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

Mr. Mike Walters, President and CEO
Love's Bakery Inc.,
911 Middle Street
Honolulu, HI. 96819

SEP 17 2009

Re: Love's Bakery Inc.

Dear Mr. Walters:

This letter transmits a copy of the fully executed Expedited Settlement Agreements that resolve the alleged violations of the Emergency Planning and Community Right-To-Know Act ("EPCRA"). The EPCRA violations involve failure to submit hazardous chemical inventory forms as required by 40 CFR Part 370.

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the Clean Air Act or the Emergency Planning and Community Right-To-Know Act requirements, please feel free to contact Lance Richman of my staff at (415) 972-3022.

Sincerely,

for Keith Takata
Director, Superfund Division

Enclosures

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

FILED

2009 SEP 11 PM 4:43

U.S. EPA
REGIONAL HEARING CLERK

DOCKET NO: EPCRA-09-2009-0013
This ESA is issued to: Love's Bakery Inc.

For: Violation of Section 312 of the Emergency Planning and Community Right-To-Know Act.
At: Love's Bakery Inc., 911 Middle Street, Honolulu, HI. 96819

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by Love's Bakery Inc. (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 VIOLATION

Respondent 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 year 2008, as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 CFR Part 370. Respondent was required to submit its Tier II form for the year 2008 on or before March 1, 2009.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **$ 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.

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the Respondent has corrected the violation listed above, and (2) Respondent has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **$2000.00** 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 check should reference Respondent's name and a copy of this ESA must be included with the check.

This original ESA and a copy of the check must be sent by certified mail to:

Lance Richman
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 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, 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.

FOR RESPONDENT - Love's Bakery Inc.

Signature: _____ Date: Aug 26, 2009

Name (print): Michael J. Walters Sr.

Title (print): President and CEO

FOR COMPLAINANT:

for _____ Date: 9/8/09

Keith Takata
Superfund Director
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.

_____ Date: 09/11/09

Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that the original and a copy of the foregoing Expedited Settlement Agreement in the matter of Love's Bakery, Inc., Docket # EPCRA-09-2009-0013, has been filed with the Regional Hearing Clerk, Region IX and copies sent:

By Certified Mail, Return Receipt Requested to:

Love's Bakery, Inc.
911 Middle Street
Honolulu, HI 96819

Certified Mail No. **7000 1670 0009 3122 7155**

By Hand Delivery to:

Joshua Wirtschafter
Assistant Regional Counsel
U.S. EPA, Region 9
75 Hawthorne Street,
San Francisco, California 94105

9/17/09
Date

FOR: Steven Armsey
Regional Hearing Clerk