

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

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***** PRESS RELEASE *****

Beachside Produce, LLC, Settles Environmental Violations with the District Attorney

Company Failed to Timely Report Hazardous Materials to the State

Santa Barbara County District Attorney Joyce E. Dudley announced today the resolution of an environmental-protection action against Beachside Produce, LLC, which owns and operates a produce refrigeration facility in Guadalupe. Beachside Produce and the District Attorney stipulated to the entry of final judgment in this civil case filed on October 9, 2018, in the Superior Court for Santa Barbara County.

During a facility inspection, the Santa Barbara County Certified Unified Program Agency—a division of Santa Barbara County Environmental Health Services—discovered environmental violations. The complaint filed by the District Attorney alleged that Beachside Produce violated two provisions of the Health and Safety Code, both arising from the company taking delivery of 4,775 pounds of anhydrous ammonia (a commercial refrigerant).

First, Beachside Produce failed to establish and implement a Hazardous Materials Business Plan (“HMBP”), which was required because Beachside Produce handled more than 200 cubic feet of anhydrous ammonia in gaseous form. The HMBP provides basic information to first responders to prevent or mitigate damage to public health and safety, and to the environment, from a release or threatened release of a hazardous material. It must be prepared within 30 days of the presence of a regulated material at a facility. Second, and similarly, Beachside Produce failed to prepare a Risk Management Plan (“RMP”) before receiving the ammonia. The RMP was mandatory because the quantity of anhydrous ammonia exceeded 500 pounds, and the law required the RMP to be prepared *before* the ammonia was delivered. The RMP has more detailed information than the HMBP about managing risks presented by hazardous materials, and the material quantities that trigger the RMP requirement are greater than for an HMBP.

Beachside Produce promptly cooperated with the CUPA and the District Attorney to quickly remedy its violations and come into compliance. Beachside Produce will pay a total of \$36,805:

- \$31,500 in civil penalties;
- \$3,500 as a supplemental environmental project, to the Craig Thompson Environmental Protection Prosecution Fund; and
- \$1,805 to the CUPA as reimbursement for investigation and enforcement costs.

In addition, Beachside Produce will be subject to an injunction, making it easier to enforce future compliance with the Health and Safety Code.

District Attorney Dudley said, “Even though these were documentary violations, they have real-world impacts and affect community safety. We are grateful that Beachside Produce responded appropriately and cooperated with the authorities.”

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