jointly develop a
14 strategy for utilizing the subsidy account. Within 60 days of
15 the Department's notification to Edison of the implementation of
16 SPECTRA, Edison shall submit procedures for implementing the
17 subsidy account to Don Johnson, Chief, Program Coordination and
18 Policy Development Branch, Department of Toxic Substances
19 Control, 400 P Street, P.O. Box 806, Sacramento, CA 95812-0806
20 for review and approval. The procedures shall include, at a
21 minimum, methods for public notification of the availability of
22 the subsidy, the amount of money available to each user, and
23 accounting and reimbursement to the Department for each SPECTRA
24 unit purchased.

25 5. The SPECTRA account shall be available for three
26 years, with additional one year renewals if directed by the
27 Department or until funds are exhausted.

1 6. If, in the Department's judgment, the SPECTRA
2 subsidy account funds would be better spent elsewhere, the
3 Department may require Edison to direct the funds to the PETE
4 program and/or Compliance School, or Edison and the Department
5 may confer and agree on another environmental project to receive
6 the unused funds.

7 C. COMPLIANCE SCHOOL: Within 30 days of the execution
8 of this Stipulation, Edison shall contribute \$200,000.00 to the
9 Kern Community College District to support the management of
10 Compliance School by the Environment and Safety Institute at
11 Bakersfield College. Funds will be used for program development
12 activities, including promotion, registration, augmenting
13 instructional materials and instructor training, responding to
14 public inquiries, statewide planning and program evaluation.
15 The Compliance School curriculum, developed by Bakersfield
16 college under contract with the Department, will provide basic
17 hands - on training on hazardous waste management laws to
18 hazardous waste generators and on-site treatment facilities.
19 Expenditure and accounting of these funds will be made by the
20 Kern Community College District pursuant to a written agreement
21 with the Department.

22 1. Payment shall be made by check payable to Kern
23 Community College District and shall be mailed by certified mail,
24 return receipt requested to:

25 Ann Boyce
26 Bakersfield College -ESI
 1801 Panorama Drive
27 Bakersfield, CA 93305

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1 A copy of the check shall be sent to:

2 Ann Carberry
3 Tiered Permitting Compliance Section
4 Hazardous Waste Management Program
5 Department of Toxic Substances Control
6 400 P Street
7 P. O. Box 806
8 Sacramento, CA 95812-0806

9 2. If Kern Community College District returns unused
10 funds to Edison, Edison and the Department shall confer and agree
11 on another environmental project to receive the unused funds.

12 D. BILL STUFFERS: Edison shall expend \$60,000.00 on bill
13 stuffers to be inserted in bills mailed to rate payers. The bill
14 stuffers shall contain information relating to protection of
15 public health and safety and the environment from toxic
16 substances. The Department's Chief of Communications shall
17 prepare text and review and approve the bill stuffers prior to
18 mailing. Edison shall provide an accounting to the Department
19 demonstrating that the cost of the bill stuffers is \$60,000.00.
20 The bill stuffers shall be mailed within 180 days of the
21 effective date of this Stipulation.

22 E. WESTERN STATES PROJECT: Within 30 days of the
23 effective date of this Stipulation, Edison shall pay the
24 Department's fiscal year 1994-95 membership dues of \$23,200.00
25 for the Western States Hazardous Waste Project. Payment shall be
26 made to:

27 Western States Hazardous Waste Project
Arizona Office of the Attorney General
1275 W. Washington
Phoenix, Arizona 85007
(602) 542- 3881 FAX (602) 542-3522

1 A copy of the check shall be sent to:

2 Chief, Statewide Compliance Division
3 Department of Toxic Substances Control
4 400 P Street
5 P. O. Box 806
6 Sacramento, CA 95812-0806

7 VII. Funding of Permitting Activities

8 Edison agrees to fund, on a Fee - For - Service basis, all
9 permitting, closure, and other document review and approval
10 activities required by this Stipulation. Within 60 days of the
11 effective date of this Stipulation, Edison shall enter into a Fee
12 - For - Service agreement with the Department for all of the
13 permitting, closure and other document review and approval
14 activities required under this Stipulation.

15 VIII. Compliance Schedule

16 A. As conditions of this Stipulation, Edison shall do the
17 following with regard to the violations alleged in the Complaint:

18 1. Within 30 days of the effective date of this
19 Stipulation, Edison shall submit to the Department for approval a
20 general sampling plan to determine whether or not the following
21 materials are hazardous wastes: air pre-heater wash water and
22 fireside wash water. After the effective date of this *fire pre-heater*
23 Stipulation, whenever Edison performs the initial air pre - *wash*
24 heater wash or fireside wash at any of its generating facilities,
25 Edison shall (1) notify the Chief of Statewide Compliance
26 Division - Region 4, 30 days in advance of the event; (2) collect
27 and analyze representative samples of the wash waters according
to the approved sampling plan; and (3) submit the results to the
Department within 30 days of the sampling event.

*done all integrity
tests
reports - approved*

1 2. Within 60 days of the effective date of this
2 Stipulation, Edison shall submit to the Department, for review
3 and approval, a proposal on the method of conducting integrity
4 tests for the polishing demineralizer sumps listed in column D of
5 Exhibit 1. Edison shall conduct integrity tests and submit a
6 report to the Department within 90 days of the Department's
7 approval of Edison's proposed tank integrity testing procedure.
8 Any future re-use of the sumps depends upon the outcome of the
9 integrity tests. If Edison intends to use the sumps for
10 elementary neutralization, Edison shall comply with the notice
11 requirements of the Tierred Permitting System.

12 3. CLOSURE OF BOILER CHEMICAL CLEANING BASINS: For each
13 facility, Edison shall submit a report containing information and
14 data demonstrating that there have been no releases in the past
15 from the Boiler Chemical Cleaning Basins (BCCB's). The
16 Department will review each report including the supporting
17 information and data to determine whether it is adequate to
18 demonstrate whether or not there has been a release. If existing
19 data in the report is adequate and shows no evidence of any
20 releases, the Department shall deem the appropriate units clean
21 closed. The reports submitted shall provide the basis for RCRA
22 closure of the BCCB's to satisfy the applicable provisions of
23 Title 22 California Code of Regulations ("CCR"), Chapter 15,
24 Article 7.

25 If existing data is not adequate to demonstrate whether or
26 not there has been a release, Edison shall submit a work plan, in
27 accordance with the schedule set forth in Exhibit 2, for

1 Department review and approval, to conduct additional soil
2 sampling, as necessary, and/or installation of ground water ^{plans to}
3 monitoring wells and collect monitoring data before closure can ^{soil} ^{impl}
4 be accomplished. Edison shall upgrade the ground water monitoring
5 systems to meet the requirements of 22 CCR Chapter 15, article 6 ^{done}
6 in a timely manner. Edison shall implement the approved work plan ^{for} ^{each}
7 to demonstrate whether or not there has been a release. After
8 implementation of the approved work plan, Edison shall submit to
9 the Department a report of the findings. The units which have
10 been deemed clean closed may be operated so long as they handle
11 non-RCRA hazardous waste or solid waste that does not generate a
12 RCRA hazardous sludge.

13 If there is evidence of a past release to soil and /or
14 groundwater from the BCCB's, the Department will issue a
15 Corrective Action Order to Edison requiring that corrective
16 action work be performed. Corrective action requires Edison to
17 define the nature and extent of the release, evaluate the risk
18 posed, and perform remediation to background or health-based
19 levels. The Department will determine on a case by case basis
20 whether or not the BCCB's can continue to be used during
21 corrective action. If contamination cannot be remediated, the
22 unit will be closed with waste in place and Edison shall apply
23 for a post-closure permit.

24 For the purpose of this Stipulation, the Department will
25 assume that there has been a release if the pH or heavy metal
26 constituents that are present in the Edison waste stream are
27 found beneath or adjacent to the BCCB's at levels exceeding the

1 background concentrations for the same constituents.

2 4. CLOSURE OF RETENTION BASINS: Edison shall conduct RCRA
3 closure of the Retention Basins identified in Exhibit 1 of this
4 Stipulation, in accordance with 22 CCR, Chapter 15, Article 7
5 closure requirements. The procedures outlined in above ¶3 of
6 this Stipulation entitled CLOSURE OF BCCB'S shall be followed in
7 closing the Retention Basins with the following additional
8 requirements:

9 1. Since these units do not meet the minimum technology
10 requirements specified in 22 CCR, Chapter 15, Article 11,
11 the initial report for each facility containing the no
12 release demonstration shall include at least one year of
13 groundwater monitoring data from a Department approved
14 monitoring system.

15 2. If the units do not have a groundwater monitoring system
16 meeting the requirements of 22 CCR, Chapter 15, Article 6,
17 Edison shall submit a work plan for each facility for
18 installing such a system. Upon Department approval, Edison
19 shall implement the plan and obtain groundwater monitoring
20 data for a minimum of one year. If the background
21 information, along with the groundwater monitoring data,
22 indicates that there have been no releases from these units,
23 the Department will proceed with granting closure for these
24 units.

25 5. Within 90 days after receiving written guidance for
26 preparing surface impoundment closure plans from the Department,
27 Edison shall prepare and submit to the Department a complete

1 closure plan for the north and south retention basins, make - up
2 demineralizer sump, polisher demineralizer sump, and boiler
3 chemical cleaning basin located at the Alamitos Generating
4 Station. To streamline the closure process, the Department
5 intends to review and approve the closure plan for the Alamitos
6 Generating Station as a model closure plan. When the Alamitos
7 closure plan is deemed technically complete by the Department, it
8 shall serve as the model for all other retention basin closures
9 covered by this Stipulation. Within 60 days after the
10 Department's determination of completeness of the Alamitos
11 closure plan, Edison shall sequentially submit the closure plans
12 for the remaining Edison facilities in accordance with the
13 closure plan schedule of submittal specified in Exhibit 2. The
14 closure plans shall comply with the closure requirements of
15 chapter 15, Division 4.5, Title 22, CCR, including but not
16 limited to § 66265.228.

