

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2015 IM003

Red Feather Café  
Frank Vrettas  
1182 N. Imperial Highway  
Ocotillo, CA California 92259

CONSENT ORDER  
  
Health and Safety Code  
Section 25187

EPA No. NA

Respondent.

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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) Frank Vrettas and Red Feather Cafe (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent, operates the following on site: Underground storage tank systems at 1182 N. Imperial Highway, Ocotillo, CA

1.3. Inspection. The Department inspected the Site on April 3, 2015.

1.4. Authorization Status. Respondent took ownership of the facility on January 15, 2015. Respondent does not have a permit to manage underground storage tanks at the Site.

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. Full Settlement. This Order shall constitute full settlement of the violations described in the December 14, 2015 Summary of Violations and as 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 violations as alleged in Section 2 below.

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## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated California Health and Safety Code section 25298 (a) in that on or about January 15, 2015, Respondent failed to permanently close the underground storage tanks.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1 Respondent shall close the tank(s) within 90-days of this signed Consent Order in accordance with Federal and State statutes and regulations.

3.1.2. In compliance with this requirement Respondent shall to the satisfaction of the Department:

3.1.3. Discuss and identify with the Department what elements are necessary in preparing a work plan acceptable to the Department describing the steps in closing the UST.

3.1.4. Submit a permit application including a work plan to the Department within 30-days of this signed Order.

3.1.5. Respondent shall implement the Department's approved permit and work plan within 30-days of the Department issuing the permit to close the UST. Respondent shall notify the Department at least one week prior to implementing the closure of the UST. 72

3.1.6. Respondent agrees to permanently close the tanks within 90-days of the effective date of this Order, in the manner set forth in California Code of Regulations, title 23, Section 2672 for permanent tank closure requirements.

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.

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4.4. 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 be liable and agrees to pay penalties in accordance with Health and Safety Code section 25299(a)(5) as a result of non-compliance with this Order.

5.2. Respondent's check(s) for the penalty shall be made payable to the Department of Toxic Substances Control, 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:

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(s) shall be sent to:

Roger Vintze  
Branch Chief  
DTSC Imperial CUPA  
627 Wake Avenue  
El Centro, California 92244

5.3. If Respondent fails to make payment as provided above, Respondent agrees

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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: 5/9/16

original signed by Frank Vrettas

*[Signature]*  
Frank Vrettas  
Respondent

Dated: May 10, 2016

original signed by Roger Vintze

*[Signature]*  
Roger Vintze  
Department of Toxic Substances Control