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Attorneys for People of the State of California ex rel. Deborah O. Raphael, Director, California Department of Toxic Substances Control

ENDORSED
FILED
ALAMEDA COUNTY
JUN 17 2014
CLERK OF THE SUPERIOR COURT
By MARGARET J. DOWNI
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* DEBORAH O. RAPHAEL, DIRECTOR, CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL, **Plaintiff,** **v.** **BAYSIDE OIL II, INC.,** **Defendant.**	**Case No. RG14727110** **NOTICE OF ENTRY OF JUDGMENT** Trial Date: None Set Action Filed: May 29, 2014

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 5, 2014, the Court entered the attached Judgment Pursuant to Stipulation.

Dated: June 16, 2014

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
Susan Fiering
Supervising Deputy Attorney General

Original signed by Claudia Polsky

CLAUDIA POLSKY
Deputy Attorney General
Attorneys for Department of Toxic Substances Control

ATTACHMENT A

12288476

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FILED
ALAMEDA COUNTY
JUN - 5 2014
By

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* DEBORAH O. RAPHAEL, DIRECTOR, CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL, **Plaintiff,** **v.** **BAYSIDE OIL II, INC.,** **Defendant.**	**Case No. RG14727110** **JUDGMENT PURSUANT TO STIPULATION** (Code of Civil Procedure § 664.6) Trial Date: None Set Action Filed: May 29, 2014

Good cause appearing herein, the Court finds that the settlement between the Plaintiff, People of the State of California *ex rel.* Deborah O. Raphael, Director, California Department of Toxic Substances Control, and Defendant Bayside Oil II, Inc., is fair and in the public interest. Accordingly, the Stipulation for Settlement and Entry of Judgment entered into by Plaintiff and Defendant, a true and correct copy of which is attached hereto as Exhibit A, is approved, and the Judgment Pursuant to Stipulation is entered as provided therein.

IT IS SO ORDERED.

Dated: JUN 05 2014, 2014

original signed by Evelio M. Grillo
Judge of the Superior Court

EVELIO M. GRILLO

A

EXHIBIT A

ATTACHMENT A

[See appended **STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGMENT**]

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Attorney General's Office
Copy

ENDORSED
FILED
ALAMEDA COUNTY
MAY 30 2014
CLERK OF THE SUPERIOR COURT
By Lynette M. Irvin, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* DEBORAH O. RAPHAEL, DIRECTOR, CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL, **Plaintiff,** **v.** **BAYSIDE OIL II, INC.,** **Defendant.**	**Case No. RG14727110** **STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGMENT** (Code of Civil Procedure § 664.6) Trial Date: None Set Action Filed: May 29, 2014

Plaintiff, People of the State of California ex rel. Deborah O. Raphael, Director, Department of Toxic Substances Control ("DTSC") and Defendant Bayside Oil II, a California corporation ("BOI") (collectively, "the Parties") enter into this Stipulation for Settlement and Entry of Judgment ("Stipulation"), and stipulate as follows:

1. THE COMPLAINT.

On May 29, 2014, DTSC filed a Complaint for Civil Penalties and Injunctive Relief pursuant to the California Hazardous Waste Control Law, Health and Safety Code section 25100 et seq. ("HWCL") and its implementing regulations against BOI as the operator of a hazardous

waste storage and transfer facility at 210 Encinal Street in Santa Cruz, California ("the Encinal Street Facility") that is licensed to accept specific types of hazardous wastes generated off-site: used oil, oily water, and antifreeze.

2. AGREEMENT TO SETTLE DISPUTE.

The Parties enter into this Stipulation pursuant to a compromise and settlement of disputed claims by mutually consenting to the entry by the Superior Court of the County of Alameda (the "Court") of the Judgment Pursuant to Stipulation in the form attached as Exhibit 1 ("Judgment"). The Parties are each represented by counsel. DTSC is represented by the Office of the Attorney General, and BOI is represented by Paul Hastings LLP. This Stipulation and the Judgment were negotiated and executed in good faith and at arms' length by DTSC and BOI to avoid expensive and protracted litigation regarding the alleged violations of the HWCL, its implementing regulations, and the terms of BOI's hazardous waste facility permit, and to further the public interest. BOI admits to the facts underlying the violations described in the Inspection Reports transmitted by DTSC via correspondence dated April 8, 2010 (regarding a October 27, 2009 facility inspection) and November 2, 2010 (regarding a June 8, 2010 facility inspection), and to the Summaries of Violations dated October 27, 2009 and June 8, 2010, copies of which are provided as Attachment A and B hereto, but does not admit that these constitute violations of law. The Parties both request entry of judgment on the terms set forth in this Stipulation. The Parties agree that there has been no adjudication of any fact or law.

3. JURISDICTION AND VENUE.

The Parties agree that this Court has subject matter jurisdiction over the matters alleged in the Complaint. Defendant BOI consents to personal jurisdiction by this Court and acknowledges that venue in this Court is proper pursuant to Health and Safety Code section 25183.

4. WAIVER OF TRIAL AND ENTRY OF JUDGMENT.

By signing and entering into this Stipulation, BOI waives its right to a trial on matters alleged in the Complaint. Further, the Parties each request entry of the Judgment on the terms set forth in this Stipulation.

5. APPLICABILITY.

The provisions of this Stipulation and the Judgment shall apply to and be binding on BOI, its subsidiaries and divisions, its parent companies, its officers and directors, its successors and assignees or other entities, acting by, through, under, or on behalf of BOI; and (2) the DTSC and any successor agency of the DTSC that may have responsibility for and jurisdiction over the subject matter of this Stipulation and the Judgment.

6. DEFINITIONS.

Except where otherwise expressly defined in this Stipulation, all terms shall be interpreted consistent with Chapters 6.5 and 6.95 of Division 20 of the California Health and Safety Code and the regulations promulgated under these chapters.

"Certified Unified Program Agency," or "CUPA," is an agency certified by the California Environmental Protection Agency pursuant to the requirements of Chapter 6.11 of the California Health and Safety Code, and Title 27 of the California Code of Regulations, to implement certain State environmental programs within the agencies' jurisdiction.

"Encinal Street Facility" means the hazardous waste transport and storage facility located at 210 Encinal Street in Santa Cruz, California, where hazardous waste is generated and managed by BOI.

"Hazardous waste" shall have the definition set forth in California Health and Safety Code section 25117.

The "Hazardous Waste Control Law" and "HWCL" refer to Chapter 6.5 of Division 20 of the California Health and Safety Code, section 25100 et seq., and its implementing regulations, California Code of Regulations, Title 22, Chapter 10, section 66260.1 et seq.

"Hazardous waste management" shall have the definition set forth in California Health and Safety Code section 25117.2.

7. MONETARY SETTLEMENT REQUIREMENTS.

A. Judgment shall be entered in this matter for a civil penalty in the amount of one hundred thirty-three thousand, six hundred forty dollars ($133,640), which DTSC has determined to be the appropriate penalty for the violations alleged in its Complaint. However, BOI has

represented under penalty of perjury, and also certifies by signing below, that it does not have the financial resources to pay the full penalty determined by the DTSC for the violations alleged, and has provided the DTSC with financial documentation in support of this representation. Accordingly, in reliance on these representations and certifications by BOI, and in settlement of this matter, the Parties agree that seventy-five thousand, six hundred forty dollars ($75,640) of the total penalty amount shall be waived if BOI timely pays all civil penalties in accordance with Section 7B below. Nothing in the foregoing is intended to, or shall, eliminate BOI's obligation to comply with Chapter 6.5 of Division 20 of the California Health and Safety Code, section 25100 et seq. and the implementing regulations, California Code of Regulations, Title 22, Chapter 10, section 66260.1 et seq., or any other applicable law.

B. BOI shall pay civil penalties of sixty thousand dollars ($60,000) to DTSC according to the following schedule:

Payment Amount	Due
$10,000	June 30, 2014
$10,000	July 31, 2014
$10,000	August 31, 2014
$10,000	November 30, 2014
$10,000	March 31, 2015
$10,000	June 30, 2015

C. In the event that any agreement to sell or transfer stock or assets of BOI is made (other than assets sold in the ordinary course of business and the proceeds of which sale(s) are fully reinvested in BOI), BOI must notify DTSC of the existence of such an agreement within 10 days of the execution of such an agreement by any party to the agreement. Further, any such sale or transfer shall have the effect of accelerating the payment schedule indicated in Section 7B above, such that all amounts still owing to DTSC must be paid in full with 10 days of any asset sale or transfer. No sale or transfer of stock or assets of BOI may eliminate or modify Bayside's obligations under the Judgment, except as provided herein.

D. If, during the five-year period following entry of this Stipulation, DTSC

determines that BOI has one or more violations of the types itemized below, and BOI fails to cure these within 10 days of written notification by DTSC, BOI agrees that it will not contest that any of the newly alleged violations are subject to penalty enhancement for repeat violations of those violations listed in the Complaint filed on May 29, 2014:

- Failure to prepare a written hazardous waste tank system assessment certified by an independent, qualified, professional engineer registered in California;
- Failure to reassess hazardous waste tank systems as required by regulations;
- Failure to prepare a written waste analysis plan and maintain waste analysis records for all hazardous wastes accepted onsite;
- Failure to train adequately those employees who manage hazardous wastes, and to maintain employee training records;
- Failure to maintain financial assurance adequate to cover the complete cost of closure of the Encinal Street Facility pursuant to California Code of Regulations, title 22, section 66264.143;
- Failure to conduct and/or document adequately required inspections of tanks and ancillary equipment and containment;
- Acceptance of waste streams unauthorized by permit;
- Holding waste in excess of the 10-day transfer facility exemption without promptly informing DTSC of the presence of exceptional circumstances necessitating this exceedence;
- Unauthorized treatment, storage, or disposal of hazardous waste;
- Failure to maintain "Waste In and Out of Facility" operating records that accurately track all waste manifests; and
- Any Class I violation similar to those identified in the inspection reports described in Section 2, above.

Nothing herein is intended or shall be construed to limit DTSC's authority to seek penalties for such violations.

E. All payments by BOI to DTSC pursuant to this Stipulation and the Judgment shall

be made by cashier's check, payable to the California Department of Toxic Substances Control, and shall bear the following notation: "Bayside Oil (civil court docket # RG14727110)" and shall be sent to:

Cashier
Accounting Office, MS-21A
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

An electronic (*i.e.,* Adobe PDF) copy or paper photocopy of all checks and payments made pursuant to the Judgment shall be sent, at the same time, to:

Maria Soria, Chief
Berkeley Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710
Maria.Soria@dtsc.ca.gov

Richard Sherwood, Assistant Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street
P.O. Box 806
Sacramento, CA 958124
Richard.Sherwood@dtsc.ca.gov

and to:

Claudia Polsky
Deputy Attorney General
Attorney General's Office
1515 Clay Street, 20th Floor
Oakland, CA 94612
Claudia.Polsky@doj.ca.gov

8. DEFAULT OF TERMS OF STIPULATION BY BOI.

A. If DTSC determines that BOI has defaulted under the terms of this Stipulation or the terms of the Judgment, DTSC will provide BOI with written notice of the default. Such written notice constitutes BOI's notice of its reasonable opportunity to cure the default on the terms required by DTSC. If BOI fails to cure the default within ten calendar days of the date of the notice, DTSC may proceed to pursue all its rights and remedies to enforce the Judgment, and further may accelerate the payment schedule in Section 7B to require any and all unpaid penalty

installments to be paid immediately. Notwithstanding the foregoing, nothing herein is intended, or shall be construed, to preclude DTSC from initiating an enforcement action against BOI for any violations of the HWCL not alleged in the Complaint by DTSC against BOI, or from assessing penalties for such violations.

