



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1515 Tollhouse Road
Clovis, California 93611



Edmund G. Brown Jr.
Governor

In the Matter of:

Docket HWCA 20124989

Edgington Oil Company LLC
Attn: Mrs. Nancy Girten
Environmental Engineer
Paramount Petroleum
Corporation
14700 Downey Avenue
Paramount, California 90723

CONSENT ORDER

Health and Safety Code
Section 25187

ID No. CAL000313345

Respondent

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Edgington Oil Company LLC (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and offers for transportation hazardous waste at 2400 East Artesia Boulevard, Long Beach, California (Site).

1.3. Inspection. The Department inspected the Site on August 29-30, 2012.

1.4. Authorization Status. Respondent operates as a generator of hazardous waste under EPA identification number CAL000313345 and has filed a Hazardous Materials Business Plan with Los Angeles County Environmental Health Department.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the

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Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Health and Safety Code, Section 25201(a) and California Code of Regulations, Title 22, Section 66262.34(c) in that on or about August 29, 2012, Respondent accumulated hazardous waste for more than 90 days without a permit or grant of interim status or being granted of an extension to the 90-day period. Respondent had one (1) fifty-five (55) gallon metal drum containing oil absorbent with an accumulation start date of February 23, 2009.

2.1.2. Respondent violated California Code of Regulations, Title 22, Section 66262.11 in that on or about August 29, 2012, Respondent failed to determine if waste is hazardous by exclusion from regulation, testing the waste according to acceptable methods, or applying generator knowledge of the hazard characteristic. Respondent had three (3) fifty-five (55) gallon metal drums marked as "Pending Analysis 8/5/10"

with an accumulation start date of August 5, 2010.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall correct the violations set forth above.

3.1.1. Respondent shall transport the hazardous waste under a hazardous waste manifest within 30 days of August 30, 2012. Respondent shall provide copies of the hazardous waste manifest to the Department within 30 days of August 30, 2012. The Department acknowledges that Respondent provided written notification dated September 27, 2012, indicating that Respondent conducted the following corrective actions concerning the violation set forth in Section 2.1.1: On September 27, 2012, Respondent transported hazardous waste that exceeded the 90-day storage limit to a disposal facility. Respondent provided a copy of the hazardous waste manifest No.007357235JJK to the Department.

3.1.2. Respondent shall characterize the waste and if identified to be hazardous waste, Respondent shall transport under manifest the three (3) fifty-five (55) gallon metal drums within 30 days of August 30, 2012. Respondent shall provide copies of the laboratory analytical data and hazardous waste manifests to DTSC within 30 days of August 30, 2012. The Department acknowledges that Respondent provided written notification dated September 27, 2012, indicating that Respondent conducted the following corrective actions concerning the violation set forth in Section 2.1.2: On September 27, 2012, Respondent characterized and transported three (3) fifty-five (55) gallon steel drums of hazardous waste that were pending analysis. Respondent provided copies of the analytical data and the hazardous waste manifest to the Department.

3.1.3. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Captions and Headings. Captions and Headings used herein are for convenience only and shall not be used in construing this Consent Order.

4.5. Severability. If any provision of this Consent Order is found by a court of

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competent jurisdiction to be illegal, invalid, unlawful, void or unenforceable, then such provision shall be enforced to the extent that is not illegal, invalid, unlawful, void, or unenforceable, and the remainder of this Consent Order shall continue in full force and effect.

4.6. Entire Agreement. This agreement constitutes the entire and only understanding between the Parties regarding the subject matter contained herein and shall supersede any and all prior and/or contemporaneous oral or written negotiations, agreements, representations and understandings and may not be amended, supplemented, or modified, except as provided in this Order. The Parties understand and agree that in entering into this Consent Order, the Parties are not relying on any representations not expressly contained in this Consent Order.

4.7. Counterparts. This Consent Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of Five Thousand Dollars (\$5,000.00) in administrative penalties.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to "Department of Toxic Substances Control," shall identify the Respondent and Docket Number as shown in

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the caption of this case, and shall be delivered together with the attached Payment

Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mr. Ignacio Dominguez
Supervising Hazardous Substances Scientist I
Enforcement and Emergency Response Program
Department of Toxic Substances Control
1515 Tollhouse Road
Clovis, California 93611

And

Mr. Jay Cross, Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

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6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated 1/11/13

By: Glen Clausen
Glen Clausen
Vice President
West Coast Refining,
Paramount Petroleum Corporation
Respondent

Dated 1/24/13

By: Ignacio R. Dominguez
Ignacio R. Dominguez
Supervising Hazardous Substances Scientist I
Enforcement and Emergency Response Program
Department of Toxic Substances Control