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BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Docket No. EPCRA-10-2007-0204

FIRESTONE PACIFIC FOODS, INC.,  
Vancouver, Washington,

RESPONDENT'S PRE-HEARING  
EXCHANGE

Respondent.

I. Statement Concerning Allegations.

a. Allegations That Are Not Factual or Represent Statements of Law.

A number of allegations are statements of law. These are contained in Allegations 1.1-2.7, 3.2, 3.4, 3.5, 3.8, 3.11, 3.14, 3.17, 3.20, 3.23, 3.26, 3.29, 3.32, 3.35, 3.38, 3.41, 3.44, 3.47, and 3.50.

b. Presence of Ammonia.

There is no proof that ammonia in specified quantities was at respondent's facility during the years 2001-4. Denial is therefore made of the allegations contained in Paragraph 3.5, 3.18, 3.24, 3.27, 3.30, 3.33, 3.36, 3.39, 3.42, 3.45, and 3.48. Respondent concedes that it did not file forms during these periods of time as it was not required to do so.

c. Penalty.

1 In the absence of any proof of a violation for the years 2001-4, no penalty is  
2 warranted.

3 The violation in question amounts to a failure to file a report with public agencies.  
4 Respondent first had actual knowledge due to the inspection on April 28, 2006. It took steps to  
5 complete the form in question and submitted the form to the required agencies. At least on of the  
6 agencies reports recollection of seeing the report during the summer of 2006. Reports were timely  
7 submitted for calendar 2006 and will be submitted for calendar 2007. No release has occurred. No  
8 one has been harmed. On that bases, the findings should be minimal.  
9

10 The "economic" benefit portion of the penalty is difficult to comprehend. There can  
11 be no economic benefit in avoiding completing a form that can reasonably be completed in 10  
12 minutes.  
13

14 II. Other Evidence.

15 a. Documents:

16 E-mail from Deborah Needham CRESA, 710 W 13<sup>th</sup> Street, Vancouver,  
17 Washington 98660, attached hereto.  
18

19  
20  
21 ///

22  
23 ///



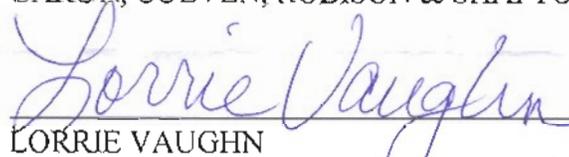
CERTIFICATE OF SERVICE

THE UNDERSIGNED, states as follows: I am a citizen of the United States, over the age of eighteen (18) years, a resident of the State of Washington, and am not a party to this action. On the 11<sup>th</sup> day of January, 2008, I caused the document to which this Certificate is affixed to be served as follows:

REGIONAL HEARING CLERK US ENVIRONMENTAL PROTECTION AGENCY REGION 10 1200 SIXTH AVE MS ORC-158 SEATTLE WA 98101	<input type="checkbox"/> By hand delivery <input type="checkbox"/> By first class mail* <input checked="" type="checkbox"/> By certified mail – return receipt requested*
MR. ROBERT HARTMAN US ENVIRONMENTAL PROTECTION AGENCY REGION 10 1200 SIXTH AVE MS ORC-158 SEATTLE WA 98101	<input type="checkbox"/> By hand delivery <input type="checkbox"/> By first class mail* <input checked="" type="checkbox"/> By certified mail – return receipt requested*
HON SUSAN L BIRO CHIEF ADMINISTRATIVE LAW JUDGE US ENVIRONMENTAL PROTECTION AGENCY MAIL CODE 1900L 1200 PENNSYLVANIA AVE NW WASHINGTON DC 20460	<input type="checkbox"/> By hand delivery <input type="checkbox"/> By first class mail* <input checked="" type="checkbox"/> By certified mail – return receipt requested*

\* with first class postage prepaid and deposited in Vancouver, Washington, United States of America.

CARON, COLVEN, ROBISON & SHAFTON, P.S.

  
LORRIE VAUGHN  
Assistant to Ben Shafton

**Stan Firestone**

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**From:** "Needham, Deborah" <Deborah.Needham@clark.wa.gov>  
**To:** <stan@firestonepacificfoods.com>  
**Sent:** Thursday, March 08, 2007 3:17 PM  
**Subject:** Acknowledge receipt of Firestone Tier II report

Stan, thanks for the inquiry checking to see that we did receive your Tier II report. Although the envelope with the date stamp was unfortunately discarded, I do recall receiving Firestone's Tier II report in the early summer. Hopefully this is the information you were looking for.

deb

Deborah Needham  
Emergency Management Coordinator  
360-737-1911 Ext. 3962

Clark Regional Emergency Services Agency  
710 W. 13th Street  
Vancouver, WA 98660-2810  
EOC fax: 360-694-8802

[www.CRESA911.org](http://www.CRESA911.org)  
[www.PrepareTogether.org](http://www.PrepareTogether.org)