

FILED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94106

MAY -3 PM 1:01  
RECEIVED

DOCKET NO: CAA (112r)-09-2011-0004

This ESA is issued to: Plains LPG Services, L.P.

For: Violation of Section 112(r)(7) of the Clean Air Act.  
At: Burnstead Storage Caverns, 7511 North Dysart Road, Glendale, AZ 85307

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and Plains LPG Services, L.P. ("Respondent") pursuant to Section 113(e)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(e)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

**ALLEGED VIOLATIONS**

- 1) Failed to submit a correction within one month of a change in the emergency contact information for their Facility, as required by Section 112(r)(7) of the Clean Air Act (the Act) and 40 C.F.R. § 68.185(b);

**SETTLEMENT**

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of \$800.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and have sent an Online Payment through the Department of Treasury: WWW.PAY.GOV (Enter SFO 1.1 in search field. Open form and complete required fields) or alternatively send a cashier's check or certified check (payable to the Treasurer, United States of America) in the amount of \$800 in payment of the full penalty amount to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center. This original ESA and a copy of the check or online receipt must also be sent by certified mail to:

Mary Wealing (SFD-9-3)  
U.S. Environmental Protection Agency

Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT - Wayne Liles, Facility Supervisor

Signature: Wayne Liles

Date: 4-11-2011

Name (print): WAYNE LILES

Title (print): FACILITY SUPERVISOR

FOR COMPLAINANT:

*for* Jane Diamond

Date: 4-21-11

Jane Diamond  
Superfund Director  
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

Steven L. Jawgiel  
Steven L. Jawgiel  
Chief Judicial Officer  
U.S. EPA Region IX

Date: 4/28/11

Online Payment

Step 3: Confirm Payment

1 | 2 | 3

Thank you.  
Your transaction has been successfully completed.

Pay.gov Tracking Information

Application Name: EPA Miscellaneous Payments

Pay.gov Tracking ID: 2532H6I2

Agency Tracking ID: 74191510084

Transaction Date and Time: 04/11/2011 10:23 EDT

Payment Summary

Address Information

Account Holder Name: Wayne Liles  
14702 W. Olive

Billing Address: Avenue

Billing Address  
2:

City: Waddell

State / Province: AZ

Zip / Postal Code: 85355

Country: USA

Account Information

Card Type: Visa

Card Number: \*\*\*\*\*8494

Payment Information

Payment Amount: \$800.00

Transaction Date 04/11/2011  
and Time: 10:23 EDT

PLAINS LPG SERVICES, LP

CAA (112r)-09-2011-00