



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Via Electronic Mail

Christopher.rivas@swissport.com

Christopher Rivas
Swissport Fueling, Inc.
2341 Airport Blvd.
San Jose, CA 95110

Docket Number: SPCC-09-2025-0072

Re: Expedited Settlement Offer for Violations of Spill Prevention, Control and Countermeasure Regulations at Swissport Fueling, Inc. Bulk Storage Facility and Into-Plane Fueling Operations, San Jose Mineta International Airport, San Jose, California.

Christopher Rivas:

On December 4, 2024, Pete Reich of the U.S. Environmental Protection Agency ("EPA") Region 9 Oil Program conducted a Spill Prevention, Control and Countermeasure ("SPCC") inspection of the Swissport Fueling, Inc. Bulk Storage Facility and the Swissport Into-Plane Fueling Operations at Mineta International Airport ("Swissport") facilities in San Jose, California. The purpose of the inspection was to evaluate the Swissport's 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") (commonly known as the "SPCC regulations"). A copy of EPA's inspection report is enclosed. The inspection revealed violations with applicable SPCC requirements. The apparent violations are outlined in the enclosed SPCC Inspection Findings, Alleged Violations, and Proposed Penalty Form ("Violations Form").

EPA has authority under section 311(b) of the Act to take enforcement actions, including seeking civil penalties, for the alleged violations outlined in the Violations Form. At this time, rather than undertake a more traditional enforcement action for civil penalties, EPA is offering Swissport the opportunity to enter into the enclosed Expedited Settlement Agreement ("ESA"), provided: Swissport (1) corrects or has corrected the deficiencies cited in the inspection report and in the Violations Form; and (2) agrees to pay an administrative civil penalty of \$1,500.00. It is important for all deficiencies identified in the Violations Form and inspection report to be corrected promptly. Before EPA agrees to enter into the ESA, you will need to submit evidence, including photographs, demonstrating all such deficiencies have been corrected. Please note that by signing the ESA, Swissport will certify that all violations alleged in the Violations Form have been corrected.

If you intend to enter into this ESA, please sign and return it electronically, together with documentation of the deficiencies having been corrected, within 30 days of your receipt of this letter to:

Pete Reich
U.S. EPA Region 9 Oil Program
75 Hawthorne Street (ECAD-3-2)
San Francisco, CA 94122
Reich.peter@epa.gov

Although the ESA will commit Swissport to pay a civil administrative penalty, you do not need to make that payment at the time you return the signed ESA to EPA. After the EPA representative signs the ESA, we will then ask the Regional Judicial Officer to issue a Final Order approving the ESA. You will then be notified of the issuance of the Final Order, and your penalty will be due 10 days after the Final Order is signed. "The mechanics for payment, including credit card payments through Pay.gov, can be found at: <https://www.epa.gov/financial/makepayment>." You then must provide proof of payment to EPA using the EPA contact stated above.

Entering into the enclosed ESA and paying the penalty will resolve Swissport's liability for federal civil penalties for the violations alleged in the Violations Form. In other words, for all violations alleged in the Violations Form there will be no additional civil penalties. As with any settlement of administrative civil penalties, regardless of whether you enter into the ESA, EPA reserves its rights to issue an administrative compliance order, to seek a court injunction directing compliance, and/or to pursue criminal sanctions, in the event any such actions are appropriate.

This offer is open for a period of 30 days from your receipt of this letter. EPA may, at its discretion, grant up to a 90-day extension for you to come into compliance with the SPCC requirements but only if you demonstrate that it is technically infeasible or impracticable to achieve compliance within 30 days. You must submit a request for an extension to Mr. Reich at the above address within 14 days of your receipt of this letter. If EPA grants the extension request, you will receive an approval letter. You must correct the violations within the approved time frame. If you do not return the signed ESA and documentation of corrective action within the allotted time, this offer will be automatically withdrawn, and EPA may pursue a more formal enforcement action for penalties. This could involve a longer process and result in a greater penalty. Under the CWA, EPA is authorized to seek civil penalties of up to \$23,647 per day of violation. 33 U.S.C. §1321(b)(6). In addition, EPA may take further enforcement action if you sign the ESA but do not pay the penalty.

EPA encourages expeditious settlements and is committed to settling this matter fairly and expeditiously. If you have any questions or comments, such as how to document corrective actions, please contact Pete Reich at 415-972-3052 or by email at reich.peter@epa.gov. If Swissport is represented by an attorney in this matter who has questions, please ask the attorney to contact Andrew Helmlinger at 415-972-3904 or by email at helmlinger.andrew@epa.gov.

Sincerely,

Jamie Marincola, Supervisor
Stormwater, Wetlands and Oil Section
Enforcement and Compliance Assurance Division

Enclosures:
SPCC Inspection Findings and Violations Form
Expedited Settlement Agreement