

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA No. SCUPA 2008 IM001

The SOCO Group, Inc.  
1690 South 4<sup>th</sup> Street  
El Centro, California 92243

CONSENT ORDER

Health and Safety Code  
Section 25404.1.1.

Respondent.

1. INTRODUCTION

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

1.2. Site. Respondent operates a gasoline station dispensing fuel of various grades, utilizing underground storage tanks and under-dispenser containment at the following site: 1690 South 4<sup>th</sup> Street, City of El Centro, County of Imperial (Site).

1.3. Inspection. The Department inspected the Site on October 12, 2007.

1.4. Authorization Status. Respondent operates a gas station.

1.5. Jurisdiction. Health and Safety Code, section 25404.1.1. 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.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 23, section 2636 (f) (1), in that on or about October 12, 2007 Respondent failed to equip the two diesel under-dispenser containments with a continuous monitoring system. Respondent has been in violation beginning on December 31, 2003 until October 16, 2007.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above. Respondent must comply with all Federal, State and local laws applicable to managing their gasoline stations.

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

3.1.3. Submittals: All submittals from Respondent pursuant to this Order shall be sent to:

Roger Vintze, Program Manager

DTSC Imperial CUPA

627 Wake Avenue

El Centro, California 92243

#### 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 penalty of \$27,000.00. Of the total due, \$5,000.00 is a penalty; \$22,000 shall be a credit for several Supplemental Environmental Projects (SEP). The penalty shall be paid to the Department no later than January 1, 2012.

5.2. Supplemental Environmental Project: Respondent has on September 1, 2010, provided \$10,000 to Imperial Visions for environmental awareness within Imperial County. Additionally, Respondent has on September 28, 2010, provided a contribution of \$4,000 to Imperial County Fire Department. Respondent shall remit the remaining monies totaling \$8,000 to Imperial County Fire no later than July 30, 2011. In the event that Respondent fails to submit full payment of the \$22,000 of SEPs, Respondent shall make the remaining payments to the Department of Toxic Substances Control no later than January 30, 2012.

5.3. Respondent's check(s) for the penalty 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 attached Payment Voucher to:

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

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

Roger Vintze  
Performance Manager (A)  
DTSC Imperial CUPA  
627 Wake Avenue  
El Centro, California 92243

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: August 2, 2011

  
\_\_\_\_\_  
Toby Taitano  
SVP & CFO, The Soco Group, Inc.

Dated: 8/12/11

  
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Roger Vintze, Program Manager  
DTSC Imperial CUPA