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JAMES C. BRAZELTON
STANISLAUS COUNTY DISTRICT ATTORNEY
GLORIA M. MAS (SBN 132429)
Deputy District Attorney
11th and I Streets, Room 200 2nd Floor
Modesto, California 95353
(209) 525-5550

Attorneys for People

FILED

2005 MAY -3 PM 4:27

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

DICKEY PETROLEUM, INC., *dba*
DICKEY PETROLEUM

Defendants.

CASE NO. 050015

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint herein, JAMES C. BRAZELTON, District Attorney of Stanislaus County, by and through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and defendants DICKEY PETROLEUM, INC. and DICKEY PETROLEUM (DBA), hereby stipulate and consent to the entry of the Permanent Injunction and Final Judgment Pursuant to Stipulation. By signing this stipulation, these named defendants hereby admit the allegations of the complaint. This stipulation is entered into based in part on representations made and reaffirmed by these named defendants herein, that certain penalty payments will be made according to the terms of the Stipulated Final Judgment. This Stipulated Final Judgment shall constitute evidence of admission or concession by these named defendants regarding all allegations of law and fact alleged in the complaint on file herein.

Upon the consent of the parties hereto, and it appearing to the court that there is good cause

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 for the entry of this Stipulated Final Judgment,

2 IT IS ORDERED, ADJUDGED AND DECREED as follows:

3 1. This court has jurisdiction of the subject matter of this action and each of the parties
4 hereto.

5
6 2. The injunctive provisions of this Final Judgment are applicable to defendants, its
7 subsidiaries and divisions, and any agent, employee, representative and all persons, partners,
8 corporations, or other entities acting by, through, under, or on behalf of defendants and all persons
9 in concert with or participating with said defendants with actual or constructive knowledge of this
10 injunction, only insofar as they are doing business in the State of California and confined to
11 defendants' business operations in the County of STANISLAUS and throughout the state of
12 California.

13
14 3. Pursuant to Business and Practice Code §17203, defendants shall comply with the
15 following conditions:

- 16
17 a) shall not violate any environmental offenses, including but not limited to §25299 of
18 the Health and Safety Code.
19 b) defendant must do one of the following:
20 1) conduct annual integrity tank and line testing; or
21 2) if system conducts monthly testing, defendant must provide annual
22 certification of monitor.
23

24
25 4. Defendants shall pay the sum of FOUR THOUSAND DOLLARS (\$4,000.00) in
26 civil penalties to be paid as follows:

- 27
28 a) Defendants shall pay FOUR THOUSAND DOLLARS (\$4,000.00), as civil

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 penalties, including partial cost recovery, pursuant to Health and Safety Code § 25299.
2 This civil penalty amount shall be made payable to the Stanislaus County Treasurer
3 Department of Environmental Resources.
4

5 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing
6 of this Stipulated Judgment, on the condition that no violations occur pursuant to this
7 agreement. It is understood that this stayed \$4,000.00 portion of the civil penalty shall
8 immediately be due and owed on this case if any future violations occur. If no violations
9 occur during the three-year period, the stay will become permanent.
10

11 5. In addition, defendants shall pay the sum of ONE THOUSAND DOLLARS
12 (\$1,000.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:
13

- 14 a) Defendant shall pay the sum of THREE HUNDRED DOLLARS (\$300.00),
15 payable to the Secretary of the California Environmental Protection Agency. This money
16 shall be deposited into the Environmental Enforcement and Training Account established
17 by Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.
18
- 19 b) Defendant shall pay the sum of FOUR HUNDRED DOLLARS (\$400.00), payable
20 to the Stanislaus County Department of Environmental Resources. Such money is to be
21 used for environmental offenses to conduct investigation, prosecution and remediation.
22
- 23 c) Defendant shall pay the sum of THREE HUNDRED DOLLARS (\$300.00)
24 payable to the California State Water Resources Control Board State Water and Pollution
25 Cleanup and Abatement Account.
26

27
28 6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 THIRTY CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.

2
3 7. Defendants waive all objections to, employees from the CSWRCB and the
4 Department of Environmental Resources, entering upon their business operations in Stanislaus, CA,
5 for the purpose of inspection and enforcement of the terms of this agreement.
6

7 8. All checks shall be sent to the Stanislaus County District Attorney's Office, attention:
8 Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353. All amounts,
9 except the filing fee, are due within sixty (60) of the filing of this Final Judgment. **The filing fee is**
10 **due with the signed Stipulated Judgment.**
11

12 9. This Judgment shall go into effect immediately upon entry hereof. Entry is
13 authorized immediately upon filing.
14
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18
19 Dated: 4-13-05

By: [Signature]
On Behalf of DICKEY PETROLEUM, INC.
by DAW DICKER

20
21
22
23 Dated: 4-13-05

By: [Signature]
On Behalf of DICKEY PETROLEUM (DBA)
by DAW DICKER

24
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26
27 Dated: [X]

By: [X] individually.

28
STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

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Dated:

~~_____~~

By:

~~_____~~
ATTORNEY FOR DEFENDANT

JAMES C. BRAZELTON
STANISLAUS COUNTY DISTRICT ATTORNEY

Dated:

4-13-05

By:


GLORIA M. MAS
DEPUTY DISTRICT ATTORNEY

IT IS ORDERED, ADJUDGED AND DECREED.

Dated:

APR 29 2005

JOHN E. GRIFFIN, JR.

JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF