

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA No. SCUPA 2009 IM004

Snakebite Leasing, Inc. DBA Sellers  
Petroleum, Inc  
821 Pacific Avenue  
Yuma, Arizona 85365

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 Snakebite Leasing, Inc DBA Sellers Petroleum, 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 containments at the following site: 805 East 5<sup>th</sup> Street, City of Holtville, County of Imperial (Site).

1.3. Inspection. The Department inspected the Site on May 27, 2009.

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 violation alleged below. The Parties, and each of them, agree that this Order, and all of the

**DTSC/CUPA**  
FEB - 1 2012

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 violation as alleged in Section 2 below.

## 2. VIOLATION ALLEGED

2.1. The Department alleges the following violation:

2.1.1. Respondent violated California Code of Regulations, title 23, section 2715 (a) (f), in that on or about May 27, 2009 Respondent failed to hire a certified Designated Underground Storage Tank (UST) System Operator (DO) for conducting monthly visual inspections of the UST site and employee training from June 2008 to May 2009.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above.

Respondent must comply with all Federal, State and local laws applicable to managing their gasoline station.

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, Branch Chief

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 \$4,300.00. The penalty shall be paid to the Department within 30 days of the effective date of this Order.

5.2. 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  
Branch Chief  
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: 1-27-12

Dave Sellers  
Dave Sellers  
President, Sellers Petroleum, ~~Inc~~

Dated: 2-1-12

Roger Vintze  
Roger Vintze, Branch Chief  
DTSC Imperial CUPA