



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO.: SPCC-09-2019-0052

On: October 30, 2018

At: Preferred Charters
520 E Todd Road, Santa Rosa, CA 95407

Owned & Operated by: Earl Shimming
(Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. §1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits to being subject to 40 CFR Part 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR §22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$2,525.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$2,525.00, payable to the Treasurer, United States of America with the notation "Spill Fund - 311".

This Expedited Settlement must be returned by certified mail to: **Janice Witul, U.S. Environmental Protection Agency, Region 9 (ECAD-3-2), 75 Hawthorne Street, San Francisco, California 94105-3901.** The certified check for payment must be sent by certified mail to: U. S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations.

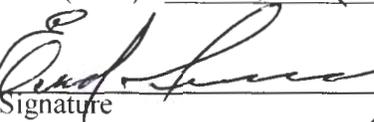
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below and is effective immediately on the date filed with the Regional Hearing Clerk. If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

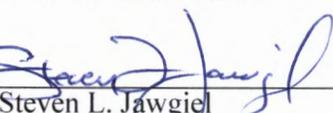
APPROVED BY EPA:

 Date: 8/21/19
Amy C. Miller, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (Print): Earl Shimming
Title (Print): Member
 Date: 8-15-19
Signature

IT IS SO ORDERED:

 Date: 08/26/19
Steven L. Jawgiel
Regional Judicial Officer

**** FILED ****

26AUG2019 - 10:50AM

U.S.EPA - Region 09

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER in conjunction with an Expedited Settlement Agreement (ESA) in the matter of Preferred Charters, Docket Number SPCC-09-2019-0052, has been signed by the Regional Judicial Officer and has been filed with the Regional Hearing Clerk.

Accordingly, the Final Order has been served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:
(With Return Receipt)

Respondent-

Earl Simning, Owner
Preferred Charters
520 E Todd Road
Santa Rosa, CA 95407

HAND DELIVERED:

Complainant-

Andrew Helmlinger, Esq.
Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA 94105

Dated this 26th day of August, 2019;



FOR: Regional Hearing Clerk
EPA, Region 9