



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10

1200 Sixth Avenue, Suite 155, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: **CWA-10-2026-0217**

Penalty Amount: \$1,300, Inspection Date: April 30, 2026

Spill Prevention Control and Countermeasure Regulations

FILED

August 27, 2026

4:21 P.M. PST

**U.S. EPA REGION 10
HEARING CLERK**

On April 30, 2026, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent's facility known as Shell Portland Distribution Terminal at 3800 NW St. Helens Road in Portland, Oregon to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, as amended, (33 U.S.C. §1321(j)), (the "Act" or "CWA"). The EPA determined that Respondent, as owner or operator of the facility, violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure ("SPCC") Inspection Findings, Alleged Violations, and Proposed Penalty Form ("Violations Form") which is hereby incorporated by reference. By its signature below, the EPA ratifies the inspection findings and alleged violations set forth in the Violations Form.

The parties enter into this Expedited Settlement Agreement ("Agreement") in order to settle the civil violations described in the Violations Form for a penalty of **\$1,300**. This Agreement constitutes a Consent Agreement and Final Order, which the parties are authorized to enter under the authority of Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and by 40 C.F.R. § 22.13(b).

This Agreement is subject to the following terms and conditions:

The EPA finds the Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations as further described in the Violations Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violations Form. Respondent admits to the facts in the first paragraph of this Agreement and waives any objections it may have to the EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations identified in the Violations Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility brought into full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by the EPA in writing).

Respondent agrees that, within thirty (30) days after the effective date of the Final Order, Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due to the "Oil Spill

Liability Trust Fund" using any method, or combination of appropriate methods, as provided on [EPA's How to Make a Payment webpage](#). For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

Within 24 hours of payment, Respondent shall also e-mail proof of payment to Kate Spaulding at spaulding.kate@epa.gov and the Regional Hearing Clerk at R10_RHC@epa.gov. The payment made pursuant to this Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), and, therefore, Respondent shall not claim it as a tax-deductible expenditure for purposes of federal, state or local law.

Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to the EPA's approval of the Agreement without further notice. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement. Moreover, in entering into this Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Agreement.

This Agreement is binding on the parties signing below and is effective when the Final Order is executed filed with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b). The parties consent to service of this Agreement and Final Order by e-mail at the following valid e-mail addresses: spaulding.kate@epa.gov (for Complainant), and jay.tizsimmons@sneil.com (for Respondent).

Once the Final Order is signed by the Regional Judicial Officer, the original Agreement will be filed with the Regional Hearing Clerk and a copy will be mailed or emailed to the U.S. EPA Cincinnati Finance Office. A copy of the Agreement will also be delivered to the Respondent.

If Respondent does not sign and return this Agreement as presented within 30 days of the date of its receipt, or within an extension timeframe approved by the EPA, the proposed Agreement is withdrawn without prejudice to the EPA's ability to file any other enforcement action for the violations identified in the Violations Form.

After this Agreement becomes effective, the EPA will take no further civil penalty action against Respondent for the alleged violations of the Oil Pollution Prevention regulations described

in the Violations Form through the order date of this Agreement. However, the EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

Attachments:

1. Violations Form
2. Payment Instructions

APPROVED BY THE EPA:

_____ Date: _____

for Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name
(print): Jay Fitzsimmons

Title
(print): Terminal Operation Supervisor



Signature

Date: 8/19/26

Estimated cost for correcting the violation(s) is: \$ 1,300.00

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

_____ Date: _____

Richard Mednick
Regional Judicial Officer, Region 10