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8 Attorneys for People

FILED

2005 MAY -5 AM 11:11

CLERK OF THE SUPERIOR COURT,
COUNTY OF STANISLAUS

BY _____

DEPUTY

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

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA

13 Plaintiff,

14 vs.

15 BLACK DIAMOND AGGREGATES INC.

16 Defendant.

CASE NO. 371019-1

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF

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

27 Upon the consent of the parties hereto, and it appearing to the court that there is good cause
28 for the entry of this Stipulated Final Judgment,

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 IT IS ORDERED, ADJUDGED AND DECREED as follows:

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

4
5 2. The injunctive provisions of this Final Judgment are applicable to defendants, its
6 subsidiaries and divisions, and any agent, employee, representative and all persons, partners,
7 corporations, or other entities acting by, through, under, or on behalf of defendants and all persons
8 in concert with or participating with said defendants with actual or constructive knowledge of this
9 injunction, only insofar as they are doing business in the State of California and confined to
10 defendants' business operations in the County of STANISLAUS and throughout the state of
11 California.

12
13 3. Pursuant to Business and Practice Code §17203, Defendants must comply with the
14 following conditions:

- 15
16 a) defendant shall not violate any environmental offenses, including but not limited to
17 §25299 of the Health and Safety Code; and
18 b) defendant shall submit proof of January 2005 designated operator Inspection within
19 fourteen days (14) within the date of filing of this injunction.
20

21
22 4. Defendants shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in
23 civil penalties to be paid as follows:

- 24
25 a) Defendants shall pay FIVE THOUSAND DOLLARS (\$5,000.00), as civil
26 penalties, including partial cost recovery, pursuant to Health and Safety Code § 25299.

27 This civil penalty amount shall be made payable to the Stanislaus County Treasurer
28

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 Department of Environmental Resources.

2
3 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing
4 of this Stipulated Judgment, on the condition that no violations occur pursuant to this
5 agreement. It is understood that this stayed \$5,000.00 portion of the civil penalty shall
6 immediately be due and owed on this case if any future violations occur. If no violations
7 occur during the three-year period, the stay will become permanent.
8

9
10 If the defendant fails to provide proof as indicated in section 3b, TWO THOUSAND
11 FIVE HUNDRED DOLLARS (\$2,500.00) will be due as provided in section 8.

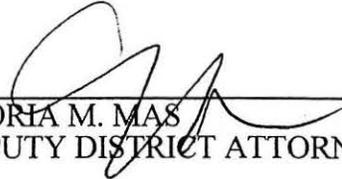
12
13 5. In addition, defendants shall pay the sum of TWO THOUSAND FIVE
14 HUNDRED DOLLARS (\$2,500.00) to a Supplemental Environmental Program, and/or
15 Recovery Costs, as follows:

- 16
17 a) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00),
18 payable to the Secretary of the California Environmental Protection Agency. This money
19 shall be deposited into the Environmental Enforcement and Training Account established
20 by Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.
21
22 b) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00),
23 payable to the Stanislaus County Department of Environmental Resources. Such money is
24 to be used for environmental offenses to conduct investigation, prosecution and
25 remediation.
26
27 c) Defendant shall pay the sum of FIVE HUNDRED DOLLARS (\$500.00) payable
28 to the California State Water Resources Control Board State Water and Pollution Cleanup

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

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: MAY 03 2005

WILLIAM A. MAYHEW

JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF