



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

FILED

3011 MAY -3 PM 1:13

REGIONAL OFFICE

DOCKET NO: EPCRA-09-2011-~~0005~~ 0005 <sup>DA</sup>  
This ESA is issued to: Plains LPG Services, L.P.  
At: Burnstead Storage Caverns, 7511 North Dysart Road, Glendale, AZ 85307  
For: Violating Section 312 of the Emergency Planning and Community Right-To-Know Act

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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, Jane Diamond, Superfund Director, and by Plains LPG Services, L.P., ("Respondent") pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. § 11045, and by 40 CFR § 22.13(b).

**ALLEGED VIOLATIONS**

The EPA alleges that Respondent, owner and operator of the Burnstead Storage Caverns facility at 7511 North Dysart Road, Glendale, AZ 85307 ("Facility"), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form) as described in 40 CFR § 370.25 and 40 CFR Part 370, Subpart D, or the state equivalent) for the years 2007, 2008, and 2009 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 CFR Part 370. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for the years 2007, 2008, and 2009 on or before March 1, 2008, March 1, 2009, and March 1, 2010, respectively.

**SETTLEMENT**

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$ 2,000)** is in the public interest. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations or appeal the final order contained herein.

By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) Respondent has corrected the violations listed above, and (2) Respondent has submitted payment of the civil penalty pursuant to this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **TWO THOUSAND DOLLARS (\$ 2,000)** should be paid by cashier's or certified check or online payment through the Department of Treasury at WWW.PAY.GOV to the "Treasurer, United States of America." The penalty payment should be sent, with a copy of the ESA, to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and the check or online payment receipt and a copy of this ESA must be sent by certified mail to the above address.

This original ESA (original signature) and a copy of the check or online payment receipt must be sent by certified mail to:

Mary Wesling  
U.S. Environmental Protection Agency  
Region IX (SFD-9-3)  
75 Hawthorne Street  
San Francisco, CA 94105

Upon Respondent's submission of the original signed ESA, EPA will take no further civil penalty action against Respondent for the alleged violations of EPCRA identified in the ESA. 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 original ESA with an attached copy of the check or online payment receipt 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 (unless an extension has been granted by EPA), 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.

In accordance with 40 CFR § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

FOR RESPONDENT - Wayne Liles, Facility Supervisor

Signature: Wayne Liles  
Name (print): WAYNE LILES  
Title (print): FACILITY SUPERVISOR

Date: 4-11-2011

FOR COMPLAINANT:

*for*  
Jane Diamond  
Jane Diamond  
Superfund Director  
U.S. EPA Region IX

Date: 4-21-11

IT IS SO ORDERED:

Steven L. Jawgler  
Steven L. Jawgler  
Regional Judicial Officer  
U.S. EPA Region IX

Date: 04/28/11

Online Payment

Step 3: Confirm Payment

1 | 2 | 3

Thank you.

Your transaction has been successfully completed.

Pay.gov Tracking Information

Application Name: EPA Miscellaneous Payments

Pay.gov Tracking ID: 2532HAGC

Agency Tracking ID: 74191514127

Transaction Date and Time: 04/11/2011 10:39 EDT

Payment Summary

Address Information

Account Holder Name: Wayne Liles  
14702 W. Olive

Billing Address: Avenue

Billing Address

2:

City: Waddell

State / Province: AZ

Zip / Postal Code: 85355

Country: USA

Account Information

Card Type: Visa

Card Number: \*\*\*\*\*6494

Payment Information

Payment Amount: \$2,000.00

Transaction Date 04/11/2011  
and Time: 10:39 EDT

*PLAINS LPG SERVICES, LP  
EPCRA - 09 - 2011. 0005*