



Enforcement News

Lawsuit Filed Against West Sacramento Company for Violations of Tank Tester Licensing Requirements for Underground Storage Tanks

FOR IMMEDIATE RELEASE
September 22, 2011

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SACRAMENTO – Today, the State Attorney General's Office, on behalf of the State Water Resources Control Board (State Water Board), filed a complaint against BZ Service Station Maintenance, Inc. (BZ), BZ's owner, Paul E. Ensele, and two of BZ's service technicians, James A. Williams and Rhome M. Desbiens. BZ provides supplies, maintenance and testing services to gas stations and is located in the city of West Sacramento.

The action, which was filed in Sacramento County Superior Court, seeks injunctive relief and civil penalties against the defendants for performing 12 tank integrity tests on underground storage tanks (UST) without a State Water Board issued tank tester's license and/or manufacturer's training for equipment used to perform tank integrity tests

The Attorney General's Office can impose up to a \$2,500 civil penalty for each illegal tank integrity test performed. The maximum total liability is \$30,000 for the alleged violations.

Integrity tests assess the structural integrity of the tank or product piping and must be performed by licensed and trained individuals to ensure that the tests are performed correctly. Integrity tests are critical in preventing an unintended discharge of hazardous substances or gasoline to the environment from underground storage tanks and piping. The 12 illegal integrity tests performed by the defendants may not have accurately determined the integrity of the tank systems.

The State Water Board Office of Enforcement was assisted in the investigation by regulators from Yolo, El Dorado and Sacramento counties. A Yolo County District Attorney's office investigator accompanied State Water Board staff during the execution of an administrative subpoena to retrieve documents relevant to the investigation from BZ's headquarters in West Sacramento. El Dorado and Sacramento counties dedicated staff to aid in the State Water Board's investigation by reviewing UST facility documents to identify facilities where BZ performed the tank integrity tests.

This lawsuit is the latest in a series of enforcement actions that the State Water Resources Control Board's Office of Enforcement, represented by the California Attorney General's Office, has brought against violators of California's underground storage tank leak prevention laws. A copy of the complaint can be found on the State Water Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml

