

BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

DOCKET NO: EPCRA-10-2010-0123  
This ESA is issued to: Air America Fuel & Service, Inc.  
Moses Lake, Washington

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U.S. EPA

**For violating section 312 of the Emergency Planning and Community Right-To-Know Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 10 (EPA), by its representative, the Manager, Emergency Response Unit and by Air America Fuel & Service, Inc. (Respondent) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATION**

EPA alleges that Respondent, owner and/or operator of the facility at 6956 22<sup>nd</sup> Avenue, Moses Lake, Washington, 98837 (Facility), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the year 2008 as required by section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370. Under section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit its Tier I or 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 **TWO THOUSAND DOLLARS (\$ 2,000)** is in the public interest. In signing this ESA, 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 contained herein.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting payment of the civil penalty with this ESA. Each party shall bear its own costs and fees, if any.

The civil penalty of **TWO THOUSAND DOLLARS (\$ 2,000)** must be paid by cashier's or certified check to the "Treasurer, United States of America." The Docket Number of this ESA (located at the top left corner) must be included on the check. Send the penalty payment with a copy of the signed ESA by certified mail to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri, 63197-9000

Send the *signed, original* ESA and a copy of the check by certified mail to:

EPA Washington Operations Office  
300 Desmond Drive SE, Suite 102  
Lacey, Washington 98503  
Attn: Suzanne E. Powers, EPCRA Enforcement Coordinator

Upon Respondent's submission of the original signed ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. EPA does not waive any right to file an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.


If Respondent does not return the signed, original ESA with an attached copy of the check to EPA at the above address in correct form within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed 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 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.


IT IS SO AGREED,

FOR RESPONDENT:

Signature:   
Name (print): Lorry S. Godden  
Title (print): Owner, Air America

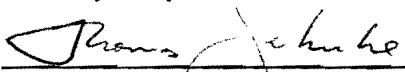
Date: 2010.04.07

FOR COMPLAINANT:

  
Wally Moon  
Preparedness and Prevention Team Leader  
Emergency Response Unit  
Office of Environmental Cleanup

Date: 4/15/10

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

  
Regional Judicial Officer  
EPA Region 10

Date: 4/19/10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Air America Fuel & Service, Inc.**, DOCKET NO.: EPCRA-10-2010-0123, was filed with the Regional Hearing Clerk on April 20, 2010.


On April 20, 2010 the undersigned certifies that a true and correct copy of the document was delivered to:

Meg Silver, Esquire  
US Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
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 April 20, 2010, to:

Larry S. Godden, Owner  
Air America Fuel & Services, Inc.  
7810 Andrews Street N.E.  
Suite 134  
Moses Lake, WA 98837-3204

DATED this 20<sup>th</sup> day of April 2010.

  
\_\_\_\_\_  
Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10