9. NOTICE.

A. All submissions and notices required by this Stipulation and the Judgment shall be in writing, and shall be sent to:

For DTSC:

Maria Soria, Chief
Berkeley Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710
Maria.Soria@dtsc.ca.gov

Richard Sherwood, Assistant Chief Counsel
Office of Legal Counsel,
Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95814
Richard.Sherwood@dtsc.ca.gov

and to:

Claudia Polsky
Deputy Attorney General
Attorney General's Office
1515 Clay Street, 20th Floor
Oakland, CA 94612
Claudia.Polsky@doj.ca.gov

For BOI:

Kim Glenn, President
Bayside Oil II, Inc.
210 Encinal St.
Santa Cruz, CA 95060-2113

Peter Weiner
Paul Hastings LLP
55 Second St., 24th fl.
San Francisco, CA 94105

All approvals and decisions regarding any matter requiring approvals or decisions under the terms of this Stipulation and the Judgment shall be communicated in writing. Each Party may

change its respective representative(s) for purposes of notice by providing the name and address of the new representative, in writing, to all Parties. Any such change will take effect within 7 calendar days of the date of the written notice.

10. AUTHORITY TO ENTER STIPULATION.

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

11. NO WAIVER OF RIGHT TO ENFORCE.

The failure of DTSC to enforce any provision of the Stipulation or Judgment shall neither be deemed a waiver of such provision, nor in any way affect the validity of the Judgment or DTSC's enforcement authority. The failure of DTSC to enforce any such provision of this Stipulation or the Judgment shall not preclude it from later enforcing the same or other provisions. No oral advice, guidance, suggestions, or comments by employees or officials of DTSC, or people or entities acting on behalf of BOI, regarding matters covered in this Stipulation or the Judgment, shall be construed to relieve BOI of its obligations under this Stipulation or the Judgment.

12. APPLICATION OF CONSENT JUDGMENT.

Both this Stipulation and the Judgment shall apply to and be binding on the Parties, and upon their successors and assigns.

13. EFFECT OF STIPULATION AND JUDGMENT.

Except as expressly provided in this Stipulation or in the Judgment, nothing herein is intended, nor shall it be construed, to preclude DTSC, or any state, county, or local agency, department, board, or entity, or any CUPA, from exercising its authority under any law, statute, or regulation.

14. NO DTSC LIABILITY.

DTSC shall not be liable for any injury or damage to persons or property resulting from acts or omissions by BOI, its officers, directors, employees, agents, representatives, or contractors, in carrying out activities pursuant to this Stipulation or the Judgment, nor shall

DTSC be held as a party to or guarantor of any contract entered into by BOI, its officers, directors, employees, agents, representatives, or contractors, in carrying out the requirements of this Stipulation or the Judgment.

15. INTEGRATION.

This Stipulation and the Judgment constitute the entire agreement between the Parties, and may not be amended or supplemented except as provided for in this Stipulation or in the Judgment. No oral representations have been made or relied on other than as expressly set forth herein.

16. RETENTION OF JURISDICTION.

The Parties agree that the Court has continuing jurisdiction to interpret and enforce the provisions of this Stipulation and the Judgment.

17. EQUAL AUTHORSHIP.

This Stipulation and the Judgment shall be deemed to have been drafted equally by all Parties hereto. The Parties agree that the rule of construction holding that ambiguity is construed against the drafting party shall not apply to the interpretation of this Stipulation or the Judgment.

18. AMENDMENTS TO THIS STIPULATION AND THE JUDGMENT.

This Stipulation and the Judgment may only be amended pursuant to a written agreement signed by all the Parties, followed by written approval by the Court.

19. COUNTERPARTS.

This Stipulation may be executed in several counterpart originals, all of which taken together shall constitute an integrated document.

20. ENTRY OF JUDGMENT PURSUANT TO STIPULATION.

The Parties further stipulate that upon approval of this Stipulation by the Court, the Court shall enter the Judgment in this matter in the form set forth in Attachment C. The effective date of this Stipulation is the date this Stipulation is filed with the Court. The effective date of the Judgment is the date the Judgment is entered by the Court. If the Court does not approve this Stipulation and the Judgment in the form and substance proposed in Attachment C hereto, each party reserves the right to withdraw both the Stipulation and the Judgment upon written

notice to all Parties and the Court.

IT IS SO STIPULATED.

Dated: May 29, 2014

For the Department of Toxic Substances Control

Original signed by Maria Soria

Maria Soria, Chief
Berkeley Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control

Dated: May 29, 2014

For Bayside Oil II, Inc.:

Original signed by Kim Glenn

Kim Glenn, President
Bayside Oil II, Inc.

Approved as to form:

Kamala D. Harris
Attorney General of California
Susan Fiering
Supervising Deputy Attorney General

Original signed by Claudia Polsky

Dated: May 29, 2014

Claudia Polsky
Deputy Attorney General
Attorneys for Department of Toxic Substances Control

Paul Hastings, LLP

Original signed by Peter Weiner

Dated: May 29, 2014

Peter Weiner
Attorney for Bayside Oil II, Inc.

ATTACHMENT A

2009 INSPECTION REPORT

INSPECTION REPORT

I. GENERAL INFORMATION

Facility Name: Bayside Oil Inc.

Facility Address: 210 Encinal Street
Santa Cruz, California 95060

Telephone Number: (530) 795-4337

ID Number: CAD 088838222

Facility Type: Standardized Permit

Regulated units: Bayside Oil is a used oil, oily water and used antifreeze storage and transfer facility. Containment area 1 has six tanks, four are regulated by this Permit; Tank 1, Tank 2, and Tank 4 for used oil and Tank 3 for oily water. Containment area 2 has Tank 7, a used antifreeze tank. Containment area 3 has Tank 9 a used oil tank. Bayside Oil also has a raised loading dock used for transfer station hazardous waste.

Regulatory Status: Permit expired December 22, 2007. Bayside Oil Inc. submitted a renewal application on April 5, 2007. Bayside Oil is currently operating under the expired permit.

Owner/Operator: Kim Glenn

Facility Representatives: Kim Glenn, Owner
Larisha Garcia, Office Worker

Type of Inspection: Standardized Permit Inspection of Used Oil Facility and Transporter Inspection

Inspected by: Leo Valdez, Department of Toxic Substances Control (DTSC) Hazardous Substances Scientist

Christie Bautista, DTSC, Hazardous Substances Scientist

Date of Inspection: October 27, 2009

II. Consent

Consent to conduct an inspection of the hazardous waste handling operations at Bayside Oil, to review and copy documents and take photographs was given by Kim Glenn , Owner, on October 27, 2009.

III. Background

Bayside Oil, Inc. is a standardized permit facility located in Santa Cruz. The original permit was issued on December 22, 1997. A new permit is currently being worked on, but has not been issued as of this report. A previous inspection by Beatris Karaoglanyan of the Chatsworth office was done on 11/15/2005 and class I violations were found for failure to submit an annual report, failure to complete a separate manifest for each vehicle driver for each date, accepting unauthorized hazardous waste (solvent, diesel, brake fluid and other waste from the local community) and accepting hazardous waste with halogen levels above 1000 ppm. Minor violations were: failure to store lead acid batteries with the date they were received and failure to provide current annual training records for all facility personnel. On 11/8/2006 an inspection was again conducted by DTSC and no violations were cited.

IV. Documents Reviewed

a. Annual Report:

The latest RCRA annual report was asked for and received listed as attachment 1.

b. Manifests, Bills of Lading, LDR's and Exception Reports:

Manifests for 2009, were reviewed prior to the inspection. Christie Bautista reviewed manifests for the year of 2009 during the site visit. She did spot checking to make sure that they were filled out properly. No violations were found for this part of the manifest review. I showed Ms. Glenn a list of manifests that I thought Bayside may have held waste for more than 10 days as part of the California Code of Regulations, title 22, section 66263.18 exemption for being a registered hauler. I went through the list with Ms. Glenn and found several manifests that were over the 10 day limit that had been held onsite at Bayside Oil, see attachment 4. I told Ms. Glenn that I would need to go back to the office to make sure I had the right manifests cited and the number of days that they were overdue. The tables below include manifests that were mentioned in the Summary of Violations. These manifests are numbers 1 through 5 on the year 2009. The other two manifests for 2009, and the 20 manifests for calendar year 2008, are included in attachment 8.

Year 2009	Manifest	Bayside Oil pick up date	Transporter 2 pick up date	In excess of 10 days
1	000821456GBF	03/19/09	03/31/09	1
2	000821535GBF	04/17/09	04/28/09	1
3	000821599GBF	05/13/09	05/26/09	3
4	000821640GBF	05/29/09	06/10/09	2
5	000821706GBF	06/23/09	07/8/09	5
6	000821874 GBF	08/19/09	09/1/09	1
7	000821880GBF	08/21/09	09/1/09	1

Year 2008	Manifest	Bayside Oil pick up date	Transporter 2 pick up date	In excess of 10 days
1	000253525GBF	01/22/08	02/06/08	5
2	000253558GBF	02/08/08	02/19/08	1
3	000253540GBF	02/06/08	02/19/08	1
4	000253541GBF	02/06/08	02/19/08	1

5	000253565GBF	02/13/08	02/27/08	2
6	000253566GBF	02/13/08	02/27/08	2
7	000253567GBF	02/13/08	02/27/08	2
8	000253575GBF	02/15/08	02/27/08	2
9	000253744GBF	04/10/08	04/24/08	3
10	000356341GBF	08/08/08	08/19/08	1
11	000356339GBF	08/07/08	08/19/08	1
12	000356340GBF	08/08/08	08/19/08	1
13	000821595GBF	08/08/08	05/22/09	287
14	000356399GBF	08/28/08	09/09/08	1
15	000356321GBF	08/28/08	09/09/08	1
16	000356539GBF	10/21/08	11/03/08	3
17	000356561GBF	10/23/08	11/03/08	1
18	000356551GBF	10/23/08	11/03/08	1
19	000356590GBF	11/07/08	11/18/08	1
20	000356688GBF	12/22/08	01/05/09	3

After the inspection when reviewing manifests I became aware that Bayside Oil had been accepting hazardous waste with waste codes that were not allowed on the permit. Hazardous waste code 135 is unspecified aqueous solution, and hazardous waste code 223 is unspecified oil containing waste. A table for 2008 and 2009 showing the manifests with waste codes that are not authorized in Bayside Oil's Permit, is listed on attachment 9. Approximately 320 manifests were received with waste codes 135 and 223 in 2008, while approximately 297 manifests were received with these same waste codes in 2009. Also on 16 occasions in 2008 and 8 occasions in 2009 for the above mentioned manifest the Hazardous Waste Report Management Method Codes (item 19) on the manifest was not present, see attachment 10.

c. Training Records:

I asked Ms. Glenn if her employees had annual refresher, she told me that she conducts training on a continuous basis with her employees but that she does not document it. The

last documented training was for July of 2008 and is listed as attachment 2. This training document mentions manifest training, but does not include other refresher training as required in Title 22, California Code of Regulations, section 66264.16 (a). This section includes emergency procedure training, contingency plan implementation and hazardous waste management implementation such as inspection procedures and permit conditions. This training ensures that employees will be prepared for any emergency that may arise at the facility. On November 25, 2009, Ms. Glenn emailed me an updated training record. When I called her to discuss the inadequacy of the annual review training, Ms. Glenn told me she did not have a training plan.

d. Registration and Insurance for Transportation of Hazardous Waste:

I requested and reviewed the current insurance and registration for Bayside Oil's transportation of hazardous waste, see attachment 3. No violations were noted.

e. Financial Assurance:

I requested financial assurance documents from Ms. Glenn and was given a 2008 update to the closure costs and a statement about CD's that were in deposit at a bank. When I questioned Ms. Glenn about the adequacy of these documents she said that this is what she had, see attachment 5. On January 28, 2010, DTSC sent a letter to Bayside Oil citing four violations of closure costs, with a timeframe for submittal, see attachment 6.