17 6. Within 90 days of the effective date of this
18 Stipulation, Edison shall submit to the Department for approval,
19 a water quality monitoring and response program under Title 22,
20 CCR, Chapter 15, Article 6, § 66265.90 for the units at the
21 Alamitos Generating Station listed in rectangle C1 of Exhibit 1.
22 To streamline the process, the Department intends to review and
23 approve the water quality monitoring plan for the Alamitos
24 Generating Station as a model plan. In the event that Edison
25 receives a Notice of Deficiency ("NOD"), it shall respond to the
26 NOD within 45 days from issuance of the NOD. A written approval
27 will be issued when all deficiencies listed in the NOD have been

1 addressed. When the Alamitos plan is deemed technically complete
2 by the Department, it shall serve as the model for all other
3 water quality monitoring programs covered by this Stipulation.
4 Within 120 days of the effective date of the Department's
5 approval, Edison shall complete installation of the approved
6 detection monitoring program at Alamitos generating station.
7 Edison shall sequentially submit Water Quality Monitoring and
8 Response Programs for the remaining facilities listed in column C
9 of Exhibit 1 in accordance with the closure plan schedule of
10 submittal specified in Exhibit 2. Within 120 days of the
11 effective date of the Department's approval of each Water Quality
12 Monitoring and Response Program, Edison shall complete
13 installation of the approved detection monitoring program for
14 each facility.

15 7. For all facilities listed in column C of Exhibit 1
16 that have groundwater monitoring systems, Edison shall submit to
17 the Department for review and approval within 90 days of the
18 effective date of this Stipulation, a water quality sampling and
19 analysis plan pursuant to Title 22, §66265.91. In the event that
20 Edison receives a Notice of Deficiency, (NOD) it shall respond to
21 the NOD within 45 days from issuance of the NOD. A written
22 approval will be issued by the Department when all deficiencies
23 in the NOD have been addressed. Edison shall implement the
24 approved water quality sampling and analysis plans during
25 subsequent groundwater sampling events. The plans shall be self
26 implementing. However, the Department may require changes to the
27 plans if changes are deemed necessary to protect public health

1 and the environment.

2 8. For all facilities in column C of Exhibit 1 that do
3 not have existing groundwater monitoring systems, Edison shall
4 sequentially submit water quality sampling and analysis plans to
5 the Department for review and approval. Edison shall begin
6 sequentially submitting the plans within 90 days of completion of
7 installation of the approved detection monitoring program. The
8 plans shall be submitted in accordance with the schedule
9 specified in Exhibit 2. These plans shall be submitted pursuant
10 to Title 22 CCR §66265.91. In the event that Edison receives a
11 Notice of Deficiency, (NOD) it shall respond to the NOD within 45
12 days from issuance of the NOD. A written approval will be issued
13 by the Department when all deficiencies in the NOD have been
14 addressed. Edison shall implement the approved water quality
15 sampling and analysis plans during subsequent groundwater
16 sampling events. The plans shall be self-implementing. However,
17 the Department may require changes to the plans to protect human
18 health and the environment.

19 9. A. This Stipulation shall serve as a Grant of
20 Authorization for continuing operation of those surface
21 impoundments which are specifically designated as the BCCB's at
22 six Edison facilities, and which are currently used for storage
23 of California-only (non-RCRA) hazardous wastes, pending proposed
24 legislation. This Stipulation shall be deemed a permit only as
25 set forth below for purposes of the Health & Safety Code and
26 payment of the annual facility fee pursuant to Health & Safety
27 Code §§25205.2 and 25205.4. The facility size and type pursuant

1 to this Stipulation shall be "Series A Standardized Permit"
2 during calendar years 1994, 1995, and 1996. Thereafter, the
3 facilities shall be regarded as "large treatment" unless
4 otherwise authorized by legislation.

5 B. Within 30 days after the close of the 1996 legislative
6 session, if authorized by legislation, Edison shall submit a
7 standardized permit notification to the Department, to include a
8 complete application, pursuant to legislation, for the BCCB at
9 the Alamitos generating station. To streamline the permit
10 process, the Department intends to review and approve the
11 notification and Part "B" standardized permit application for the
12 BCCB at the Alamitos generating station as a model standardized
13 permit application for BCCB's. The Alamitos application, when
14 deemed technically complete by the Department, will serve as the
15 model for all other BCCB standardized permit applications covered
16 by this Stipulation. Edison shall submit the remaining
17 applications for the facilities listed in column A of Exhibit 1
18 in accordance with the schedule of submittal specified in Exhibit
19 2.

20 C. If the legislation fails to authorize operation of the
21 BCCBs under the Standardized Permit tier by the close of the 1996
22 legislative session, within 90 days after receiving written
23 guidance from the Department for preparing surface impoundment
24 permits, Edison shall complete, sign and submit Part A and Part B
25 hazardous waste surface impoundment permit applications to the
26 Department for the BCCB at Alamitos generating station. To
27 streamline the permit process, the Department intends to review

1 and approve the Part A and Part B permit application for the
2 BCCB's at the Alamitos generating station as a model permit
3 application for BCCB's. The Alamitos permit application, when
4 deemed technically complete by the Department, will serve as the
5 model for all other BCCB permit applications covered by this
6 Stipulation. Edison shall submit the remaining applications for
7 the facilities listed in column A of Exhibit 1 in accordance with
8 the schedule of submittal specified in Exhibit 2.

9 D. If the Department determines that any report, plan,
10 schedule or other document submitted for approval fails to comply
11 with this Stipulation or fails to protect public health or safety
12 or the environment, the Department may return the document to
13 Edison with recommended changes and a date by which Edison must
14 submit to the Department a revised document incorporating the
15 recommended changes for approval by the Department.

