



REGION 9

SAN FRANCISCO, CA 94105

FILED

Jul 17, 2024

8:44 am

U.S. EPA REGION IX  
HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO** CAA (112r)-09-2024-0075

**This ESA is issued to:** Agat Terminal  
Route 2A Santa Rita Industrial Dr  
Agat, Guam 96928

**For:** Violation of Section 112(r)(7) of the Clean Air Act.  
**At:** Agat Terminal, Route 2A Santa Rita Industrial Drive, Agat, Guam 96928

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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 Agat Terminal (“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 failed to:

1. Submit its Risk Management Plan report in a timely manner (46 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](http://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 \$[insert amount] 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 Kiya Opstrup at [Opstrup.kiya@epa.gov](mailto:Opstrup.kiya@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: Agat Terminal

Signature:  \_\_\_\_\_ Date: 13 June 2024

Name (print): John Afleje

Title (print): Terminal Manager

FOR COMPLAINANT: Environmental Protection Agency

AMY MILLER-  
BOWEN

Digitally signed by AMY  
MILLER-BOWEN  
Date: 2024.07.10  
08:54:04 -07'00'

\_\_\_\_\_  
Date: \_\_\_\_\_

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

It is hereby ORDERED that this ESA be entered.

BEATRICE  
WONG

Digitally signed by  
BEATRICE WONG  
Date: 2024.07.15  
15:49:13 -07'00'

\_\_\_\_\_  
Date: \_\_\_\_\_

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



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SAN FRANCISCO, CA 94105

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, the foregoing Expedited Settlement Agreement in the matter of Agat Terminal CAA(112r)-09-2024-0075, was filed with the Regional Hearing Clerk, Region IX, and that copies were sent by electronic mail to:

**RESPONDENT:**

**John Afleje**

Terminal Manager

Agat Terminal

Route 2A Sana Rita Industrial Dr

Agat, Guam 96928

[jafleje@tristar-guam.com](mailto:jafleje@tristar-guam.com)

**COMPLAINANT:**

Andrew Helmlinger

Assistant Regional Counsel

U.S. EPA – Region IX

75 Hawthorne Street

San Francisco, CA 94105

Helmlinger.Andrew@epa.gov

\_\_\_\_\_  
Date

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Grace Elam

Regional Hearing Clerk

Office of Regional Counsel, Region IX