V. Narrative of Observations

On the morning of October 27, 2009, Christie Bautista and I arrived at 210 Encinal Street, California to conduct a Standardized Permit inspection of Bayside Oil. I was greeted by Ms. Kim Glenn at the office. I talked with Ms. Glenn in the office and asked her for consent to conduct an inspection; she gave me consent to conduct an inspection which included touring the facility and requesting and copying records. I asked Ms. Glenn if she has had any incidents that called for the implementation of her contingency plan since the last DTSC inspection, and she told me that they have not had any incidents. Ms. Glenn and

her daughter Larisha Garcia helped us with gathering the manifests and other documents for this inspection.

I asked Ms. Glenn to take us on a tour of the facility. She took us to the main tank farm that contained tanks number 1 through 7; these tanks are used for oil, oil water, and antifreeze storage. Ms. Glenn explained to us how the drivers hook up to the valves and pump the oil or antifreeze to the different holding tanks, I asked Ms. Glenn if Bayside Oil has had any spills while drivers were pumping from truck to tank. She said that they have had minor spills that have been cleaned up with rags, but nothing involving a great volume. There was a secondary containment vault surrounding tanks 1 through 6 and a vault wall separating tank 7, the antifreeze tank from the other six tanks. We walked by the battery storage area and saw that each section of batteries had a start accumulation date attached. We next walked by tank 9 and the used oil tank that had secondary containment surrounding them. Up the steps we walked by the filter press crusher and noticed some drums that contained filters in them, also approximately 15 to 20 empty drums were in this area. Ms. Glen informed me that she no longer takes hazardous waste not authorized in her permit from local businesses that she was cited for in a previous inspection by DTSC. Ms. Glenn mentioned that she was trying to get her permit renewed because she wanted to add a new storage tank to the permit.

V. Violations

Summary of Violations issued. See attachment 11.

Summary of Violations dated 10/27/09 is revised as follows:

1. Bayside Oil, Inc. as a registered transporter, violated Health and Safety Code (HSC) section 25201 (a) and title 22, California Code of Regulations (CCR) section 66263.18 (b) (1), in that between 2/2/08 and 9/1/09, hazardous waste was stored at 210 Encinal Street, Santa Cruz for in excess of 10 days without a permit or authorization. See table in Section IV for the list of manifests and the days in excess of 10.

Corrective action: Bayside Oil shall transport hazardous waste collected under the transfer facility exemption within the 10 days allowed in accordance with title 22, California Code of Regulations, section 66263.18 or apply for a hazardous facility permit to operate as a permitted transfer facility.

2. Bayside Oil, Inc. violated HSC 25202 (a), Hazardous Waste Facility Permit (HWFP), Part I, Paragraph 6 c, and title 22, CCR section 66264.16 (c), in that Bayside Oil, Inc. had incomplete annual review training. Bayside Oil, Inc. failed to provide documentation that annual review such as the terms and conditions of the facility's hazardous waste permit, including but not limited to acceptable waste codes, contingency plan content and implementation, and inspection procedures and documentation were given.

   Corrective action: Within 30 days of this report Bayside Oil shall submit annual training, given in accordance with the regulatory standards.

   The following Violations were found during the recent review conducted after the issuance of the Summary of Violations:

3. Bayside Oil Inc. violated HSC 25202 (a), HWFP, Part II, paragraph 13, and title 22, CCR section 66264.16 (a), in that Bayside Oil has no training plan. This is based on Ms. Glenn's statement that they don't have a training plan.

   Corrective action: Within 30 days of this report Bayside Oil shall submit a training plan developed in accordance with the regulatory standards.

4. Bayside Oil, Inc. violated HSC 25202 (a), and the HWFP, Part II, paragraphs 16 and 20 in that Bayside Oil accepted hazardous waste codes 135 and 223, which are not listed as hazardous waste codes that can be accepted on the permit. On 316 occasions during 2008 and 296 occasions during 2009, Bayside Oil accepted hazardous waste code 135. On 4 occasions during 2008 and 1 occasion during 2009, Bayside Oil accepted hazardous waste code 223.

Corrective Action: Bayside Oil shall operate in accordance with their facility permit and shall cease acceptance of California waste codes 135 and 223 until such time as Bayside receives approval either through a permit modification or a permit renewal to accept these waste codes.

5. Bayside Oil violated HSC 25202 (a), title 22, CCR section 66264.70 (b) and HWFP, Part I, paragraph 6 (c) in that on or about and between February 5, 2008 and July 17, 2009, Bayside Oil failed to record the handling code(s) on uniform hazardous waste manifest shipments received. No handling codes were recorded for hazardous waste shipments received. No handling codes were recorded on 6 manifests in 2009 and 16 manifests in 2008.

   Corrective Action: Effective immediately, Bayside Oil shall complete uniform hazardous waste manifest as specified in EPA Forms 8700-22 and 8700-22A and their instructions and shall record the appropriate handling codes in item 19 of the uniform hazardous waste manifest for all hazardous wastes received at the facility. These instructions can be found in the Appendix to Article 12 of title 22, California Code of Regulations and in the March 5, 2005 Federal Register, Volume 70, No. 42, pages 10776 – 10825, with specific instructions for completing uniform hazardous waste manifests on pages 10818 – 10820.

VII. Sampling Activities

No sampling was conducted during this inspection.

VIII. Discussion with Operator

I told Ms. Glenn that she needed to make sure that hazardous waste that is transported using the transporter exemption is transported within the 10 days allowed by regulation. I also told Ms. Glenn that she needed to document that she trains her employees every year in management of hazardous waste. I also said that I would have to work on the Summary

of Violations to make sure I had the correct manifests identified, and that I would send the Summary of Violations to her for her signature. A signed copy dated November 19, 2009 is attachment 11.

IX. Continuing issues

On December 2, 2009, Patti Barni and I discussed permitting issues with Alejandro Galdamez of the permitting unit. One issue involves a requirement that Bayside Oil provide secondary containment to the loading dock area within 24 months of the permit. This was never done at Bayside Oil. Bayside Oil was also required to provide lateral restraint equipment to Tanks, 1, 2, 3, 4, and 7, within time limitations set forth in the permit. At this time Alejandro Galdamez, the permit writer is not sure if the engineering certifications have been completed. The used oil filter crushing unit and the lead acid battery unit were also discussed and were found to be exempt as listed in the permit. A follow up inspection is planned for Bayside Oil to inquire about the above mentioned items, and also the operating record including the logs for tanks, training plan, contingency plan, waste analysis plan, and tank certifications were not reviewed, but will be reviewed during a follow-up inspection.

X. Attachments

1. Annual Report

2. Training records for employees

3. Registration and insurance coverage for Bayside Oil

4. Manifests over 10 days in storage

5. Financial Assurance documents

6 Financial Responsibility letter

7 Refresher Training

8. Additional manifests over 10 days in storage

9. Table for 2008 and 2009 showing manifests of hazardous waste codes not authorized by the permit.

10. List of Manifests without Hazardous Waste Report Management Method Codes

11. Summary of Violations

Leo Valdez, Hazardous Substances Scientist
Inspector

Original signed by Leo Valdez

Inspector

4/7/10

Date

2010 INSPECTION REPORT

INSPECTION REPORT

I. GENERAL INFORMATION

Facility Name: Bayside Oil Inc.

Facility Address: 210 Encinal Street
Santa Cruz, California 95060

Telephone Number: (530) 795-4337

ID Number: CAD 088838222

Facility Type: Standardized Permit

Regulated units: Bayside Oil is a used oil, oily water and used antifreeze storage and transfer facility. Containment area 1 has six tanks, four are regulated by this Permit; Tank 1, Tank 2, and Tank 4 for used oil and Tank 3 for oily water. Containment area 2 has Tank 7, a used antifreeze tank. Containment area 3 has Tank 9 a used oil tank. Bayside Oil also has a raised loading dock used for transfer station hazardous waste.

Regulatory Status: Permit expired December 22, 2007. Bayside Oil Inc. submitted a renewal application on April 5, 2007. Bayside Oil is currently operating under the expired permit.

Owner/Operator: Kim Glenn

Facility Representatives: Kim Glenn, Owner
Larisha Garcia, Office Worker

Type of Inspection: Standardized Permit Inspection of Used Oil Facility and Transporter Inspection

Inspected by:	Leo Valdez, Department of Toxic Substances Control (DTSC) Hazardous Substances Scientist
Present from Permitting:	Alfred Wong, DTSC, Senior Hazardous Substances Engineer
Date of Inspection:	June 8, 2010

II. Consent

Consent to conduct an inspection of the hazardous waste handling operations at Bayside Oil, to review and copy documents and take photographs was given by Kim Glenn , Owner, on June 8, 2010. This is a follow up inspection to the inspection conducted on October 27, 2009.

III. Background

Bayside Oil, Inc. is a standardized permit facility located in Santa Cruz. The original permit was issued on December 22, 1997. A new permit is currently being worked on, but has not been issued as of this report. An inspection was done by me on October 27, 2009; Christie Bautista of the Chatsworth office was present during that inspection. Violations cited include holding hazardous waste for more than 10 days as a registered transporter without a permit, incomplete documentation of annual refresher training for employees, no training plan, and accepting hazardous waste codes not authorized in the permit. A previous inspection by Beatris Karaoglanyan of the Chatsworth office was done on 11/15/2005 and class I violations were found for failure to submit an annual report, failure to complete a separate manifest for each vehicle driver for each date, accepting unauthorized hazardous waste (solvent, diesel, brake fluid and other waste from the local community) and accepting hazardous waste with halogen levels above 1000 ppm. Minor violations were: failure to store lead acid batteries with the date they were received and failure to provide current annual training records for all facility personnel. Bayside Oil entered in Consent Order docket number 2006 1106 signed on August 31, 2006 to resolve violations found during the 2005 inspection. On 11/8/2006 an inspection was again conducted by DTSC and no violations were cited.

IV. Documents Reviewed

1. Annual Report:

Reviewed during the last inspection and no violations cited.

2. Contingency Plan:

The Contingency Plan was reviewed during this inspection. Bayside Oil is using the Spill Prevention Control and Countermeasure Plan (SPCC) to fulfill requirements of the Contingency Plan. The plan does not contain information on what types of emergencies would start an evacuation and what type of signals to use. No evacuation route was noted in the new contingency plan. A copy of a map from the old plan did have evacuation routes. A copy of a map with evacuation routes in the old plan is found in attachment 6, along with a copy of the new map with truck routes out of the facility, but not evacuation routes. See Section V, violation 9.

b. Manifests, Bills of Lading, LDR's and Exception Reports:

Manifests were reviewed during the previous inspection in October 2009, and violations were cited for holding hazardous waste for over 10 days as a transporter and accepting hazardous waste codes that were not authorized in the permit were cited. During this inspection, I wanted to make sure that these codes were no longer being accepted. I asked for manifest for the month of May 2010 that showed that codes 135 and 223 were no longer being accepted.

c. Training Records:

In the October, 2009 compliance evaluation report, the adequacy of training records was evaluated and was deemed deficient. At that time, Bayside Oil was cited for inadequate training records. During discussions with Bayside Oil and while the report was being

written, Bayside Oil informed DTSC that they did not have a training plan. Subsequent to the issuance of the inspection report which included a citation for the lack of a training plan, Bayside Oil developed a training plan. This plan was provided during this inspection. I conducted a cursory review of the training plan during the site visit. I discussed my preliminary findings with Ms. Glenn and told her she needed to update her training plan. See attachment 1.

The training plan provided does not meet the requirements contained in Title 22 section 66264.16. A review of Bayside Oil's Training Plan identified certain key terms under the category of Hazmat and Facility, but Section VII, entitled "Safety Rules, Policies, and Procedures" did not include sufficient information to evaluate the adequacy of the plan compared to the requirements of Title 22. Training Plan, Section III, entitled "Safety and Health Training," discussed job specific training and periodic re-training of employees, however, the section did not satisfy the requirement of Title 22 in that it failed to identify what the initial training is and that it would be reviewed annually. In the October, 2009 Bayside Oil inspection report, Bayside Oil was cited for failure to have a training plan. That violation has not been adequately corrected and is a continuing violation.

