

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

In the matter of:	)	
	)	
<b>Bardex Corporation; Complaint</b>	)	Order No. R3-2008-0037
<b>No. R3-2008-0037 For</b>	)	On Stipulation and Settlement Agreement
<b>Administrative Civil Liability</b>	)	
_____	)	

This Order on Stipulation and Settlement Agreement (Order) is issued in reference to an adjudicative proceeding initiated by the issuance of *Administrative Civil Liability Complaint No. R3-2008-0037 For Violations of California Water Code Section 13267*, July 21, 2008 (the Complaint). The parties to this proceeding are the California Regional Water Quality Control Board, Central Coast Region’s (Central Coast Water Board’s) Prosecution Team, and Bardex Corporation (collectively hereinafter the “Parties”).

The Parties presented the Central Coast Water Board with a proposed settlement, in the amount of \$25,000, of the claims alleged in the Complaint (Attachment 1). The proposed settlement represents a mutually agreed-upon resolution of the Prosecution Team’s claims through the payment of an administrative civil liability in the amount of \$25,000 to the State Water Resources Control Board Cleanup and Abatement Account under Complaint No. R3-2008-0037.

The Parties, including the Central Coast Water Board Prosecution Team, recommend that the Central Coast Water Board issue this Order to effectuate the proposed settlement.

HAVING CONSIDERED THE ALLEGATIONS DESCRIBED IN THE COMPLAINT AND THE PARTIES’ STIPULATION AND SETTLEMENT AGREEMENT, AND HAVING PROVIDED PUBLIC NOTICE OF THE PROPOSED SETTLEMENT AND AN OPPORTUNITY FOR PUBLIC COMMENT, THE CENTRAL COAST WATER BOARD FINDS THAT:

1. Bardex Corporation is the lessee of and/or operates a business located at 6338 Lindmar Drive, Goleta, California, Santa Barbara County (the “Property”). Groundwater beneath the Property is contaminated by perchloroethylene (“PCE”) and trichloroethylene (“TCE”). Bardex Corporation and the Property are subject to the requirements set forth in Cleanup and Abatement Order (CAO) No. R3-2004-0063, Cleanup and Abatement Order No. R3-2007-0087 (the “CAOs”), and Water Code Section 13267 Order dated October 31, 2007, as specifically alleged in the Complaint.
2. Complaint No. R3-2008-0037 proposes an administrative civil liability of \$25,000 for alleged violations of the CAOs and Water Code Section 13267. The Prosecution Team intended this proposed penalty to resolve all violations alleged against Bardex Corporation and its officers, directors, shareholders and agents (hereinafter “Bardex”) as specified in the Complaint.

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3. In accepting the proposed settlement, the Central Coast Water Board has considered, where applicable, each of the factors prescribed in Water Code Section 13327. The Water Board's consideration of these factors is based upon information obtained by the Water Board in investigating the allegations in the Complaint or otherwise provided to the Water Board. In addition to these factors, the administrative civil liability recovers the costs incurred by the staff of the Water Board in evaluating and preparing the Complaint and related documents.
4. Notice of the assessment of civil liability was published on the Central Coast Water Board's public notice web page on June 18, 2009, notifying the public of the review period and soliciting public comments on the terms of the settlement. The proposed settlement supports the assessment of administrative civil liability in the amount of \$25,000 and is in the public interest. The settlement and assessment of administrative civil liability provides for the full and final resolution of each of the claims set forth in the Complaint.
5. This action is an Order to enforce the laws and regulations administered by the Central Coast Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to section 13268 of the California Water Code and section 11415.60 of the California Government Code that:

1. The Settlement Agreement is approved;
2. The Discharger shall pay the sum agreed to under the Settlement Agreement in accordance with its terms;
3. The Executive Officer of the Central Coast Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under the Settlement Agreement; and
4. Fulfillment of the Discharger's obligations under the Settlement Agreement constitutes full and final satisfaction of any and all liability for each claim in the Complaint in accordance with the terms of the Settlement Agreement.

I, Roger Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, Central Coast Region, on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Roger W. Briggs  
Executive Officer

\_\_\_\_\_  
Date