16 IX. Matters Covered by This Stipulation

17 This Stipulation settles all violations alleged in the
18 Complaint filed against Edison, including Department costs of
19 inspection and investigation and costs of suit, relating to the
20 Complaint. The Department agrees that it will not refer or
21 recommend that any criminal charges be filed based on the
22 allegations in the complaint. The provisions of this paragraph
23 are expressly conditioned on full and complete performance by
24 Edison of all of the terms and conditions of this Stipulation.

25 Nothing in this Stipulation shall constitute or be construed
26 as a satisfaction or release from liability for any conditions or
27 claims arising as a result of current, or future operations of

1 Edison which are not covered by this Stipulation, nor shall this
2 Stipulation be construed to preclude the Department or any state
3 agency, board, or entity from exercising its authority under any
4 law, statute or regulation.

5 X. Requirement of the Department

6 The duties imposed on Edison by this Stipulation shall be
7 construed to be requirements of the Department issued pursuant to
8 the HWCL. Any violation of this Stipulation is separate and in
9 addition to any violation of any provision of the HWCL.

10 XI. Notice and Submittals

11 All submittals required pursuant to VIII(A)(1),
12 VIII(A)(2), VIII(A)(3), VIII(A)(4), VIII(A)(6), and VIII(A)(7) of
13 this Stipulation shall be submitted to the following:

14 Chief
15 Statewide Permitting Division
16 Department of Toxic Substances Control, Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802

17 Unit Chief, Geology Services
18 Statewide Permitting Division
19 Department of Toxic Substances Control, Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802

20 In addition, a copy of the transmittal letter for the above
21 submittals and all other submissions and notices including copies
22 of all checks required by this Stipulation shall be sent to:

23 Chief
24 Statewide Compliance Division
25 Department of Toxic Substances Control, Region 4
245 West Broadway, Suite 425
Long Beach, California 90802

26 All approvals and decisions of the Department regarding any
27 matter requiring approval or decision under the terms of this

1 Stipulation shall be communicated in writing to:

2 Robert Reid
3 Southern California Edison Company
4 2244 Walnut Grove Avenue
5 Rosemead, CA 91770.

6 No advice, guidance, suggestions or comments by employees or
7 officials of the Department regarding submissions or notices
8 shall be construed to relieve Edison of its obligation to obtain
9 the final written approvals required by this Stipulation.

10 XII. Department Not Liable

11 The Department shall not be liable for any injury or damage
12 to persons or property resulting from acts or omissions by
13 Edison, its directors, officers, employees, agents,
14 representatives or contractors in carrying out activities
15 pursuant to this Stipulation , nor shall the Department be held
16 as a party to or guarantor of any contract entered into by
17 Edison, its directors, officers, employees, agents,
18 representatives or contractors in carrying out activities
19 required pursuant to this Stipulation.

20 XIII. Modification of Settlement and Order

21 This Stipulation may be modified upon written approval of
22 the parties hereto and the Court.

23 XIV. Extensions

24 Edison may request in writing an extension of the compliance
25 schedule provided herein prior to the date compliance is due. If
26 the Department determines that good cause exists for an
27 extension, it will grant the request and specify in writing a new
compliance schedule. Approval shall not be unreasonably

1 withheld; however, silence does not constitute approval of the
2 extension. Edison is not authorized to modify the compliance
3 schedule herein unless and until the Department agrees to the
4 modification in writing.

5 XV. Application of Stipulation

6 This Stipulation shall apply to and be binding upon the
7 Department and Edison and the successors or assigns of either of
8 them.

9 XVI. Authority to Enter Stipulation

10 Each signatory to this Stipulation certifies that he or she
11 is fully authorized by the party he or she represents to enter
12 into this Stipulation, to execute it on behalf of the party
13 represented and legally to bind that party.

14 XVII. Integration

15 This Stipulation constitutes the entire agreement between
16 the parties and may not be amended or supplemented except as
17 provided for herein.

18 XVIII. Counterparts

19 This Stipulation may be executed in one or more
20 counterparts, each of which shall be deemed an original, but all
21 of which together shall constitute one and the same instrument.

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23 /
24 /
25 /
26 /
27 /

1 XIX. Termination of Order

2 This action shall be dismissed with prejudice upon Edison's
3 satisfaction of the terms and conditions herein.

4 IT IS SO STIPULATED:

5 DEPARTMENT OF TOXIC SUBSTANCES CONTROL

6 Dated: __, 1994 By: _____
7 TED RAUH, Deputy Director
8 Department of Toxic Substances Control

9 Approved as to Form and Content:

10 DANIEL E. LUNGREN, Attorney General
11 of the State of California
12 THEODORA BERGER,
13 Assistant Attorney General
14 PEARL LATTAKER,
15 Deputy Attorney General