To assist Bayside Oil in the development of a training plan that satisfies the regulations identified in title 22, a copy of a guidance document entitled, "Personnel Training" is being provided. See attachment 9. This document was originally developed for companies operating under a different permitting scheme than Bayside Oil. The regulations referenced are different from those that Bayside Oil is required to comply with as a standardized permit facility (title 22, section 66265.16 versus title 22, section 66264.16), but the content of the two sets of regulations is identical. The information starting on page 2 of this document can provide Bayside Oil with sufficient information to develop a training plan and associated records.

Ms. Glenn responded to the Summary of Violations for the inspection conducted on October 27, 2009 in a letter addressed to the Department on May 6, 2010. In this letter she mentions that employees are trained on a continuous basis and that all employees receive training regardless of the job or position they hold. Ms. Glenn said to see the attached employee training provided to Mr. Valdez on 11/25/09 via email. The employee training

that she gave me is shown in attachment 7. This document states that training was given on manifesting, customer service and company appearance, and still does not fulfill the requirements of refresher training in title 22, California Code of Regulations. In response to the May 6, 2010 correspondence, DTSC sent Bayside Oil a letter dated June 8, 2010 in which DTSC asked for further documentation of annual review of initial training provided. See attachment 10. As of the date of this report, that documentation has not been provided. The violation cited in the October, 2009 inspection report has not been adequately corrected and is a continuing violation. See Section V. Violation 2 and 3.

d. Registration and Insurance for Transportation of Hazardous Waste:

Current insurance and registration for Bayside Oil's transportation of hazardous waste were reviewed during the inspection conducted in October. No violations were noted. Compliance with consolidated transporter regulations was not assessed during this inspection. See attachment 14 for consolidated transporter fact sheet, TQR consolidated manifest procedure and consolidated manifesting fact sheet.

e. Financial Assurance:

Financial assurance for closure has been reviewed by the analyst in Chatsworth Office and violations have been cited in a report issued January 28, 2010, with follow-up correspondence from DTSC dated May 18, 2010. See attachment 2.

f. Tank Certifications:

Tank certification documentation was asked for during this inspection and Ms. Glenn showed me a Spill Prevention Control and Countermeasure Plan (SPCC Plan). This was a certification for tanks that was done according to the SPCC Plan. I told Ms. Glenn that this document being used to satisfy title 22 tank certification requirements was not familiar to me. Ms. Glenn told me that this type of plan had been approved by the Department during the initial certification for Bayside Oil. Mr. Wong said that he would need to check if the SPCC Plan had been approved of by the Department prior to the permit being issued. Mr. Wong made a phone call back to the office to verify that DTSC had a copy of the current

SPCC Plan Tank Certification and he found out that a copy had been submitted. Ms. Glenn did not want to give us a copy of the SPCC Plan since she said we already had a copy that was given to Alejandro Gamez of DTSC. A copy of the SPCC Plan dated 2/9/07 for tank certifications submitted to Permit staff for review with Bayside Oil's permit renewal application is attached as attachment 3.

When I went back to the office I reviewed the documents in the initial application. Bayside Oil has two certifications for tanks in the application. A SPCC Plan certification for tanks was done on 3/4/97 and a tank certification done to title 22 tank standards completed on 4/8/97. The permit was issued on December 22. 1997. The tank certifications are currently under review.

g. Operating Records:

I requested to look at the tank logs for 2010 (Waste In and Out Facility Records). I asked Ms. Glenn why the part per million (ppm) information on Halogen was missing for some of the loads. Ms. Glen told me that it was not required for oil/water (o/w) mixtures or for antifreeze. See attachment 4.

Upon return to the DTSC office, a review of the Waste In and Out of Facility form for the month of March, 2010 was conducted. This form is used by Bayside Oil as a means of tracking incoming and outgoing shipments of manifested wastes. The form identifies the date of receipt, the customer name, manifest number, ppm, H_20 %, the product, the gallons in, gallons out, and which tank the waste was placed into or for outgoing shipments, which tank was emptied. Bayside Oil did not have the type of hazardous waste, the accurate quantity of hazardous waste and location of hazardous waste accepted at the facility for some manifest entries. Manifests for hazardous waste not tracked properly are attached as attachment 13, and are shown in the following table. The column "Recorded volume on Facility Record" contains data that reflects the combined the total volume of hazardous waste from several manifests listed below it on the "Waste in and out of facility" log. For example, manifest 000762931GBF volume on the Bayside Oil form is 1310 gallons. According to the manifest, the actual volume is 650 gallons. The following manifest listed on the Bayside Oil form is 000762932 GBF; the gallon column is blank. The

manifested volume is 650 gallons. The combined total of the two manifests is 1310 gallons.

Table 1:
Operating Record and Waste Analysis Plan Violations based on March, 2010 Waste In and Out of Facility records:

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000762931GBF		yes		yes	650	1310
000762932GBF		yes		yes	660	0
000398668GBF		yes		yes	1180	2950
000398669GBF		yes		yes	1025	0
000398670GBF		yes		yes	745	0
000822351GBF[2]			yes	Yes (record noted as d/o)	65	1415
000822352GBF		yes		yes	1415	0
000907087GBF		yes		yes	370	1410
000907088GBF		yes		yes	355	0
000907089GBF		yes		yes	385	0
000822361GBF			yes	yes	110	215
000822351GBF[3]			yes	yes	65	0
000822356GBF		yes		yes	520	1645[4]
000822358GBF			yes	yes	40	0
000822346GBF		yes		yes	1125	0
000822360GBF	yes			yes	55	530
000822357GBF	yes			yes	475	0
000907091GBF		yes		yes	720	1455
000907090GBF		yes		yes	735	0

[1] Waste Stream information based on manifest information; abbreviations based on Bayside Oil nomenclature.
[2] 000822351GBF is identified as antifreeze on manifest, but facility log has it recorded as D/O.
[3] 000822351GBF is listed two times in the facility record: once as D/O and again as A/F. The manifest identifies the waste stream as antifreeze.
[4] 000822358GBF is antifreeze; appears to have been placed in tank 2 (used oil tank).

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000398666GBF		yes		yes	1845	3060
000398667GBF		yes		yes	1215	0
000907094GBF		yes		yes	1075	1340
000907092GBF		yes		yes	265	0
000822370GBF		yes		yes	625	1336
000822375GBF		yes		yes	711	0
000822378GBF		yes		yes	710	1640
000822374GBF		yes		yes	930	0
000822373GBF				yes		240[5]
000822371GBF			yes	yes	90	0
000822366GBF			yes	yes	75	0
000398663GBF		yes		yes	690	2910
000398664GBF		yes		yes	1485	0
000398665GBF		yes		yes	735	0
000907097GBF		yes		yes	605	1610
000907000GBF		yes		yes	1005	0
000822391GBF			yes	yes	125	256
000822384GBF			yes	yes	75	0
000762935GBF		yes		yes	435	1125
000762936GBF		yes		yes	690	2910[6]
000391973GBF		yes		yes	400	0
000391972GBF		yes		yes	1860	0
000391971GBF		yes		yes	650	0
000822377GBF		yes		yes	365	1500
000822383GBF		yes		yes	85	0
000822400GBF		yes		yes	955	0
000822399GBF		yes		yes	55	0
000822401GBF		yes		yes	1070	1300
000822396GBF		yes		yes	230	0
000822403GBF			yes	yes	100	155
000822397GBF			yes	yes	55	0

[5] Manifest number lined out on record; waste identified on record as AF

[6] Facility record has an arrow pointing to next line entry associated with manifest 000391973GBF for both waste stream and recorded volume.

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
001059118GBF		yes		yes	1140	3175
000398662GBF		yes		yes	2035	0
000907001GBF		yes		yes	705	1435
000907099GBF		yes		yes	490	0
000907098GBF		yes		yes	240	0
000907081GBF			yes	yes	55	160
000907082GBF			yes	yes	105	0
000822394GBF	yes			yes	36	675
000822388GBF	yes			yes	85	0
000822386GBF	yes			yes	110	0
000822404GBF	yes			yes	444	0
000907002GBF		yes		yes	685	775
000907005GBF		yes		yes	90	0
000907003GBF		yes		yes	1065	1340
000907004GBF		yes		yes	275	0
000907084GBF			yes	yes	210	405
000907085GBF			yes	yes	195	0
000822411GBF		yes		yes	1400	1455
000822414GBF		yes		yes	55	0
001059115GBF		yes		yes	1070	2950
001059116GBF		yes		yes	555	0
001059117GBF		yes		yes	1325	0
000907006GBF		yes		yes	970	1500
000907024GBF		yes		yes	530	0
000822419GBF		yes		yes	560	1450
000822424GBF		yes		yes	890	0
000822420GBF		yes		yes	685	1135
000822423GBF		yes		yes	450	0
000822416GBF			yes	yes	30	405
000822421GBF			yes	yes	65	0
000822373GBF			yes	yes	275	0
000907020GBF	yes			yes	65	395
000907021GBF	yes			yes	35	0

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000907018GBF	yes			yes	295	0
000907009GBF			yes	yes	60	165
000907010GBF			yes	yes	105	0
000907026GBF		yes		yes	600	1445
000907027GBF		yes		yes	275	0
000907028GBF		yes		yes	270	0
000907025GBF		yes		yes	300	0
001148473GBF		yes		yes	1320	1915
001148471GBF		yes		yes	355	0
001148472GBF		yes		yes	240	0

The Waste In and Out of Facility forms were evaluated to determine compliance with Bayside Oil's Waste Analysis Plan (WAP). According to Bayside Oil's WAP, Table 5, each truck load received at Bayside Oil will be sampled by a sampling pole. See attachment 11.

Bayside Oil is authorized to receive three waste streams: used oil, used antifreeze, and oily water waste. According to Bayside Oil's WAP, Table 5; only two waste streams are sampled and analyzed: Waste Stream A, which is used oil and Waste Stream B, which is used antifreeze. Waste Stream B requires Bayside Oil to test for pH to identify the percent oil and percent ethylene glycol. Bayside Oil's WAP states that Bayside Oil is required to analyze each truck of manifested antifreeze received at the facility The results of used oil testing are recorded on the Waste In and Waste Out of Facility Form. The testing results of used antifreeze are not. This is a violation of California Code of Regulations title 22, sections 66264.13 (c) and 66264.73 (b) (3). See Section V. Violations, violation 7.

According to the approved Waste Analysis Plan (WAP), Waste Stream A, used oil shall be sampled to determine the percent water and that the halogen levels are below 1000 ppm. The WAP states these constituents shall be analyzed by use of the "water-in-oil" test and chlor-D-tect field kits. Based on Bayside Oil's Waste In and Out of Facility records for March, 2010, the following waste shipments received at the facility did not have testing results recorded to demonstrate that each truck load entering the facility did not have

testing results recorded to demonstrate that each truck load entering the facility was sampled to determine the percent waste and to determine that the halogen levels are below 1000 ppm:

Manifest Number	Used Oil (D or D/O)	PPM Halogens	H_20 %
000762932GBF	yes	no	no
000823355GBF	yes	no	yes
000398669GBF	yes	no	no
000398670GBF	yes	no	no
000822352GBF	yes	no	no
000907088GBF	yes	no	no
000822362GBF	yes	no	no
000907089GBF	yes	no	no
000822346GBF	yes	no	no
000907090GBF	yes	no	no
000398667GBF	yes	no	no
000822347GBF	yes	no	yes
000907092GBF	yes	no	no
000822375GBF	yes	no	no
000822374GBF	yes	no	no
000398664GBF	yes	no	no
000398665GBF	yes	no	no
000907000GBF	yes	no	no
000762936GBF	yes	no	no
000391972GBF	yes	no	no
000391971GBF	yes	no	no
000822383GBF	yes	no	no
000822400GBF	yes	no	no
000822399GBF	yes	no	no
000822396GBF	yes	no	no
000398662GBF	yes	no	no
000822395GBF	yes	no	no

Manifest Number	Used Oil (D or D/O)	PPM Halogens	H_20 %
000907099GBF	yes	no	no
000907098GBF	yes	no	no
000907005GBF	yes	no	no
000907004GBF	yes	no	no
000822414GBF	yes	no	no
001059116GBF	yes	no	no
001059117GBF	yes	no	no
000907024GBF	yes	no	no
000822424GBF	yes	no	no
000822423GBF	yes	no	no
000907027GBF	yes	no	no
000907028GBF	yes	no	no
000907025GBF	yes	no	no
001148471GBF	yes	no	no
001148472GBF	yes	no	no

The failure to test each shipment of used oil received and failure to document the test results are violations of California Code of Regulations, title 22, sections 66264.13 (b) and 66264.73 (b) (3). See Section V. Violations, violation 5.

