

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Pan Pacific Petroleum Company, Inc.  
1850 Coffee Road  
Bakersfield, California 93302-1157

EPA ID. Number:  
CAL 000 142 074

Respondent.

Docket HWCA 2009 2110

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Pan Pacific Petroleum Company, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles and/or transports hazardous waste at the following site: 1850 Coffee Road, Bakersfield, California, 93302 (Site).

1.3. Inspection. The Department inspected the Respondent on September 16, 2009.

1.4. Permit Status. The Department authorized Respondent to manage hazardous waste by Transporter Hauler Registration number 4713 dated June 25, 2009.

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. VIOLATION ALLEGED

2.1. The Department alleges the following violation:

2.2. Respondent violated Health and Safety Code, section 25250.10, in that on or about September 16, 2009, Respondent failed to report to the Department on or before March 1 of each year a) the shipping description of used oil transported during the preceding calendar year, b) the volume of each type used oil transported, identified by shipping description, and c) the facility to which the used oil was transported, identified by name, address, telephone number, and Environmental Protection Agency identification number.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violation cited above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violation 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 \$7,500.00 as a penalty.

5.2. The payments shall be paid in three (3) installments of \$2,500.00 each. The installments of \$2,500.00 each are due and payable on April 1, 2010, July 1, 2010 and October 1, 2010. Any installment payment which is received by the Department after the 15<sup>th</sup> day of the payment month in which it is due subject to penalty in amount of \$250.00, which penalty shall be paid by Respondent no later than the due date of next installment payment. If Respondent fails to make a full installment payment within thirty (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalties immediately due and owing. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest

thereon at the rate established pursuant to H&SC, Section 25360.1. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent hereunder.

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 the caption of this case, and together with a payment Voucher in the form set forth in Exhibit 1 attached hereto and incorporated herein by reference, shall be delivered 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

#### 6. EFFECTIVE DATE

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

Dated: March 29, 2010

Original signed by Don Stewart  
Respondent Signature

Don Stewart  
Print Name of Respondent

Dated: April 6, 2010

Original signed by Robert Kou  
Robert Kou, Acting Performance Manager  
Enforcement and Emergency Response Program  
Chatsworth Office  
Department of Toxic Substances Control

# EXHIBIT 1

PAYMENT VOUCHER

Docket No.: HWCA 2009 2110

Respondent: Pan Pacific Petroleum Company, Inc.

ID No.: CAL 000 142 074

County:

Total Due: \$ 7,500.00

Administrative Costs \$ 00.00

Penalty/Fine \$ 7,500.00

Payment No.	Due Date	Amount Due
1	April 1, 2010	\$2,500.00
2	July 1, 2010	\$2,500.00
3	October 1, 2010	\$2,500.00
Total		\$7,500.00