

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

257-20-008
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In the Matter of:) DOCKET NO. EPCRA-10-2020-0028
)
EL ORO CATTLE FEEDERS, LLC) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND FINAL ORDER**
)
18857 Road 2.7 Southeast)
Moses Lake, Washington,)
)
Respondent.)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that EL ORO CATTLE FEEDERS, LLC (“Respondent”) failed to comply with Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370.

2. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit a completed Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II form) as described in 40 C.F.R. § 370.45 for the calendar year on or before March 1, of the following year.

3. Respondent is an owner or operator of the facility at 18857 Road 2.7 Southeast, Moses Lake, Washington (“Facility”). Facility does business as El Oro Cattle Feeder. Facility’s parent company is Agri Beef Company located in Boise, Idaho.

4. Facility is subject to the reporting requirements of 40 C.F.R. Part 370 because Facility stores Unleaded Gasoline Fuel (CAS #008006-61-9), Diesel Fuel (CAS #068476-34-6) and Engine Oil (CAS #064742-54-7) onsite at or above the 10,000-pound reporting thresholds. See 40 C.F.R. § 370.10(a).

5. Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.20 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form to the State Emergency Response Commission, the Local Emergency Planning Commission, and the fire department with jurisdiction over Facility for calendar year 2018 by March 1, 2019. The 2018 Emergency and Hazardous Chemical Inventories were filed on August 1, 2019.

6. EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$5,000 (the “Assessed Penalty”).

7. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order by one of the following methods:

7.1. Send a cashier's or certified check or money order with a notation for EPCRA-10-2020-0028 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. EPCRA-10-2020-0028
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

7.2. Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with a notation for EPCRA-10-2020-0028 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

7.3. Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

8. Concurrently with the payment made under Paragraph 9, Respondent must send a copy of the cashier's or certified check or money order, or proof of other payment method, to the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
young.teresa@epa.gov

Ms. Erin Williams, EPCRA Coordinator
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
williams.erin@epa.gov

By written notice to Respondent, EPA may change the address and/or person listed above.

9. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

10. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged above; (b) neither admits nor denies the factual allegations contained in this Agreement; (c) consents to the assessment of this penalty and any conditions stated in this Agreement; and (d) waives any right to contest the allegations above, and its right to appeal the proposed attached Final Order.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation(s); (b) agrees to pay the Assessed Penalty; (c) agrees to submit a true and accurate proof of payment of the Assessed Penalty as set forth in Paragraph 10.

12. Upon the effective date of this Agreement and subsequent payment of the Assessed Penalty as set forth in Paragraph 9, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

13. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of EPCRA, any other federal statute or regulation, or this Agreement. Nothing in this Agreement or Final Order is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement or Final Order shall be construed to limit EPA's authority to take any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

15. Each party shall bear its own costs and attorney's fees, if any.

16. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

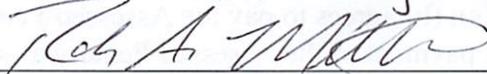
17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), the Final Order is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he/she is authorized to execute this Agreement and to legal bind Respondent.

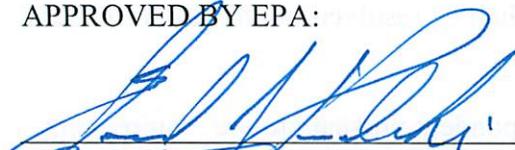
IT IS SO AGREED,

Respondent Name (print): Rob A. Miller

Respondent Title (print): General Manager

Respondent Signature:  Date: 12/30/19

APPROVED BY EPA:


EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Date: 12/10/2019

FINAL ORDER

Pursuant to the authority of Section 325 of EPCRA, 42 U.S.C. § 11045, and according to the terms of the Expedited Settlement Agreement entered into by Complainant or EPA and Respondent or EL ORO CATTLE FEEDERS, LLC, IT IS HEREBY ORDERED THAT:

The Expedited Settlement Agreement is hereby ratified and shall be effective upon the filing of the Expedited Settlement Agreement and this Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this 14th day of January 2020.



RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: EL ORO CATTLE FEEDERS, LLC, Docket No. EPCRA-10-2020-0028, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Ms. Erin Williams, EPCRA Coordinator
U.S. Environmental Protection Agency, Region 10
Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Rob Miller
General Manager
El Oro Cattle Feeders, LLC
18857 Road 2.7 Southeast
Moses Lake, Washington 98837

DATED this 17 day of September, 2020.



TERESA YOUNG
Regional Hearing Clerk
EPA Region 10