Bayside Oil is authorized to receive oily water; however, Bayside Oil's WAP does not include any sampling or waste stream profiling when oily water is received at the facility. This is a violation of California Code of Regulations, title 22, section 66264.13 (c). See Section V. Violation 6.

In addition, the testing of used antifreeze for pH does not provide Bayside Oil with information to identify the percent oil or the percent antifreeze in an incoming waste. Within 30 days of receipt of this report Bayside Oil shall submit a proposed permit modification to adjust Bayside Oil's approved WAP to add oily water sampling and analytical procedures, and specifically for used antifreeze, the testing procedures that would accomplish and

obtain information on incoming waste antifreeze waste streams regarding the percent oil and percent antifreeze in each load received.

h. Inspection Logs:

I reviewed inspection logs for 2010 and made copies of the April and May log. See attachment 5. The inspection sheet provided by Bayside Oil does not meet the requirements specified in section 66264.15 and 66264.195.

Based on a review of the inspection sheets provided, Bayside Oil is in violation of California Code of Regulations, section 66264.15 and 66264.195 in that the April and May, 2010 inspection sheets and inspection schedule lack specificity in that each tank and its ancillary equipment are not inspected separately and documented separately; types of problems to be inspected for are not identified, and the log provided is incomplete. The following conditions are noted below based on the forms provided:

a. Plumbing: Valves, In-lines, Out-lines, and Piping are items listed on the inspection sheet, but the inspection sheet does not identify what Bayside Oil is inspecting for or which tank the plumbing is associated with. The schedule is required by regulation to identify what types of problems Bayside Oil might encounter during the inspection.

b. Tanks: Valves, corrosion, tanks ext., no leaks are identified on the inspection sheet, but they are generic line entries and not specific to any particular tank; it also fails it identify what about a valve the individual conducting the inspection is looking at or for. Each permitted tank needs its own separate inspection to occur and to be documented. California Code of Regulations, title 22, sections 66264.15 (b) (5) and 66264.195 requires Bayside Oil to inspect at least once each operating day:
   - the above ground portions of the tank system, if any, to detect corrosion or releases of waste;
   - data gathered from monitoring and leak detection equipment (pressure or temperature gauges, monitoring wells), to ensure the tank system is being operated according to its design;

- the construction materials and the area immediately surround the externally accessible portions of the tank system, including secondary containment system to detect corrosion, erosion, or signs of a release;
- for uncovered tanks, the level of the waste in the tank to ensure compliance with section 66264.194 (b) (3); and
- If applicable, to inspect cathodic protection systems, if present in accordance with section 66264.195 (c) 1-2.

c. Secondary Containment: There are 3 separate secondary containment systems at Bayside Oil, but one line entry on the inspection sheet. Each system needs to be inspected separately and findings documented separately. Key words for this section are no cracks and deterioration. It appears that inspections do not include an evaluation for liquids present in the containment structure.

d. Sumps: There is one line entry for sump on the inspection sheet, but one can not tell if there are multiple sumps on site. Each sump needs to be inspected separately and the findings documented separately.

e. Drip Pans: There is one line entry for drip pans on the inspection sheet, with no identification as to their location. Each drip pan must be inspected separately and findings documented separately.

f. Load/unload: There is one line entry for load/unload on the inspection sheet when approximately 3 loading/unloading areas are identified in Bayside Oil documents. Each area must be inspected separately and findings documented separately. In addition, the inspection sheet identifies pails empty, no debris, but does not identify the need to look for spills, leaks, or staining in the load/unload locations.

g. Safety Equipment: A list of equipment is identified to be inspected on the inspection sheet; however, there is no identification of the number of units of each item (ie. number of hoses, number of brooms, shovels, pounds of absorbent) and what each item is to be inspected for.

h. No daily inspections were conducted on April 27, 28, and 29, 2010.

i. Under secondary containment, there were uncheck boxes associated with cracks on every day for the month of April except for April 26; April 30 is checked, but that appears to have been scratched out. There is a comment that reads: "2 secondary containment leak over drain valve". This may be written to apply to Containment Area #2. Based on the information on the inspection sheet, it appears that other secondary containment areas were not inspected during this time period.

   This same condition regarding a leak in the secondary containment appears to continue in May, from May 1 through 7 and again from May 13 through at least the end of May, 2010. For the month of May, the comment that is identified is clearer in that the following is recorded on the form: "containment #2 leak at discharge valve above valve." However, as previously stated, the other secondary containment structures at Bayside Oil do not appear to have been inspected during this same time period. There is also no documentation that the leak over the drain valve was repaired.

j. There is a notation on the May, 2010 inspection sheet about a hose on tank # 7 needing to be replaced due to a kink. There is no indication that the hose was ever replaced.

k. The tank inspection sheet does not identify the name of the individual conducting the inspection as required by section 66264.15 (d). Initials of the individual are not acceptable.

l. There is no time recorded for the inspection conducted on May 14, 2010. This is a violation of California Code of Regulation, title 22, Sections 66264.15 and 66264.195. See Section v. Violations, violation 4.

To assist Bayside Oil in the development of an inspection schedule and log/inspection sheet that satisfies the regulations identified in title 22, a copy of a guidance document entitled, "Inspection Schedules and Logs" is being provided. See attachment 12. This document was originally developed for companies operating under a different permitting scheme than Bayside Oil. The regulations referenced are different from those that Bayside

Oil is required to comply with as a standardized permit facility (title 22, section 66265.15 – General Inspection Requirements and 66265.195 - Inspections versus title 22, section 66264.15 – General Inspection Requirements and 66264.195 - Inspections), but the content of the regulations is identical. The information starting on page 2 of this document can provide Bayside Oil with sufficient information and guidance to develop an inspection schedule and log/inspection sheet.

V. Narrative of Observations

On the morning of June 8, 2010, Alfred Wong and I arrived at 210 Encinal Street, California to conduct a Standardized Permit inspection of Bayside Oil. I was greeted by Ms. Kim Glenn at the office. I talked with Ms. Glenn in the office and told her that this was a follow up inspection of the one that I had conducted during October of 2009; I told her that I needed to look at some documents that I had not reviewed during my previous inspection. I told her that I would need to request documents, ask her questions, and make copies of documents for my inspection. She said that I had consent to conduct an inspection, but that I would have to make my own copies of any documents that she gave to me to review. I told her that I had brought a copy machine with me for that purpose. I asked Ms. Glenn if I could look at the Training Plan and she brought me a copy to review, the Training Plan is found in Attachment 1. See section IV for further information on the Training Plan. I also requested to see any tank certifications within the last 5 years, since regulations require a new certification every 5 years. See section IV for further information on tank certifications.

I also asked Ms. Glenn for a copy of Bayside Oil's contingency plan and the operating record for the tanks. See section IV for details.

Before Mr. Wong and I left, I asked Ms. Glenn if I could take photos of the tanks, she gave me verbal approval and I took the photos below. There are three areas where trucks transfer hazardous waste at Bayside Oil, one is in containment area #1 where tanks 1, 2, and 4 are located (used oil and oily water tanks). This area is located in front of the manifold shed seen in Photo #3 below. The second area where transfer from trucks occurs

is in front of containment area #2, where tank #7 is located (antifreeze tank). This area is shown in Photo #4. The third area is next to containment area #3, where tanks 8 and 9 are found (antifreeze and used oil tanks). These tanks are located next to the transfer station loading dock area. A violation for failure to minimize the possibility for a release at Bayside Oil at the loading areas was cited for lack of secondary containment. See Attachment 8 and Section V. Violations, violation 1. These areas need to have some type of temporary secondary containment until the new permit is issued.

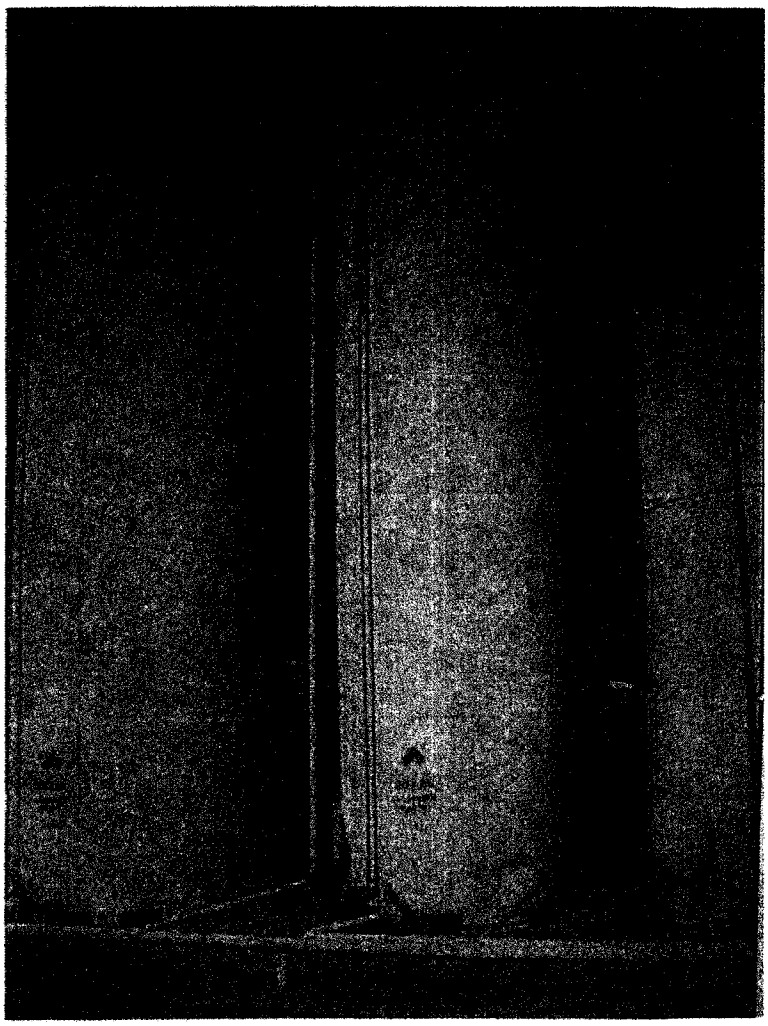

Photo #1, of Tanks number 1, 2, and 3 from left to right.
Tanks number 1, and 2 are used oil tanks and tank 3 is an oily water tank.

