

**Sample Enforcement Order  
For Instructional Purposes Only**

Plume County CUPA

In the Matter of:

Any Oil Corporation  
123 Plume Drive  
Plume, California

Respondent.

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Docket No. PC03001

ENFORCEMENT ORDER

Health and Safety Code  
Section 25404.1.1

INTRODUCTION

1.1. Parties. The **Plume County CUPA** (Agency) issues this Enforcement Order (Order) to **Any Oil Corporation, a California corporation** (Respondent).

1.2. Site. Respondent **owns and operates underground storage tanks (USTs)** at the following site: **123 Plume Drive, Plume, California** (Site).

1.3. Permit/Interim Status. The Unified Program Agency authorized Respondent to operate **three 10,000-gallon gasoline USTs and one 500-gallon waste oil UST** through a Unified Program Facility permit issued on **December 22, 1998**.

1.4. Jurisdiction. Section 25404.1.1 of the Health and Safety Code (HSC) authorizes the Agency to order action necessary to correct violations and assess a penalty

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when the Agency 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.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

1.6. Applicable Statutes and Regulations. Copies of the statutes and regulations applicable to this Order are attached as Exhibit (1).

DETERMINATION OF VIOLATIONS

2. The Agency has determined:

2.1. The Respondent violated Title 23, California Code of Regulations, Chapter 16, §2637(a) for failure to conduct secondary containment testing for three 10,000-gallon gasoline USTs and one 500-gallon waste oil UST by January 1, 2003. Respondent has been in violation of §2637(a) since January 1, 2003 until at least January 14, 2003, a period of 14 days. The Respondent has been repeatedly notified of the requirement and has willingly chosen not to comply.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination Of Violations, IT IS HEREBY ORDERED THAT:

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3.1.1. Within 30 days of the effective date of this Order Respondent shall conduct secondary containment testing on three 10,000-gallon gasoline USTs and one 500-gallon waste oil UST.

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

Claire Wadders, Unit Chief  
Environmental Inspection Program  
Plume County CUPA  
123 Compliance Drive  
Plume, California

3.3. Communications. All approvals and decisions of the Agency made regarding submittals and notifications will be communicated to Respondent in writing by the Unit Chief, Environmental Inspection Program, or his/her designee. No informal advice, guidance, suggestions, or comments by the Agency regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Agency Review and Approval. If the Agency determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order

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fails to comply with the Order or fails to protect public health or safety or the environment, the Agency may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Agency a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Agency determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Agency may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected

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by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. 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. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8 Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Agency, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Agency and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times, for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Agency may deem necessary. Respondent

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shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Agency and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Agency and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Agency requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Agency, or permit the Agency to copy the documents prior to destruction. Respondent shall notify the Agency

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in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The **Plume County CUPA** shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the **Plume County CUPA** be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Agency approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Agency.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Agency determines that good cause exists for an extension, it will

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grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Agency does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Agency or other government agencies as a result of such failure, as provided by HSC section 25404.1.1 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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.



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PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Agency sets the amount of Respondent's penalty at \$\*. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Plume County CUPA, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver payment to:

\*Penalty for most UST violations may range from \$500 to \$5,000 per day per tank (H&SC §25299).

Plume County CUPA  
Accounting Office  
123 Compliance Drive  
Plume, California

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover

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letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: January 14, 2003.

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Claire Wadders, Unit Chief  
Environmental Inspection Program  
Plume County CUPA