



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10, 1200 6th Ave., Suite 900, Seattle, Washington, 98101

EXPEDITED SPCC SETTLEMENT AGREEMENT

RECEIVED

10 SEP 30 AM 10:54

DOCKET NO. CWA-10-2010-0218

On May 20, 2010
At: Petro Marine Services. - Bulk Fuel Facility in Ketchikan, Alaska
Owned or operated: Petro Marine Services (owned by Harbor Enterprises). (Respondent)

take no further action against the Respondent for the violations of the SPCC regulations as described in the Form. However, EPA does not waive any right to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (33 U.S.C. § 1321(j)) (the Act), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

This Expedited Settlement is binding on the parties signing below, and is effective upon EPA's filing of the document with the Regional Hearing Clerk.

APPROVED BY EPA:

Kimberly A. Ogle Date: 7/21/10
Kimberly A. Ogle, Manager
NPDES Compliance Unit
Office of Compliance and Enforcement

The parties are authorized to enter into this Expedited Settlement 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 CFR § 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 \$1,400.00

APPROVED BY RESPONDENT:

Name (print): James B. Beckham
Title (print): Vice President, Operations
James B. Beckham Date Sep 24, 2010
Signature

This settlement is subject to the following terms and conditions:

Estimated cost for correcting the violation(s) is \$175,000

EPA finds the Respondent is subject to the SPCC regulations, which are published at 40 CFR Part 112, and has violated the regulations as further described in the Form. The Respondent admits he/she is subject to 40 CFR Part 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. The 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 \$1,400.00, payable to the "Oil Spill Liability Trust Fund" to: "US Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, PO Box 979077, St. Louis, MO 63197-9000". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2010-0218."

IT IS SO ORDERED:

Thomas M. Jahnke Date 9/30/10
Thomas M. Jahnke
Regional Judicial Officer
EPA Region 10

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 approval of the Expedited Settlement without further notice.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form. After this Expedited Settlement becomes effective, EPA will

01706

11-24

CASHIER'S CHECK

0170602315

Office AU #

1210(8)

Operator I.D.: alas6499

PAY TO THE ORDER OF

OIL SPILL LIABILITY TRUST FUND
CWA-10-2010-0218

RECEIVED

September 24, 2010

10 SEP 28 PM 12:22

HEARINGS CLERK
EPA -- REGION 10

***\$1,400.00**

One thousand four hundred dollars and no cents

WELLS FARGO BANK, N.A.

908 THIRD AVE

SEWARD, AK 99664

FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 1,400.00

Richard Levy

CONTROLLER

⑈0 1 7060 23 1 5⑈ ⑆ 1 2 1000 248⑆ 486 1 506 2 7 7⑈

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SPILL SETTLEMENT AGREEMENT** in **In the Matter of: Petro Marine Services - Bulk Fuel Facility in Ketchikan, Alaska, DOCKET NO.: CWA-10-2010-0218** was filed with the Regional Hearing Clerk on September 30, 2010.


On September 30, 2010 the undersigned certifies that a true and correct copy of the document was delivered to:

Stephanie Mairs, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 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 on September 30, 2010, to:

Petro Marine Services
1100 Stedman Street
Ketchikan, AK 99901

DATED this 30th day of September 2010.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10