



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

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09 MAR 19 AM 10:47
HEARINGS CLERK
EPA--REGION 10

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2009-0123
This ESA is issued to: Oregon Cherry Growers, Inc.
P.O. Box 1577
The Dalles, Oregon 97058

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 31, 2005, EPA 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

EPA found that Respondent had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary and the Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty Sheet, which are hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good-faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the enclosed Summary and Sheet for the total penalty amount of \$ 998.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary and Sheet, and consents to the assessment of the penalty as stated above.

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Environmental
Cleanup Office

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 costs and fees, if any.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed Summaries and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$ 998 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 docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

Attn: Javier Morales, 112(r) Enforcement Coordinator
Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mail Stop ECL-116
Seattle, Washington 98101

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA at the above address by Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the Summary and Sheets.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Michelle M. Halverson
Name (print): Michelle M. Halverson
Title (print): V. P. of Human Resources
Cost to correct violation(s): \$ 27,475.00

Date: 3/9/09

FOR COMPLAIANT:

Kelly Huynh
Kelly Huynh
Preparedness and Prevention Team Leader
Emergency Response Unit
Office of Environmental Cleanup

Date: 3/18/09

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

M. Socorro Rodriguez

M. Socorro Rodriguez
Regional Judicial Officer
EPA Region 10

3-19-09
Date: _____

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT BORDER. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



CASHIER'S CHECK

No. 3149500556

93-38
919

DATE: MARCH 10, 2009

PAY NINE HUNDRED NINETY EIGHT DOLLARS AND 00 CENTS

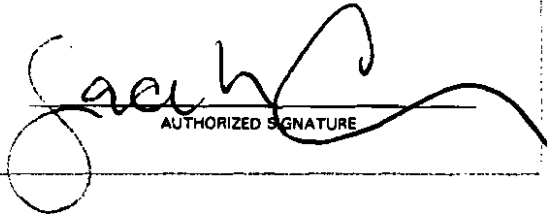
\$ 998.00

TO THE ORDER OF: TREASURER, UNITED STATES OF AMERICA

PURPOSE/REMITTER: CAA-10-2009-0123

Location: 3149 NORTH SALEM

U.S. Bank National Association
Minneapolis, MN 55480


AUTHORIZED SIGNATURE

⑈ 3149500556⑈ ⑆092900383⑆ 150080235305⑈

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09 MAR 18 PM 12:15
HEALTH CARE DEPT
FPA - REGION 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Oregon Cherry Growers, Inc., DOCKET NO.: CAA-10-2009-0123** was filed with the Regional Hearing Clerk on March 19, 2009.


On March 19, 2009 the undersigned certifies that a true and correct copy of the document was delivered to:

Deborah Hilsman, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on March 19, 2009, to:

Michelle M. Halverson
V.P. of Human Resources
Oregon Cherry Growers, Inc.
P.O. Box 1577
The Dalles, Oregon 97058

DATED this 19th day of March 2009.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10