16 Dated: __, 1995 By: _____
17 PEARL LATTAKER
18 Attorneys for Department of
19 Toxic Substances Control

20 SOUTHERN CAL. EDISON CO.

21 Dated: *January 29*, 1995 By: *Bryant C. Danner*
22 BRYANT C. DANNER
23 Senior Vice President

24 Approved as to Form and Content:

25 DAWN WILSON

26 Dated: *January 25*, 1995 By: *Dawn Wilson*
27 Attorneys for Edison

28 In accordance with the terms of the above written Stipulation
29 between plaintiff and defendant,

30 IT IS SO ORDERED AND ADJUDGED:

31 DATED: *2/1/95*
32 ROBERT H. O'BRIEN
33 JUDGE OF THE SUPERIOR COURT

1 XIX. Termination of Order

2 This action shall be dismissed with prejudice upon Edison's
3 satisfaction of the terms and conditions herein.

4 IT IS SO STIPULATED:

5 DEPARTMENT OF TOXIC SUBSTANCES CONTROL

6 Dated: JAN. 30, 1994 By: _____

7 TED RAUH, Deputy Director
8 Department of Toxic Substances Control

9 Approved as to Form and Content:

10 DANIEL E. LUNGREN, Attorney General
11 of the State of California
12 THEODORA BERGER,
13 Assistant Attorney General
14 PEARL LATTAKER,
15 Deputy Attorney General

16 Dated: Jan 31, 1995 By: _____

17 Pearl Lattaker
18 PEARL LATTAKER
19 Attorneys for Department of
20 Toxic Substances Control

21 SOUTHERN CAL. EDISON CO.

22 Dated: January 29, 1995 By: _____

23 Bryant C. Danner
24 BRYANT C. DANNER
25 Senior Vice President

26 Approved as to Form and Content:

27 DAWN WILSON

Dated: _____, 1995 By: _____

Attorneys for Edison

In accordance with the terms of the above written Stipulation
between plaintiff and defendant,

IT IS SO ORDERED AND ADJUDGED:

DATED:

JUDGE OF THE SUPERIOR COURT

EXHIBIT "1"

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 EXHIBIT NO. 1
 SOUTHERN CALIFORNIA EDISON CONSENT DECREE

REVISION 12/20/01

| FACILITY | A UNITS REQUIRING PERMITS | B UNITS REQUIRING CLOSURE PLAN APPROVAL | C UNITS REQUIRING GROUNDWATER MONITORING | D UNITS REQUIRING INTEGRITY TESTS |
|--|------------------------------|--|--|--------------------------------------|
| 1 Malamitos Generating Station, Long Beach 690 North Sludemaker Road Long Beach, CA 90815 EPA ID No.: CAD009694795 | BCCB - 2 UNITS 1 UNIT | NR BASIN - 1 UNIT SR BASIN - 1 UNIT MD SUMP - 1 UNIT PD SUMP - 1 UNIT BCCB - 2 UNIT CTR BASIN | BCCB - 2 UNIT NR BASIN - 1 UNIT SR BASIN - 1 UNIT CTR BASIN | PD SUMP - 1 UNIT MD SUMP - 1 UNIT |
| 2 El Segundo Generating Station, El Segundo 301 Vista Del Mar El Segundo, CA 90245 EPA ID No.: CAD000630562 | BCCB - 1 UNIT | R BASIN - 1 UNIT BCCB - 1 UNIT MD SUMP - 1 UNIT | BCCB - 1 UNIT R BASIN - 1 UNIT | MD SUMP - 1 UNIT |
| 3 Etlwanda Generating Station, Etlwanda 8996 Etlwanda Avenue Etlwanda, CA 91739 EPA ID No. CAD075548574 | BCCB - 1 UNIT | R BASIN - 1 UNIT MD BASIN - 1 UNIT BCCB - 1 UNIT | BCCB - 1 UNIT MD BASIN - 1 UNIT R BASIN - 1 UNIT 2 ADJACENT | |
| 4 Huntington Beach Generating Station 21730 Newland Street Huntington Beach, CA 92646 EPA ID No.: CAD000631065 | BCCB - 1 UNIT | R BASIN - 1 UNIT BCCB - 1 UNIT | R BASIN - 1 UNIT BCCB - 1 UNIT | 2 SUMPS MD PD |
| 5 Mandalay Generating Station, Oxnard 393 North Harbor Blvd. Oxnard, CA 93030 EPA ID No.: CAD000630913 | BCCB - 1 UNIT | R BASIN - 2 UNIT BCCB - 1 UNIT | R BASIN - 2 UNIT BCCB - 1 UNIT | |
| 6 Redondo Beach Generating Station 1100 Harbor Drive Redondo Beach, CA 90277 EPA ID No.: CAD000631093 | BCCB - 1 UNIT | R BASIN - 1 UNIT SR BASIN - 1 UNIT PD SUMP - 1 UNIT BCCB - 1 UNIT MD SUMP - 1 UNIT | BCCB - 1 UNIT NR BASIN - 1 UNIT SR BASIN - 1 UNIT | PD SUMP - 1 UNIT MD SUMP - 1 UNIT |
| 7 Ormond Beach Generating Station 6635 South Edson Drive Oxnard, CA 93033 EPA ID No.: CAD000637036 | | PD SUMP - 1 UNIT R BASIN - 2 UNIT (includes ABCCB) | R BASIN - 2 UNIT | PD SUMP - 1 UNIT |

