



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street San Francisco, CA 94105

EXPEDITED SETTLEMENT AGREEMENT



DOCKET NO: CAA (112r)-09-2023-0089

This ESA is issued to: Wilbur-Ellis Company, LLC Dixon
1850 North First Street
Dixon, California, CA, 95620

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Wilbur-Ellis Company, LLC Dixon, 1850 North First Street,
Dixon, CA 95620

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region IX, by its duly delegated official, Amy C. Miller-Bowen, Director, Enforcement and Compliance Assurance Division, and the Wilbur-Ellis Company LLC (“Respondent”) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(a)(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, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

EPA alleges Respondent’s failure to:

1. Submit its Risk Management Plan report in a timely manner (156 days late), in accordance with Section 112(r)(7) of the Clean Air Act and 40 C.F.R. § 68.190(b)(1).

SETTLEMENT

The parties enter into this ESA in order to settle the violations described above for the total penalty amount of \$2,000.

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 has 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). EPA encourages electronic payments, but alternatively you may send a cashier's check or certified check (payable to the Treasurer, United States of America) in the amount of \$2,000 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 payment should reference Respondent's name. In addition, please send a copy of your payment confirmation to Anuka King at king.anuka@epa.gov.


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 ESA with an attached copy of the payment is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, 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: Wilbur-Ellis Company, LLC Dixon

Signature: Dominic Santucci  Date: 9/8/23

The digital signature verification stamp contains the following text: Digitally signed by Dominic Santucci, Date: 2023.09.08 15:25:38 -07'00'

Name (print): Dominic Santucci

Title (print): Location Operations Manager

FOR COMPLAINANT: Environmental Protection Agency

**AMY MILLER-
BOWEN** Digitally signed by AMY
MILLER-BOWEN
Date: 2023.09.12 08:13:20
-07'00'

Date: 9/12/2023

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

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

**BEATRICE
WONG** Digitally signed by
BEATRICE WONG
Date: 2023.09.14 09:53:20
-07'00'

Beatrice Wong Date
Regional Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Wilbur-Ellis Company, LLC Dixon CAA(112r)-09-2023-0089, was filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was sent by electronic mail to the following parties:

RESPONDENT

Patrick Klingler
Operations Manager
Wilbur-Ellis Company, LLC Dixon
1850 North First Street,
Dixon, CA 95620
PKlingler@wilburellis.com

COMPLAINANT

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

**PONLY
TU** Digitally signed
by PONLY TU
Date: 2023.09.14
10:20:10 -07'00'



Ponly J. Tu	Date
Regional Hearing Clerk	
U.S. EPA – Region IX	