



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

FILED

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U.S. EPA REGION IX
REGIONAL HEARING CLERK

DOCKET NO: EPCRA-09-2007-0006
This ESA is issued to: Fairmont Hotels and Resorts, Inc.
7575 E. Princess Drive, Scottsdale, AZ 85255

For: Violation of Section 312 of the Emergency Planning and Community Right-To-Know Act.
At: Fairmont Scottsdale Princess Inn, 7575 E. Princess Drive, Scottsdale, AZ 85255

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 Fairmont Hotels and Resorts, 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 VIOLATIONS

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 2005, 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 set forth at 40 CFR Part 370, Respondent was required to submit its Tier I or Tier II form for the year 2005 on or before March 1 of 2006.

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 violations 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:

U.S. Environmental Protection Agency
Region 9
P.O. Box 371099M
Pittsburgh, PA 15251

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:

Karin Graves
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 - Fairmont Hotels and Resorts, Inc.

Signature: Bob Ducey

Date: 6/6/07

Name (print): Bob Ducey

Title (print): Director of Engineering

FOR COMPLAINANT:

for Keith Takata
Keith Takata
Superfund Director
U.S. EPA Region IX

Date: 6/25/07

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

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

Date: 6/27/07

CERTIFICATE OF SERVICE

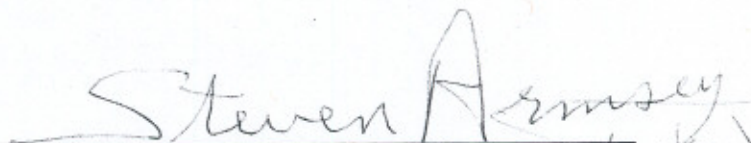
Docket No. EPCRA-09-2007-0006

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with the Docket number referenced above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested, to:

Bob Ducey
Director of Engineering
Fairmont Scottsdale Princess Inn
7575 East Princess Drive
Scottsdale, AZ 85255

06-27-07

Date


~~Danielle Carr~~ Steven Armsey (Acting)
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105