



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 901 N. 5th ST., KANSAS CITY, KANSAS 66101

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EPA's approval of the Expedited Settlement without further notice.

ENVIRONMENTAL PROTECTION AGENCY-REGION VII REGIONAL HEARING CLERK

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature.

DOCKET NO. CWA-07-2010-0099

On March 24, 2010

At: 4600 NW 2nd Avenue, Des Moines, IA

Owned or operated by Bridgestone Americas Tire Operations, LLC, (Respondent), discharged 1-36 gallons of oil in violation of regulations promulgated at 40 C.F.R. Part 112 under Section 311(b)(3) of the Clean Water Act as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM, (Form), which is hereby incorporated by reference.

APPROVED BY EPA:

Margaret Seal Date 6-9-2010
Chief, Storage Tank and Oil Pollution Branch (STOP)
Air and Waste Management Division

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 C.F.R. §§ 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$500.

APPROVED BY RESPONDENT:

Name (print): Melissa M. McGuire
Title (print): Vice President General Counsel and Secretary
Signature: Melissa M. McGuire
Date: June 4, 2010

This settlement is subject to the following terms and conditions:

The estimated cost for correcting the violation(s) is: \$

Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$500, payable to the "Environmental Protection Agency," via certified mail to:

U.S. Environmental Protection Agency
P.O. Box 979077
St. Louis, MO 63197-9000

IT IS SO ORDERED:

Robert L. Patrick Date June 11, 2010
Regional Judicial Officer

and Respondent has noted on the penalty payment check Docket No. CWA-07-2010-0099 and "OSLTF - 311." The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:

Paula Higbee
U.S. Environmental Protection Agency
Region 7, AWMD/STOP
901 N. 5th Street
Kansas City, KS 66101

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the oil spill regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to

EPA's FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. Bridgestone Americas Tire Operations, LLC, is a corporation organized under the laws of Delaware with a place of business located at 4600 NW 2nd Avenue, Des Moines, Iowa. The Respondent is a person within the meaning of Section 311 (a)(7) of the Act, 33 U.S.C. §1321 (a)(7).
2. Respondent is the owner/operator of an onshore facility within the meaning of Section 311 (a)(10) of the Act, 33 U.S.C. §1321 (a)(10) of the Act, which is located at 4600 NW 2nd Avenue, Des Moines, Iowa ('facility').
3. Section 311(b)(3) of the Act prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.
4. For purposes of Section 311 (b)(3) and (b)(4) of the Act, 33 U.S.C. §1321 (b)(3) and (b)(4), discharges of oil into or upon the navigable waters of the United States in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines.
5. On March 24, 2010, respondent discharged 1-36 gallons of oil as defined in Section 311 (a)(1) of the Act, 33 U.S.C. §1321(a)(1), and 40 C.F.R. §110.1, from its facility into or upon Walfley Creek and/or adjoining shorelines.
6. Walfley Creek is a navigable water of the United States as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 C.F.R. §110.1.
7. Respondent's March 24, 2010, discharge of oil from its facility caused a sheen upon or discoloration of the surface of Walfley Creek and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. §110.3, which implements Sections 311(b)(3) and (b)(4) of the Act.
8. Respondent's March 24, 2010, discharge of oil from its facility into or upon Walfley Creek and/or adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. §110.3 violated Section 311(b)(3) of the Act. Pursuant to Section 311(b)(6)(B)(i) of the Act, and 40 C.F.R. 19.4, the respondent is liable for civil penalties of up to \$16,000 per violation, up to a maximum of \$37,500.

IN THE MATTER OF Bridgestone Americas Tire Operations, LLC, Respondent
Docket No. CWA-07-2010-0099

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited SPCC Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Howard Bunch
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Melissa M. McGuire
Vice President, General Counsel and Secretary
Bridgestone Americas Tire Operations, LLC
4600 NW 2nd Avenue
Des Moines, Iowa 50313

Dated: 10/11/10



Kathy Robinson
Hearing Clerk, Region 7