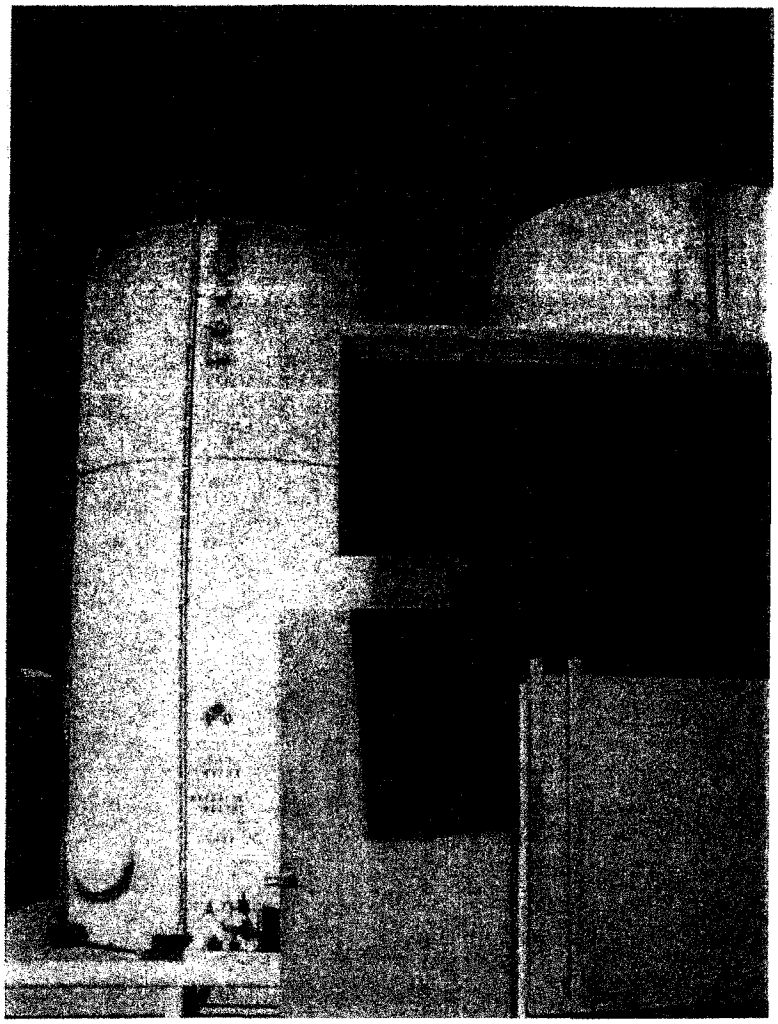

Photo #2, of Tanks 3 and 4.

Tank four is to the right of Tank 3 behind the shed, and is used for used oil storage.

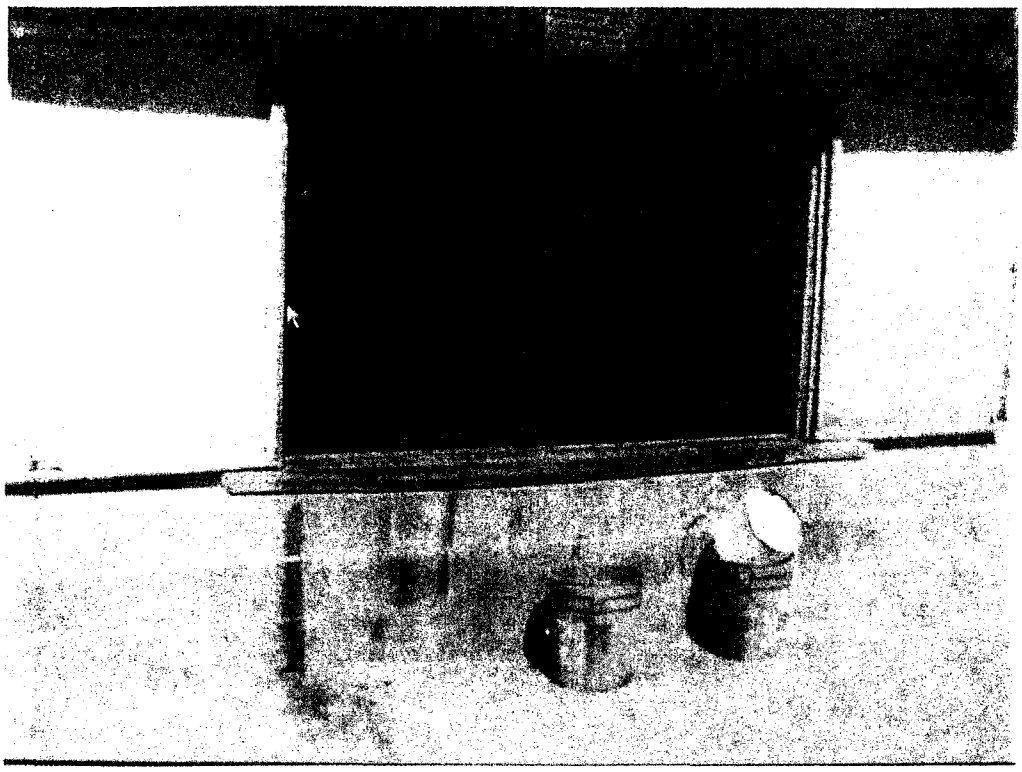

Photo #3, of manifold shed, where piping is located to transfer oil and antifreeze from trucks to tanks. A small amount of staining was visible on the asphalt.

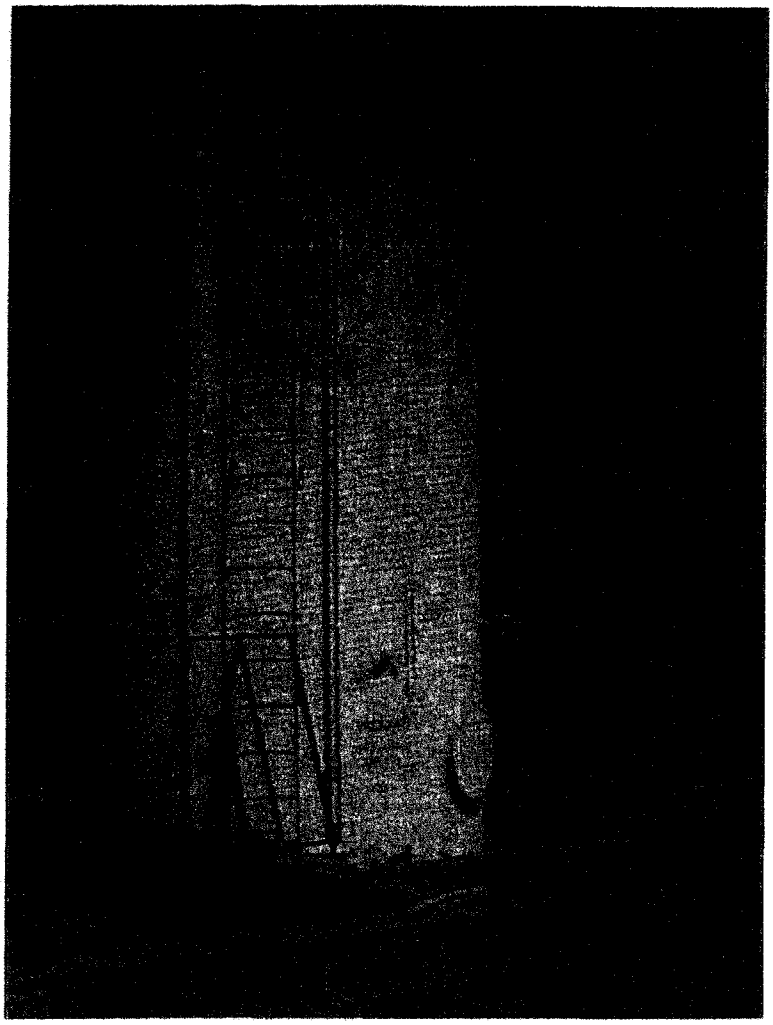

Photo #4, of Tank number 7 in secondary containment area 2.
This tank is used to store antifreeze.

V. Violations

Summary of Violations issued. See attachment 8.

Summary of Violations dated 6/8/10 is revised as follows:

1. On or about June 8, 2010, Bayside Oil, II Inc. violated title 22 California Code of Regulations, Section 66264.31, in that Bayside Oil failed to maintain facility to minimize the possibility of a sudden or non-sudden release of a hazardous waste. Bayside Oil does not have secondary containment for truck unloading and loading area.

Corrective action: Bayside Oil was instructed to provide some type of secondary containment in the loading unloading area within 30 days of the Summary of Violations. Provide documentation including photographs to DTSC that this has been done within 10 days of receipt of this report for all three loading unloading areas described in this report. As of the date of this report, Bayside Oil has not responded to the SOV.

Continuing Violations:

2. On or about June 8, 2010, Bayside Oil, II Inc. violated title 22, CCR section 66264.16 (a-c) and (d), in that Bayside Oil's training plan did not include elements of hazardous waste management procedures to train facility personnel in such items as hazardous waste acceptance criteria, and how to conduct inspections of tanks. This violation is a continuing violation and was originally cited in the 2009 Inspection Report.

Corrective action: Within 45 days of receipt of this report, Bayside Oil shall develop and submit to DTSC a training plan that complies with the requirements of title 22, section 66264.16 along with records identified in the following paragraphs listed as 1 through 3, below. Bayside Oil shall use the document provided by DTSC, entitled "Personnel Training" as a guide to develop a training plan. See attachment 9.

The content of the training plan shall contain and ensure the following:

1. The Training program shall be directed by a person training in hazardous waste management and shall include instruction which teaches facility personnel involved in hazardous waste management procedures relevant to the positions in which they are employed. (See section 66264.16 (a) (1 -3) and (d) 3).) This includes, but is not limited to the following:

- Hazardous Waste Facility Permit: training on content and terms of conditions identified in Bayside Oil's current permit and associated documents that identify the terms and conditions under which Bayside Oil can operate.
- Hazardous Waste acceptance: what waste streams Bayside Oil can accept in accordance with Bayside Oil's current hazardous waste facility permit.

- Manifests: receiving, reviewing, and accepting manifests as an offsite facility and manifesting wastes received by Bayside Oil to offsite designated facilities and the required associated land disposal restriction forms.
- Hazardous Waste sampling and profiling: Training on Bayside Oil's waste analysis plan that was approved as part of the hazardous waste facility permit.
- Inspection Schedule and Inspection Logs: Training on conducting inspections of the Bayside Oil permitted tanks, container storage, secondary containment, and ancillary equipment as well as security systems, emergency response equipment such as communication devices and spill control materials.
- Record-keeping: Training on what records need to be maintained by Bayside Oil as a permitted facility.
- Implementation of Bayside Oil's Contingency Plan.
- How to respond effectively to emergencies by providing training on emergency procedures, emergency equipment, and emergency systems, including, where applicable:
    a. Procedures for using, inspecting, repairing, and replacing facility equipment and monitoring equipment;
    b. Key parameters for automatic waste feed cut-off systems, if applicable;
    c. Communications or alarms systems;
    d. Response to fire or explosions; and shutdown of operations.
- Loading and unloading hazardous wastes and associated procedures.
- Hazardous Waste Labeling and container management procedures.

2. In accordance with section 66264.16 (b-c), Bayside Oil training plan shall identify that Bayside Oil personnel shall complete the training program identified above within 6 months after the date of their employment, assignment to the facility or to a new position at the facility. The employee can not work unsupervised until they have completed the training program. Bayside Oil personnel shall take part in an annual review of the initial training.

3. In accordance with section 66264.16 (d) 1-4) and (e), Bayside Oil is required to maintain certain documents and records at Bayside Oil. These documents and records are as follows:

a. Job titles for each position related to hazardous waste management at Bayside Oil, and the name of the employee filling each job;
b. A written job description of each position related to hazardous waste management at Bayside Oil and shall include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
c. A written job description of the type and amount of both the introductory and continuing training that will be given to each person filling a job title for each position related to hazardous waste management at Bayside Oil;
d. Records that document training or job experience required by title 22, section 66264.16 (a-c) has been given to and completed by Bayside Oil personnel.
e. Lastly, Bayside Oil is required to maintain training records on all current personnel at Bayside Oil until closure of the facility; training records on former employees shall be kept for three years from the date the employee last worked at Bayside Oil.

3. On or about June 8, 2010, Bayside Oil, Inc. violated HSC 25202 (a), Hazardous Waste Facility Permit (HWFP), Part I, Paragraph 6 c, and title 22, CCR section 66264.16 (c), in that Bayside Oil, had incomplete annual review of initial training. Bayside Oil failed to provide documentation that annual review such as the terms and conditions of the facility's hazardous waste permit, including but not limited to acceptable waste codes, sampling and hazardous waste profiling procedures, contingency plan content and implementation, and inspection procedures and documentation were given. This is a continuing violation and was initially cited in the October, 2009 inspection report.

