

BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECEIVED

EXPEDITED SETTLEMENT AGREEMENT (ESA)

13 JAN -3 AM 8:34

DOCKET NO: EPCRA-10-2013-0000
This ESA is issued to: FedEx Freight Inc.
2316 70th Ave. S. Fife, Washington 98424

HEARINGS CLERK
EPA -- REGION 10

For violating section 312 of the Emergency Planning and Community Right-To-Know Act.

This Expedited Settlement Agreement is being entered into by the U.S. Environmental Protection Agency, Region 10, by its representative, Director, Office of Compliance and Enforcement and by **FedEx Freight Inc. Fife, Washington** pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §11045, and 40 C.F.R. §22.13(b).

ALLEGED VIOLATION

The EPA alleges that Respondent, owner and/or operator of the facility at 2316 70th Ave. S. Fife, Washington (Facility), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. §370.25 and 40 C.F.R. Part 370, Subpart D) for 2011 as required by section 312 of EPCRA, 42 U.S.C. §11022, and 40 C.F.R. Part 370. Under section 312 of EPCRA, 42 U.S.C. §11022, and 40 C.F.R. Part 370, Respondent did not submit its 2011 Tier I or Tier II form by March 1, 2012, and its 2011 Tier I or Tier II form by March 1, 2012.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$2,000)** is in the public interest. In signing this ESA, Respondent: (1) admits that Respondent is subject to the requirements of section 312 of EPCRA; (2) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting payment of the civil penalty with this ESA. Each party shall bear its own costs and fees, if any.

The civil penalty of **TWO THOUSAND DOLLARS (\$2,000)** must be paid by cashiers or certified check to the "Treasurer, United States of America." The Docket Number of this ESA (located at the top left corner) must be included on the check. Send the penalty payment with a copy of the signed ESA by certified mail to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Send the *signed, original* ESA and a copy of the check by certified mail to:

Suzanne E. Powers, EPCRA Enforcement Coordinator
EPA Washington Operations Office
300 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

Upon Respondent's submission of the original signed ESA, the EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. The EPA does not waive any right to file an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

If Respondent does not return the signed, original ESA with an attached copy of the check to the EPA at the above address in correct form within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

FOR RESPONDENT:

Signature: _____
Name (print): _____
Title (print): _____

Date: _____

FOR COMPLAINANT:

Edward J. Kowalski, Director
Office of Compliance and Enforcement

Date: _____

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED

Thomas M. Jahnke
Regional Judicial Officer
EPA Region 10

Date: _____

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EPA Washington Operations Office
300 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

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This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

FOR RESPONDENT:

Signature: 
Name (print): Jeffery Greer
Title (print): VP, Regulatory Affairs

Date: 11/14/12

FOR COMPLAINANT:


Edward J. Kowalski, Director
Office of Compliance and Enforcement

Date: 12/12/2012

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED


Thomas M. Jahnke
Regional Judicial Officer
EPA Region 10

Date: 1/3/13

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT, In the Matter of : FedEx Freight Inc. Docket No.: EPCRA-10-2013-0000** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

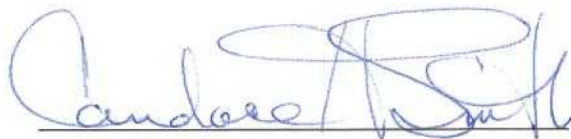
The undersigned certifies that a true and correct copy of the document was delivered to:

Suzanne E. Powers
EPA Washington Operations Office
300 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Jeffery Greer
Vice President, Regulatory Affairs
FedEx Freight Inc.
2316 – 70th Ave. S.
Fife, Washington 98424

DATED this **3rd** day of **January, 2013**



Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10