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 EXHIBIT NO. 1
 SOUTHERN CALIFORNIA EDISON CONSENT DECREE

REVISED 11/01/94

| FACILITY | A UNITS REQUIRING PERMITS | B UNITS REQUIRING CLOSURE PLAN APPROVAL | C UNITS REQUIRING GROUNDWATER MONITORING | D UNITS REQUIRING INTEGRITY TESTS |
|---|------------------------------|---|---|--------------------------------------|
| Ingle Grove Generating Station 12700 Taylor Street Colton, CA 92324 EPA ID No.: CAD000631028 | | RR BASIN - 1 UNIT MD SUMP - 1 UNIT | RR BASIN - 1 UNIT | MD SUMP - 1 UNIT ✓ |
| Long Beach Generating Station 2665 West Seaside Boulevard Long Beach, CA 90813 EPA ID No. CAD0006311143 | | RR BASIN - 1 UNIT | RR BASIN - 1 UNIT | |
| San Bernardino Generating Station 25770 San Bernardino Avenue San Bernardino, CA 92408 EPA ID No.: CAD0006311160 | ✓ | RR BASIN - 1 UNIT MD BASIN - 1 UNIT ✓ | RR BASIN - 1 UNIT MD BASIN - 1 UNIT ✓ | |
| Red Bluff Water Generating Station <i>Barzfeld</i> 37072 East Santa Fe Daguerre, CA 92327 EPA ID No.: CAD000630905 | ✓ | PD SUMP - 1 UNIT ✓ | | PD SUMP - 1 UNIT ✓ |

CB-BOILER CHEMICAL CLEANING BASIN
 SUMP-POLISHER DEMINERALIZER SUMP
 SUMP-MAKE-UP DEMINERALIZER SUMP
 BASIN-RETENTION BASIN

SR BASIN-SOUTH RETENTION BASIN
 NR BASIN-NORTH RETENTION BASIN

C

Dec

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
EXHIBIT NO. 2
SCHEDULE OF SUBMITTAL FOR
SOUTHERN CALIFORNIA EDISON HAZARDOUS WASTE MANAGEMENT UNITS

Revised 12/02/94

| A FACILITY | B CLOSURE PLAN UNIT TYPE | C UNITS | D SCHEDULE OF SUBMITTAL |
|---|--|-----------------------|--|
| 1 Alamos Generating Station, Long Beach 660 North Studebaker Road Long Beach, CA 90815 EPA ID No.: CAD000604795 | North Retention basin South Retention basin Makeup demineralizer sump Polish demineralizer sump Boiler chemical cleaning basin | 1 1 1 1 2 | Within 90 days of receiving Department's closure plan guidance 400446 |
| 2 El Segundo Generating Station, El Segundo 301 Vista Del Mar El Segundo, CA 90245 EPA ID No.: CAD000630962 | Retention basin Makeup demineralizer sump Boiler chemical cleaning basin | 1 1 1 | 60 days from the completeness determination of Alamos Closure Plan 400445 |
| 3 Edwanda Generating Station, Edwanda 8996 Edwanda Avenue Edwanda, CA 91739 EPA ID No. CAD079548574 | Retention basin Makeup demineralizer basin Boiler chemical cleaning basin | 1 1 1 | 30 days from submittal of El Segundo Closure Plan 400437 |
| 4 Huntington Beach Generating Station 21730 Newland Street Huntington Beach, CA 92646 EPA ID No.: CAD000831025 | Retention basin Boiler chemical cleaning basin | 1 1 | 30 days from submittal of Edwanda Closure Plan 400444 |
| 5 Mandalay Generating Station, Oxnard 393 North Harbor Blvd. Oxnard, CA 93030 EPA ID No.: CAD000833912 | Retention basin Boiler chemical cleaning basin | 2 1 | 30 days from submittal of Huntington Beach Closure Plan 400439 |
| 6 Recondo Beach Generating Station 1100 Harbor Drive Recondo Beach, CA 90277 EPA ID No.: CAD000831093 | North Retention basin South Retention basin Polish demineralizer sump Boiler chemical cleaning basin Makeup demineralizer sump | 1 1 1 1 1 | 30 days from submittal of Mandalay Closure Plan 400442 |
| 7 Ormond Beach Generating Station 8525 South Edison Drive Oxnard, CA 93033 EPA ID No.: CAD000837036 | Retention basin Polish demineralizer sump | 2 1 | 30 days from submittal of Recondo Beach Closure Plan 400438 |
| 8 Highgrove Generating Station 12700 Taylor Street Compton, CA 92324 EPA ID No.: CAD000631029 | Retention basin Makeup demineralizer sump | 1 1 | 30 days from submittal of Ormond Beach Closure Plan 400440 |
| 9 Long Beach Generating Station 2685 West Seaside Boulevard Long Beach, CA 90813 EPA ID No. CAD0008311143 | Retention basin | 1 | 30 days from submittal of Highgrove Closure Plan 400443 |
| 10 San Bernardino Generating Station 25770 San Bernardino Avenue San Bernardino, CA 92408 EPA ID No.: CAD000631150 | Retention basin Makeup demineralizer basin | 1 1 | 30 days from submittal of Long Beach Closure Plan 400441 |
| 11 Coca Water Generating Station 37072 East Santa Fe Dalyton, CA 92327 EPA ID No.: CAD000630905 | Polish demineralizer sump | 1 | 30 days from submittal of San Bernardino Closure Plan 400381 |

PLA 24010

EXHIBIT "A"

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7 Attorneys for Plaintiff People of the
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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

| | | |
|----|--------------------------------------|-------------------------|
| 11 | PEOPLE OF THE STATE OF CALIFORNIA,) | No. |
| 12 | ex rel. William F. Soo Hoo,) | |
| 13 | Director of the Department of) | |
| 14 | Toxic Substances Control of the) | COMPLAINT FOR CIVIL |
| 15 | State of California,) | PENALTIES, INJUNCTIVE |
| 16 | Plaintiff) | RELIEF, AND RECOVERY OF |
| 17 | v.) | COSTS OF INVESTIGATION |
| 18 | SOUTHERN CALIFORNIA EDISON CO.,) | FOR VIOLATIONS OF |
| 19 | a California corporation,) | HAZARDOUS WASTE LAWS |
| 20 | DOES 1 through 20, inclusive,) | |
| 21 | Defendants.) | |
| 22 | _____) | |

23 Plaintiff People of the State of California, upon the
24 relation of William F. Soo Hoo, Director of the Department of
25 Toxic Substances Control of the State of California, allege as
26 follows:

27 PLAINTIFF

1. William F. Soo Hoo is the Director of the
Department of Toxic Substances Control of the State of California
(hereinafter the "Department"). The Department is the state
agency responsible for the administration of the Hazardous Waste

1 Control Law, chapter 6.5 of division 20 of the California Health
2 and Safety Code, § 25100 et seq.

3 2. Pursuant to §§ 25181 and 25182 of the California
4 Health and Safety Code, the Attorney General of the State of
5 California is authorized, at the request of the Department, to
6 commence a civil action for injunctive relief and civil penalties
7 under the Hazardous Waste Control Law in the name of the People
8 of the State of California.

9 DEFENDANT

10 3. Defendant SOUTHERN CALIFORNIA EDISON COMPANY
11 (hereinafter "Edison") is, and at all times relevant herein was,
12 a public utility organized under the laws of California and
13 serving the Los Angeles area.

14 4. At all times relevant herein, Edison operated power
15 generating stations in the State of California, County of Los
16 Angeles. As part of its operations in this State, defendant
17 Edison generated, treated, stored and disposed of hazardous waste
18 in Los Angeles County.

19 5. The true names and capacities, whether individual,
20 corporate or otherwise, of defendants DOES 1 through 20 are
21 unknown to plaintiff, who therefore sues such defendants by such
22 fictitious names. When ascertained, plaintiff will amend this
23 complaint to show the true names and capacities of such DOE
24 defendants. Plaintiff is informed and believes, and based
25 thereon alleges, that each of the defendants designated as a DOE
26 is legally responsible in some manner for the acts and events
27 alleged in this complaint.

| | | | |
|----|--------------------|---|--------------|
| 1 | 5.Huntington Beach | 21730 Newland St Huntington Beach 92646 | CAD00631085 |
| 2 | | | |
| 3 | 6.Highgrove | 12700 Taylor St Colton 92324 | CAD000631028 |
| 4 | | | |
| 5 | 7.Long Beach | 2665 W.Seaside Bl Long Beach 90813 | CAD000631143 |
| 6 | | | |
| 7 | 8.Mandalay | 393 N. Harbor Bl Oxnard 93030 | CAD000630913 |
| 8 | | | |
| 9 | 9.Ormond Beach | 5635 S. Edison Dr Oxnard 93033 | CAD000637036 |
| 10 | | | |
| 11 | 10.Redondo Beach | 1100 Harbor Dr. Redondo Beach 90277 | CAD000631093 |
| 12 | | | |
| 13 | 11.San Bernardino | 25770 San Bernardino Ave. San Bernardino 92408 | CAD000631150 |
| 14 | | | |
| 15 | | | |

16 In the course of operating these stations, defendant Edison
 17 generated, treated, stored, and disposed of "hazardous wastes,"
 18 as that term is defined under the provisions of Health and Safety
 19 Code § 25117.

20 9. Representatives of the Department conducted
 21 inspections and requested information in order to determine if
 22 defendant Edison was in compliance with the Hazardous Waste
 23 Control Law and the regulations promulgated by the Department
 24 under the authority of that law. The Department determined that
 25 defendant Edison was in violation of certain provisions of the
 26 Hazardous Waste Control Law, as set forth below. The Department
 27 provided written notice of these violations to defendant Edison

1 by a Report of Violation dated September 23, 1993.

2 10. Health and Safety Code § 25181 provides that when
3 the Department determines that any person has engaged in
4 practices which constitute a violation of any provision of the
5 Hazardous Waste Control Law, or any rule, regulation, permit,
6 covenant, standard, requirement, or order issued, promulgated or
7 executed thereunder, and when requested by the Department, the
8 Attorney General may make application to the superior court for
9 an order enjoining such acts and practices, or for an order
10 directing compliance, and upon a showing by the Department that
11 such person has engaged in or is about to engage in any such acts
12 or practices, a permanent or temporary injunction, restraining
13 order, or other order may be granted.

14 11. The Department has determined that defendant
15 Edison has engaged in, and unless enjoined and restrained by this
16 court will continue to engage in, acts and practices which
17 constitute violations of the Hazardous Waste Control Law and the
18 regulations issued or promulgated thereunder, as more fully set
19 forth below.

20 12. The Department has requested the Attorney General
21 to apply to the superior court for a preliminary and permanent
22 injunction enjoining defendant Edison from continuing the
23 violations of the Hazardous Waste Control Law and of the
24 regulations promulgated thereunder which are set forth below and
25 for civil penalties based on those repeated and continuing
26 violations.

27 13. Health and Safety Code § 25184 provides that in

1 any civil action brought pursuant to the Hazardous Waste Control
2 Law in which a temporary restraining order, preliminary
3 injunction or permanent injunction is sought, it shall not be
4 necessary to allege or prove at any stage of the proceeding that
5 irreparable damage will occur should the temporary restraining
6 order, preliminary injunction or permanent injunction not be
7 issued or that the remedy at law is inadequate. Health & Safety
8 Code § 25184 further provides that the temporary restraining
9 order, preliminary injunction or permanent injunction shall issue
10 without such allegations and without such proof.

11 14. Plaintiffs are entitled to a preliminary
12 injunction and permanent injunction enjoining defendant Edison
13 from further violations of the Hazardous Waste Control Law and of
14 the rules, regulations, permits, covenants, standards,
15 requirements and orders issued, promulgated and executed
16 thereunder.

17 15. Health and Safety Code § 25189(b) provides that
18 any person who intentionally or negligently violates any
19 provision of the Hazardous Waste Control Law, or any permit,
20 rule, regulation, standard, or requirement issued or promulgated
21 pursuant to that law, shall be liable for a civil penalty not to
22 exceed twenty-five thousand dollars (\$25,000) for each violation
23 of a separate provision or, for continuing violations, for each
24 day that violation continues.

25 16. Health & Safety Code § 25189.2 imposes civil
26 penalties for non-negligent, non-intentional violations of the
27 Hazardous Waste Control Law and its regulations.

1 Alamitos, El Segundo, Etiwanda, Highgrove, Huntington Beach,
2 Mandalay, Long Beach, Ormond Beach, Redondo Beach, and San
3 Bernardino Generating Stations.

4 THIRD CAUSE OF ACTION

5 23. Plaintiff incorporates paragraphs 1 through 22
6 above as though fully set forth herein.

7 24. Title 22 CCR § 66265.221(a) requires the owner or
8 operator of a surface impoundment to install two or more liners
9 and a leachate collection system in each unit.

10 25. Defendant Edison violated Title 22, California
11 Code of Regulations §66265.221(a) in that since January 1, 1989,
12 it failed to install two or more liners and a leachate collection
13 system in retention basins located at Alamitos, El Segundo,
14 Etiwanda, Highgrove, Huntington Beach, Long Beach, Mandalay,
15 Ormond Beach, Redondo Beach and San Bernardino generating
16 stations.

17 FOURTH CAUSE OF ACTION

18 26. Plaintiff incorporates paragraphs 1 through 25
19 above as though fully set forth herein.

20 27. Title 22, CCR § 66265.13(a)(1) provides that
21 before an owner or operator transfers, treats, stores, or
22 disposes of any hazardous waste, the owner or operator shall
23 obtain a detailed chemical and physical analysis of a
24 representative sample of the waste.

25 28. Defendant Edison violated Title 22 CCR
26 §66265.13(a)(1) in that since November 19, 1980, it failed to
27 determine if certain waste generated at Alamitos, Cool water, El

1 Segundo, Etiwanda, Highgrove, Huntington Beach, Long Beach,
2 Mandalay, Ormond Beach, Redondo Beach and San Bernardino
3 generating stations is hazardous.

4 FIFTH CAUSE OF ACTION

5 29. Plaintiff incorporates paragraphs 1 through 28
6 above as though fully set forth herein.

7 30. Title 22, CCR 66265.191(a) provides that for each
8 tank system which was in existence on or before July 4, 1986,
9 that does not have secondary containment ..., the owner or
10 operator shall determine that the tank system is not leaking or
11 unfit for use.

12 31. Defendant Edison violated Title 22, CCR
13 §66265.191(a) in that since July 1, 1992 it has failed to conduct
14 tank integrity tests for sumps located at Alamitos, Cool Water,
15 El Segundo, Etiwanda, Highgrove, Huntington Beach, Ormond Beach,
16 and Redondo Beach generating stations.

17 PRAYER FOR RELIEF

18 WHEREFORE, plaintiff People of the State of California
19 prays that the Court:

20 A. Grant civil penalties according to proof;

21 B. Grant a preliminary and permanent injunction
22 enjoining defendant Edison from any further violations of the
23 Hazardous Waste Control Law and of the rules, regulations,
24 permits, covenants, standards, requirements and orders issued,
25 promulgated and executed thereunder;

26 C. Grant the Department its costs of investigating
27 whether defendant Edison was operating its hazardous waste

1 facilities in compliance with the State's hazardous waste laws
2 and regulations;

3 D. Grant plaintiff its costs of suit herein; and

4 E. Grant such other and further relief as the Court
5 deems just and proper.

6 DATED: 5/1/95

7 DANIEL E. LUNGREN, Attorney General
8 of the State of California
9 RODERICK E. WALSTON,
10 Chief Assistant Attorney General
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12 Assistant Attorney General
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By *Pearl Lattaker*
PEARL LATTAKER
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State of California