

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: Docket HWCA SCUPA 2018 IM007

JS Oil, Inc.  
dba Sidewinder Chevron  
611 Sidewinder Road  
Winterhaven, California 92283

CONSENT ORDER  
Health and Safety Code  
Section 25187

EPA No.CAL000429389

Respondent.

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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and JS Oil, Inc. dba Sidewinder Chevron (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent, operates the following on site: underground storage tank systems and aboveground storage tank systems at 611 Sidewinder Road, Winterhaven, California 92283(Site).

1.3. Inspection. The Department inspected the Site on September 29, 2016.

1.4. Authorization Status. Respondent does have a certificate to manage underground storage tanks and aboveground storage tanks at the Site.

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 ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated California Code of Regulations, title 23, Section 2632(c)(2) in that on or about September 29, 2016, Respondent failed to use the tanks and sensors in the manner in which they were designed.

2.3. The Respondent violated California Code of Regulations title 23, Section 2638(d) in that on or about October 13, 2015, Respondent failed to submit the Annual Monitoring Certification (AMC) report to the Department within 30 days of conducting the test.

2.4. The Respondent violated California Health and Safety Code, Section 25270.4.5 (a) (reference 40 Code of Federal Regulations, Section 112.3) in that on or about April 18, 2018, Respondent had petroleum hydrocarbons on the premises in excess of 1,320 gallons and failed to submit a Spill Prevention Control and Countermeasure Plan (SPCC) report to the Department as required.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1 Respondent has corrected the violations set forth above.

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.

### 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 to the Department a total penalty of \$4,250, in increments of \$708.34 during the six months, following the effective date of this Order. The first payment shall be made within 30-days from the effective date of this Order.

5.2. Respondent's check(s) for the penalty shall be made payable to the 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

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

Robert Krug  
Environmental Scientist (Supervisor)  
DTSC Imperial CUPA  
627 Wake Avenue  
El Centro, California 92244

5.3. 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: 07/13/2018\_\_\_\_\_

Signature on File\_\_\_\_\_

Jamal Shaow  
Respondent

Dated: 07/13/2018\_\_\_\_\_

Signature on File\_\_\_\_\_

Roger Vintze  
Department of Toxic Substances Control