



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

EXPEDITED SPCC SETTLEMENT AGREEMENT

09 OCT 14 PM 2:50

HEARINGS CLERK
EPA - REGION 10

DOCKET NO. CWA-10-2010-0016

On April 14, 2009

At: Associated Petroleum Products in Enumclaw, Washington

Owned or operated: Chris Eakin (Respondent)

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights 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: 8/6/09
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 \$2,900

APPROVED BY RESPONDENT:

Name (print): Luke Kito
Title (print): President / CEO Date: 10/1/09
Signature: _____

This settlement is subject to the following terms and conditions:

Estimated cost for correcting the violation(s) is \$522,000*

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 \$2,900, payable to the "Oil Spill Liability Trust Fund" to: "US Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, ORC-158, Seattle, WA 98101, Attn: Carol Kennedy, Regional Hearing Clerk". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2009-0207."

IT IS SO ORDERED:

Thomas M. Jaenke Date: 10/14/09
THOMAS M. JAENKE
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.

* This sum reflects actual costs for capital improvements and are exclusive of costs incurred for preparation of Respondent's SPCC Plan. The costs for preparation of the SPCC Plan total \$325k.00.

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.

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **Expedited SPCC Settlement Agreement in In the Matter of: Associated Petroleum Products in Enumclaw, Washington, DOCKET NO.: CWA-10-2010-0016** was filed with the Regional Hearing Clerk on October 14, 2009.


On October 14, 2009 the undersigned certifies that a true and correct copy of the document was delivered to:

David Allnutt, 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 October 14, 2009, to:

Chris Eakin
Associated Petroleum Products in Enumclaw, Washington
680 Griffin Avenue
Enumclaw, Washington 98022

DATED this 14th day of October 2009.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10