



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9, 75 Hawthorne Street, San Francisco, CA 94105

FILED

August 25, 2025

9:00 A.M.

U.S. EPA REGION IX  
HEARING CLERK

**EXPEDITED SPILL PREVENTION, CONTROL, AND COUNTERMEASURE  
SETTLEMENT AGREEMENT**

In the matter of Swissport Fueling, Inc., San Jose CA;  
Docket No. SPCC-09-2025-0072

On December 4, 2024, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Swissport Fueling, Inc. Storage Terminal and Into-Plane Fueling Facilities at the San Jose Mineta International Airport (Swissport) 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"). EPA determined that Swissport, as owner or operator of the facilities, 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, EPA ratifies the inspection findings and alleged violations set forth in the Violations Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violations Form for a penalty of \$1,500.00. The parties are authorized to enter into this Expedited Settlement 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 settlement is subject to the following terms and conditions:

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

Swissport 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 EPA in writing). Swissport, in accordance with the included Payment Instructions, shall provide proof of payment within thirty (30) days after receiving the executed and filed order of this Expedited Settlement.

The payment made pursuant to this Consent Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), and, therefore, Swissport shall not claim it as a tax-deductible expenditure for purposes of federal, state or local law.

Upon signing and returning this Expedited Settlement to EPA, Swissport 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. Moreover, in entering into this Consent Agreement, Swissport agrees to bear its own costs and attorney's fees related to this Consent Agreement.

This Expedited Settlement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b). The parties consent to service of this Expedited Settlement Agreement and Final Order by e-mail at the following valid e-mail addresses: [reich.peter@epa.gov](mailto:reich.peter@epa.gov) and [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov) (for Complainant), and TBD (for Swissport).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-WG32B), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to Swissport.

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

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Swissport for the alleged violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or



future violations by Swissport of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

ROBERTO

RODRIGUEZ

Digitally signed by ROBERTO  
RODRIGUEZ

Date: 2025.08.20 11:48:35 -07'00' Date: \_\_\_\_\_

Delegated Official

APPROVED BY SWISSPORT FUELING, INC.

Name (print): CHRISTOPHER RIVAS

Title (print): General Manager

Signature: [Signature] Date: 8/16/25

IT IS SO ORDERED:

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



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Expedited Settlement Agreement and Final Order in the matter of Swissport Fueling, Inc. (Docket No. SPCC-09-2025-0072) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

**RESPONDENT(S):** Christopher Rivas  
General Manager  
Swissport Fueling, Inc.  
2341 Airport Blvd.  
San Jose, CA 95110  
Christopher.rivas@swissport.com

**COMPLAINANT:** Andrew Helmlinger  
Supervisory Attorney Adviser  
U.S. EPA – Region IX  
Hazardous Waste Section I (ORC-3-1)  
75 Hawthorne Street  
San Francisco, CA 94105  
Helmlinger.Andrew@epa.gov

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Regional Hearing Clerk  
U.S. EPA – Region IX