Corrective action: Bayside Oil II in a letter dated May 6, 2010 mentions that training is given to employees on a continuous basis. The training document that was submitted, to DTSC (see attachment 7), still fails to document the training that is given to facility personnel pertaining to management of hazardous waste; the only hazardous waste procedure mentioned is manifesting. Within 45 days of receipt of this report Bayside Oil II shall provide documentation that annual review of initial training of all hazardous waste management procedures has been provided.

Additional Violations found during review:

4. Bayside Oil Inc. violated title 22, CCR, section 66264.15 and section 66264.195, in that on or about April 5 through May 28, 2010 Bayside Oil Inc failed to properly conduct and document inspections of all permitted areas. Based on a review of the inspection sheets provided for the months of April, 2010 and May, 2010, Bayside Oil's inspection schedule and inspection logs lack specificity in that each tank and its ancillary equipment and secondary containment areas are not inspected separately and documented separately; types of problems to be inspected for are not identified, and the log provided is incomplete. The following conditions are noted below based on the forms provided:

a. Plumbing: Valves, In-lines, Out-lines, and Piping are items listed on the inspection sheet, but the inspection sheet does not identify what Bayside Oil is inspecting for or which tank the plumbing is associated with. The schedule is required by regulation to identify what types of problems Bayside Oil might encounter during the inspection.

   - Tanks: Valves, corrosion, tanks ext., no leaks are identified on the inspection sheet, but they are generic line entries and not specific to any particular tank; it also fails it identify what about a valve the individual conducting the inspection is looking at or for. Each permitted tank needs its own separate inspection to occur and to be documented.

b. Secondary Containment: There are 3 separate secondary containment systems at Bayside Oil, but one line entry on the inspection sheet. Each system needs to be inspected separately and findings documented separately. Key words for this section are no cracks and deterioration. It appears that inspections do not include an evaluation for liquids present in the containment structure.

c. Sumps: There is one line entry for sump on the inspection sheet, but one can not tell if there are multiple sumps on site. Each sump needs to be inspected separately and the findings documented separately.

d. Drip Pans: There is one line entry for drip pans on the inspection sheet, with no identification as to their location. Each drip pan must be inspected separately and findings documented separately.

e. Load/unload: There is one line entry for load/unload on the inspection sheet when approximately 3 loading/unloading areas are identified in Bayside Oil documents. Each area must be inspected separately and findings documented separately. In addition, the inspection sheet identifies pails empty, no debris, but does not identify the need to look for spills, leaks, or staining in the load/unload locations.

f. Safety Equipment: A list of equipment is identified to be inspected on the inspection sheet; however, there is no identification of the number of units of each item (ie. number of hoses, number of brooms, shovels, pounds of absorbent) and what each item is to be inspected for.

g. No daily inspections were conducted on April 27, 28, and 29, 2010.

h. Under secondary containment, there were uncheck boxes associated with cracks on every day for the month of April except for April 26; April 30 is checked, but that appears to have been scratched out. There is a comment that reads: "2 secondary containment leak over drain valve". This may be written to apply to Containment Area #2. Based on the information on the inspection sheet, it appears that other secondary containment areas were not inspected during this time period.

This same condition regarding a leak in the secondary containment appears to continue in May, from May 1 through 7 and again from May 13 through at least the end of May, 2010. For the month of May, the comment that is identified is clearer in that the following is recorded on the form: "containment #2 leak at discharge valve above valve." However, as previously stated, the other secondary containment structures at Bayside Oil do not appear to have been inspected during this same time period. There is also no documentation that the leak over the drain valve was repaired.

i. There is a notation on the May, 2010 inspection sheet about a hose on tank # 7needing to be replaced due to a kink. There is no indication that the hose was ever replaced.

j. The tank inspection sheet does not identify the name of the individual conducting the inspection as required by section 66264.15 (d). Initials of the individual are not acceptable.

k. There is no time recorded for the inspection conducted on May 14, 2010.

Corrective Action: Within 45 days of receipt of this report, Bayside Oil shall revise and submit for review an inspection schedule and log developed in accordance with title 22, CCR sections 66264.15 and 66264.195 to ensure that all structures are properly inspected and that the inspection findings are properly documented. To assist Bayside Oil in the development of an inspection schedule and log/inspection sheet, a copy of a guidance document entitled, "Inspection Schedules and Logs" is being provided. See attachment 12.

5. On or about March 1, 2010 and through at least March 30, 2010, Bayside Oil violated California Code of Regulations, title 22, sections 66264.13 (b) and 66264.73 (b) (3), in that Bayside Oil failed to test each incoming load of used oil received at the Bayside Oil facility and record those findings in the operating record. Based on a review of the Waste In and Out of Facility form, Bayside Oil did not test and record used oil received under the following manifests:

Manifest Number	Used Oil (D or D/O)	PPM Halogens	H_20 %
000762932GBF	yes	no	no
000823355GBF	yes	no	yes
000398669GBF	yes	no	no
000398670GBF	yes	no	no
000822352GBF	yes	no	no
000907088GBF	yes	no	no

Manifest Number	Used Oil (D or D/O)	PPM Halogens	H_20 %
000822362GBF	yes	no	no
000907089GBF	yes	no	no
000822346GBF	yes	no	no
000907090GBF	yes	no	no
000398667GBF	yes	no	no
000822347GBF	yes	no	yes
000907092GBF	yes	no	no
000822375GBF	yes	no	no
000822374GBF	yes	no	no
000398664GBF	yes	no	no
000398665GBF	yes	no	no
000907000GBF	yes	no	no
000762936GBF	yes	no	no
000391972GBF	yes	no	no
000391971GBF	yes	no	no
000822383GBF	yes	no	no
000822400GBF	yes	no	no
000822399GBF	yes	no	no
000822396GBF	yes	no	No

Manifest Number	Used Oil (D or D/O)	PPM Halogens	H_20 %
000398662GBF	yes	no	no
000822395GBF	yes	no	no
000907099GBF	yes	no	no
000907098GBF	yes	no	no
000907005GBF	yes	no	no
000907004GBF	yes	no	no
000822414GBF	yes	no	no
001059116GBF	yes	no	no
001059117GBF	yes	no	no
000907024GBF	yes	no	no
000822424GBF	yes	no	no
000822423GBF	yes	no	no
000907027GBF	yes	no	no
000907028GBF	yes	no	no
000907025GBF	yes	no	no
001148471GBF	yes	no	no
001148472GBF	yes	no	no

Corrective Action: Within 30 days of receipt of this report, Bayside Oil shall commence sampling of each load of waste received at the Bayside Oil facility in accordance with its currently approved Waste Analysis Plan and any subsequent approved modifications to said approved Waste Analysis Plan. Within 45 days of receipt of this report, Bayside Oil shall provide training, including the names, signatures and date of training to DTSC. This training shall be incorporated into Bayside Oil's required annual refresher training required by California Code of Regulations, title 22 section 66264.16 (c).

6. On or about June 8, 2010, Bayside Oil, II violated title 22, CCR section 66264.13(c) and title 22, CCR section 66264.73(b) (3) in that the current waste analysis plan does not include procedures that will be used to inspect and, if necessary analyze each

movement of hazardous waste received at the facility and document these results. This has not been done for the oily water waste stream that is accepted at the facility.

Corrective action: Within 30 days of receipt of this report Bayside Oil shall submit a proposed permit modification to adjust Bayside Oil's approved WAP to add oily water sampling and analytical procedures, and specifically for used antifreeze, the testing procedures that would accomplish and obtain information on incoming waste antifreeze waste streams regarding the percent oil and percent antifreeze in each load received.

7. On or about and prior to June 8, 2010, Bayside Oil, II violated title 22, CCR section 66264.13(c), and title 22, CCR section 66264.73(b) (3) in that the current waste analysis plans testing requirements are not being followed for used antifreeze. Table 5 states that used antifreeze shall be sampled and tested for pH determine percent ethylene glycol. I called Ms. Glenn on September 10, 2010 and asked her where testing results are kept for antifreeze. Ms. Glenn told me that it was her understanding that no testing was required and that Bayside Oil only does a visual check of antifreeze and keeps untested samples of the antifreeze for 30 days pending verification of the oil recyclers that the load is not contaminated; no documentation of the visual check is recorded. Bayside Oil's Waste In and Out of Facility does not include any testing results for antifreeze received at the facility.

   Corrective action: Do corrective action as stated on violation 6.

8. On or about March 1, 2010 and through at least March 30, 2010, Bayside Oil, II violated title 22, CCR section 66264.73 (b) (1) and (2) in that the operating record "Waste In and Out of Facility" did not have a description of hazardous waste, the quantity of hazardous waste and location of hazardous waste accepted at the facility for some manifest entries. Manifests for hazardous waste not tracked properly are attached as attachment 13, and are shown on table 1 in section IV and also below.

Table 1:
Operating Record and Waste Analysis Plan Violations based on March, 2010 Waste In and Out of Facility records:

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000762931GBF		yes		yes	650	1310
000762932GBF		yes		yes	660	0
000398668GBF		yes		yes	1180	2950
000398669GBF		yes		yes	1025	0
000398670GBF		yes		yes	745	0
000822351GBF[2]			yes	Yes (record noted as d/o)	65	1415
000822352GBF		yes		yes	1415	0
000907087GBF		yes		yes	370	1410
000907088GBF		yes		yes	355	0
000907089GBF		yes		yes	385	0
000822361GBF			yes	yes	110	215
000822351GBF[3]			yes	yes	65	0
000822356GBF		yes		yes	520	1645[4]
000822358GBF			yes	yes	40	0
000822346GBF		yes		yes	1125	0
000822360GBF	yes			yes	55	530
000822357GBF	yes			yes	475	0
000907091GBF		yes		yes	720	1455
000907090GBF		yes		yes	735	0

[1] Waste Stream information based on manifest information; abbreviations based on Bayside Oil nomenclature.
[2] 000822351GBF is identified as antifreeze on manifest, but facility log has it recorded as D/O.
[3] 000822351GBF is listed two times in the facility record: once as D/O and again as A/F. The manifest identifies the waste stream as antifreeze.
[4] 000822358GBF is antifreeze; appears to have been placed in tank 2 (used oil tank).

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000398666GBF		yes		yes	1845	3060
000398667GBF		yes		yes	1215	0
000907094GBF		yes		yes	1075	1340
000907092GBF		yes		yes	265	0
000822370GBF		yes		yes	625	1336
000822375GBF		yes		yes	711	0
000822378GBF		yes		yes	710	1640
000822374GBF		yes		yes	930	0
000822373GBF				yes		240[5]
000822371GBF			yes	yes	90	0
000822366GBF			yes	yes	75	0
000398663GBF		yes		yes	690	2910
000398664GBF		yes		yes	1485	0
000398665GBF		yes		yes	735	0
000907097GBF		yes		yes	605	1610
000907000GBF		yes		yes	1005	0
000822391GBF			yes	yes	125	256
000822384GBF			yes	yes	75	0
000762935GBF		yes		yes	435	1125
000762936GBF		yes		yes	690	2910[6]
000391973GBF		yes		yes	400	0
000391972GBF		yes		yes	1860	0
000391971GBF		yes		yes	650	0
000822377GBF		yes		yes	365	1500
000822383GBF		yes		yes	85	0
000822400GBF		yes		yes	955	0
000822399GBF		yes		yes	55	0
000822401GBF		yes		yes	1070	1300
000822396GBF		yes		yes	230	0
000822403GBF			yes	yes	100	155
000822397GBF			yes	yes	55	0

[5] Manifest number lined out on record; waste identified on record as AF

[6] Facility record has an arrow pointing to next line entry associated with manifest 000391973GBF for both waste stream and recorded volume.

