

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

San Fernando Oil, LLC  
15009 Oro Grande St.,  
Sylmar, CA 91342

ID No. CAL000375487

Respondent.

Docket HWCA20167362

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and San Fernando Oil, LLC (Respondent), a California-based limited liability company, enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent was a registered hazardous waste transporter located at the following site: 15009 Oro Grande St., Sylmar, CA, 91342 (Site).

1.3. Inspection. The Department inspected the Site on October 6, 2016.

1.4. Authorization Status. The Department authorized the Respondent to transport hazardous waste under Hazardous Waste Transporter Registration Number 4837. The Respondent's authorization expired on July 31, 2017.

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.

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

## 2. VIOLATIONS

2.1. The Department alleges the following violations:

2.2. Respondent violated Health and Safety Code section 25189.2(c), in that, on or about March 29, 2016, Respondent caused the disposal of hazardous waste at a point that is not authorized. Respondent dropped a 55-gallon drum containing used oil and used oil filters from a moving vehicle, which opened and spilled on a public street, exposing the environment to hazardous waste.

2.3. Respondent violated California Code of Regulations, title 22, section 66263.20(a) and section 66266.130(a); and Health & Safety Code section 25160 (d)(1), in that on or about March 29, 2016, Respondent transported hazardous waste in the form of used oil filters that contained free-flowing used oil without a manifest.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Immediately upon the Effective Date, Respondent shall operate in full compliance with all applicable law, and in a manner that will prevent recurrences of the violations cited herein.

### 4. PAYMENTS

4.1. Respondent shall pay a total administrative penalty of \$6,798. The payments shall be paid in six installments. The first installment of \$1,798, delivered with the attached payment voucher, is due to the Santa Monica Fire Department (SMFD) no later than February 1, 2018. Respondent's check shall be made payable to the Santa Monica Fire Department, shall identify Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Santa Monica Fire Department  
Attn: Oscar Fernandez  
333 Olympic Dr.  
2<sup>nd</sup> Floor  
Santa Monica, California 90401-3360

The five remaining installments of \$1,000 are due and payable to the Department of Toxic Substances Control no later than March 1, 2018; April 1, 2018; May 1, 2018; June 1, 2018; and July 1, 2018. Respondent's checks 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

4.2. If Respondent fails to make any of the required installment payments by the due date, the Department will declare the entire balance of the outstanding penalty immediately due and owing. Any installment that is received more than fifteen days after it is due will be subject to a \$250 penalty, and such penalty shall be paid by the Respondent no later than the due date of the next installment payment.

4.3. If Respondent fails to make any of the payments as provided in Section 4.1, 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.

4.4. Respondent shall send a photocopy of the checks and payment vouchers, including the payment to SMFD, to:

Christie Bautista, Unit Chief  
Enforcement & Emergency Response Division  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311-6520

Christopher Law, Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 23rd Floor  
P.O. Box 806  
Sacramento, California 95812-0806

## 5. OTHER PROVISIONS

5.1. 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.

5.2. 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.

5.3. 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.

5.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 6. EFFECTIVE DATE

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

ORIGINAL SIGNED

Dated: 1-18-18

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Jesus Hernandez, Owner  
San Fernando Oil, LLC

ORIGINAL SIGNED

Dated: 1/30/18

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Christie Bautista, Unit Chief  
Enforcement & Emergency Response Division  
Department of Toxic Substances Control