

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Evergreen Oil Inc. Fresno
4139 N. Valentine Avenue
Fresno, California 93722

EPA ID. Number:
CAD 982 446 882

Respondent.

Docket HWCA 2010 3148

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generate, transports and stores hazardous waste at the following site: 4139 North Valentine Avenue, Fresno, California 93722 (Site).

1.3. Inspection. The Department inspected the Respondent on October 21, 28 and November 8, 2010.

1.4. Permit Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Facility Permit dated November 24, 2008.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations 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:

2.2. Respondent violated California Code of Regulations, title 22, section 66264.52, subdivision (d) in that on or about November 8, 2010, Respondent failed to include in its Contingency Plan and Emergency Procedures the addresses and home phone numbers of all persons qualified to act as emergency coordinator.

2.3. Respondent violated California Code of Regulations, title 22, section 66264.15, subdivision (b)(4) in that on or about November 8, 2010, Respondent failed to include in its inspection log inspection of loading and unloading secondary containment.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with 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. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total sum of \$5,000.00 as a penalty.

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 shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the 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:

Mehdi Nobari
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

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.

6. EFFECTIVE DATE

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

Dated: May 6, 2011

Original signed by Christopher Goff
Respondent Signature

Christopher Goff
Print Name of Respondent

Dated: May 27, 2011

Original signed by Roberto Kou

Robert Kou, Acting Performance Manager
Chatsworth Branch
Enforcement and Emergency Response Program
Department of Toxic Substances Control