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
001059118GBF		yes		yes	1140	3175
000398662GBF		yes		yes	2035	0
000907001GBF		yes		yes	705	1435
000907099GBF		yes		yes	490	0
000907098GBF		yes		yes	240	0
000907081GBF			yes	yes	55	160
000907082GBF			yes	yes	105	0
000822394GBF	yes			yes	36	675
000822388GBF	yes			yes	85	0
000822386GBF	yes			yes	110	0
000822404GBF	yes			yes	444	0
000907002GBF		yes		yes	685	775
000907005GBF		yes		yes	90	0
000907003GBF		yes		yes	1065	1340
000907004GBF		yes		yes	275	0
000907084GBF			yes	yes	210	405
000907085GBF			yes	yes	195	0
000822411GBF		yes		yes	1400	1455
000822414GBF		yes		yes	55	0
001059115GBF		yes		yes	1070	2950
001059116GBF		yes		yes	555	0
001059117GBF		yes		yes	1325	0
000907006GBF		yes		yes	970	1500
000907024GBF		yes		yes	530	0
000822419GBF		yes		yes	560	1450
000822424GBF		yes		yes	890	0
000822420GBF		yes		yes	685	1135
000822423GBF		yes		yes	450	0
000822416GBF			yes	yes	30	405
000822421GBF			yes	yes	65	0
000822373GBF			yes	yes	275	0
000907020GBF	yes			yes	65	395
000907021GBF	yes			yes	35	0

Manifest Number	Oily Water (o/w)[1]	Used Oil D or D/O)[1]	Antifreeze (A or A/F)[1]	Missing Waste type, Location &/or correct quantity on facility record	Manifested Volume (gal)	Recorded volume on Facility Record (gal)
000907018GBF	yes			yes	295	0
000907009GBF			yes	yes	60	165
000907010GBF			yes	yes	105	0
000907026GBF		yes		yes	600	1445
000907027GBF		yes		yes	275	0
000907028GBF		yes		yes	270	0
000907025GBF		yes		yes	300	0
001148473GBF		yes		yes	1320	1915
001148471GBF		yes		yes	355	0
001148472GBF		yes		yes	240	0

Corrective Action: Within 30 days of receipt of this report, Bayside Oil shall provide DTSC with procedures on how each volume of incoming waste is measured and how discrepancies in volumes received compared to volumes of waste recorded on the manifest are reconciled.

Within 30 days of receipt of this report, Bayside Oil shall revise its "Waste In and Out of Facility" form to accurately capture all data required by the approved Waste Analysis Plan and any of its subsequent approved modifications.
Within 45 days of receipt of this report, Bayside Oil shall train employees involved in the receipt, sampling, and transferring of accepted hazardous waste on the waste volume determination procedures and on the revised "Waste In and Out of Facility" form and shall provide DTSC with proof of the training, including the name, signature and date of the training provided. This training shall be incorporated into Bayside Oil's required annual refresher training required by California Code of Regulations, title 22, section 66264.16 (c).

9. On or about June 8, 2010, Bayside Oil, II violated title 22, CCR section 66264.52 (f) in that the current contingency plan did not include an evacuation plan with evacuation

routes in case an emergency evacuation is necessary, and a description of the signals used to begin the evacuation.

Corrective action: Update current contingency plan to include a written statement that addresses under what conditions an evacuation will be initiated and what signals shall be used to start an evacuation and a map or method to identify the paths taken to evacuate work areas. Provide documentation to DTSC that this has been done within 10 days of receipt of this report.

VII. Sampling Activities

No sampling was conducted during this inspection.

VIII. Discussion with Operator

I told Ms. Glenn that I would need to review the SPCC Plan, tank certification back at the office to see if it meets the criteria for certifications required by DTSC. I discussed with Ms. Glenn the two violations that I cited. One for not having secondary containment in the truck loading unloading area, and the need to have some type of temporary secondary containment as an interim measure before the new permit is issued. The other violation that I discussed with her is the need to modify her training plan to include more training on actual hazardous waste management procedures which seemed to be lacking in the plan. Ms. Glenn signed the Summary of Violations, listed below as attachment 8.

On September 21, 2010, I called Ms. Glenn to ask her about testing antifreeze as stated in the Waste Analysis Plan. She told me that Bayside Oil saves samples of antifreeze for 30 days so that if there is any question about the contents at the destination facility they have a sample. Ms. Glenn said that Bayside Oil does a visually analysis of the antifreeze, but does not write down the findings. I told Ms. Glenn that the existing waste analysis plan states that "samples are done to determine percent of glycol and pH", she told me that she does not know of a test kit available that would show percent glycol.

IX. Continuing issues

A copy of the SPCC Plan for tank assessment was given to Jesus Sotelo an engineer at DTSC's Sacramento office for review. Potential violations will be cited after his review.

X. Attachments

1. Training Plan
2. Financial Assurance Report dated January 28, 2010 and May 18, 2010.
3. SPCC Plan for tank certifications dated 2/9/07
4. Waste in and waste out of facility forms: March 2010
5. Tank Inspection Sheets
6. Evacuation Plan
7. Refresher Training
8. Summary of Violations
9. DTSC Personnel Training Document
10. June 8, 2010 DTSC letter to Bayside Oil
11. Bayside Oil Waste Analysis Plan
12. DTSC Inspection Schedules and Logs
13. Manifests for waste in and waste out facility forms: March 2010

14. Fact Sheets: Consolidated Transporter, Consolidated Manifests and TQR Consolidated Manifest Procedure.

Leo Valdez, Hazardous Substances Scientist
Inspector

Original signed by Leo Valdez

Inspector

11/1/10

Date

ATTACHMENT B

2009 SOV

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

DUPLICATE

SUMMARY OF VIOLATIONS

On 10/27/09, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: Bayside Oil, Inc

Facility Address: 210 Encinal Street
Santa Cruz, CA 95060

EPA ID Number: CAD 088838222 **County:** Santa Cruz

As a result of this inspection, violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations must be corrected; the actions you must take to correct the violations are listed with each violation. If you disagree with any of the violations or proposed corrective actions listed in this Summary of Violations, you should inform DTSC. Additional violations may be found after the site visit, and these will be identified in the Violation section of the inspection report.

DTSC will provide you a complete inspection report within 65 days of the date of this inspection. You may request a meeting with DTSC to discuss the inspection, inspection report, or the Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations or violations that have not been corrected within the time provided. A false statement that compliance has been achieved is a violation of the law and punishable by a fine of not less than $2,000 or more than $25,000 for each occurrence. DTSC many re-inspect this facility at any time.

Company Representative Accepting Summary	DTSC Representative
Name Kim Glenn	Name Leo Valdez
Signature Original signed by Kim Glenn	Signature Original signed by Leo Valdez
Title Pres	Title H.S.S
Date 11/19/09	Date 10/27/09

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710-2721

SUMMARY OF VIOLATIONS

Facility Name: Bayside Oil, Inc **Date:** 10/27/09

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

1. Bayside Oil, Inc. violated Health and Safety Code, section 25201(a) and Title 22, California Code of Regulations, section 66263.18(b)(1), in that on 5 manifests in 2009, hazardous waste was stored at a location without a permit or authorization, for more than 10 days at an exempt transfer facility:
Manifest numbers, 000821456 GBF, 000821535 GBF, 000821594 GBF, 000821640 GBF, and 000821706 GB, were all stored at Bayside Oil, Inc. in excess of the 10 day limit.
Effective immediately, Bayside Oil, Inc. shall not store hazardous waste for more than 10 days without a permit or other authorization from the department.

2. Bayside Oil, Inc. violated California Code of Regulations, Title 22, section 66264.16, in that on 10/27/09, Bayside Oil, Inc. did not have current (within 1 year) training records for employees. Kim Coran should give training (shown) that was conducted for employees in

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710-2721

SUMMARY OF VIOLATIONS

Facility Name: Pacific Oil **Date:** 10/27/09

Continuation Sheet for SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION

Continued

2. July 2009, but this was beyond the one year limit.

Effective immediately, keep current training records for employee annual refresher training, and document by 11/27/09 that a refresher has been completed.

2010 SOV

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

DUPLICATE

Maziar Movassaghi, Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

SUMMARY OF VIOLATIONS

On 6/8/10, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: Bayside Oil II Inc.

Facility Address: 210 Encinal Street
Santa Cruz, CA

EPA ID Number: CAD088838222 **County:** Santa Cruz

As a result of this inspection, violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations must be corrected; the actions you must take to correct the violations are listed with each violation. If you disagree with any of the violations or proposed corrective actions listed in this Summary of Violations, you should inform DTSC. Additional violations may be found after the site visit, and these will be identified in the Violation section of the inspection report.

DTSC will provide you a complete inspection report within 65 days of the date of this inspection. You may request a meeting with DTSC to discuss the inspection, inspection report, or the Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations or violations that have not been corrected within the time provided. A false statement that compliance has been achieved is a violation of the law and punishable by a fine of not less than $2,000 or more than $25,000 for each occurrence. DTSC many re-inspect this facility at any time.

Company Representative Accepting Summary	DTSC Representative
Name Kim Glenn	Name Leo Valdez
Signature Original signed by Kim Glenn	Signature Original signed by Leo Valdez
Title Pres.	Title H.S.S.
Date 6/8/10	Date 6/8/10

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710-2721

SUMMARY OF VIOLATIONS

Facility Name: Bayside Oil II Inc. **Date:** 6/8/10

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

1. Bayside Oil violated title 22, California Code of Regulations, section 66264.31, in that Bayside Oil failed to maintain facility to minimize the possibility of a sudden or non-sudden release of a hazardous waste. Bayside Oil currently does not have secondary containment for truck loading and unloading area.

Corrective Action: provide some type of temporary secondary containment till such time as a permit modification or new permit is issued. Do this within 30 days.

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710-2721

SUMMARY OF VIOLATIONS

Facility Name: Bayside Oil II Inc. **Date:** 6/8/10

Continuation Sheet for SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION

2. Bayside Oil violated Title 22, California Code of Regulations Section 66264.16 (a)(3) and 66264.16 (d)(3) in that the training plan did not include elements of hazardous waste management proceedures to train facility personnel in such items as hazardous waste acceptance criteria, how to conduct inspections of tanks.

Corrective Action: modify training plan to incorporate hazardous waste management proceedures within 30 days of this date 6/8/10.

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710-2721

SUMMARY OF VIOLATIONS

Facility Name: Bayside Oil II Inc. **Date:** 6/8/10

SECTION IV: OTHER ISSUES/CONCERNS

The following issues/concerns were identified during this inspection. Further research may identify additional violations. Any new violations, with the required corrective action and compliance schedule, will be identified in the Violation section of the inspection report.

1. Evacuation routes in old contingency plan, but not in most current version. this issue must be resolved.

2. Tank certifications were completed in 2007 according to 40CFR and SPCC plan, but not according to Title 22, California code of regulations

ATTACHMENT C

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* DEBORAH O. RAPHAEL, DIRECTOR, CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL, **Plaintiff,** **v.** **BAYSIDE OIL II, INC.,** **Defendant.**	**Case No. RG14727110** **JUDGMENT PURSUANT TO STIPULATION** (Code of Civil Procedure § 664.6) Trial Date: None Set Action Filed: May 29, 2014

Good cause appearing herein, the Court finds that the settlement between the Plaintiff, People of the State of California *ex rel.* Deborah O. Raphael, Director, California Department of Toxic Substances Control, and Defendant Bayside Oil II, Inc., is fair and in the public interest. Accordingly, the Stipulation for Settlement and Entry of Judgment entered into by Plaintiff and Defendant, a true and correct copy of which is attached hereto as Exhibit A, is approved, and the Judgment Pursuant to Stipulation is entered as provided therein.

IT IS SO ORDERED.

Dated: _____, 2014

_____
Judge of the Superior Court

ATTACHMENT A

[See appended **STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGMENT**]