



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9, 75 Hawthorne Street, San Francisco, CA 94105



EXPEDITED SPILL PREVENTION, CONTROL, AND COUNTERMEASURE SETTLEMENT
AGREEMENT

In the matter of Marathon Packing Corporation, San Leandro, California
Docket No. SPCC-09-2026-0047

On March 21, 2024, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of the Marathon Packing Corporation (Marathon Packing) facility in San Leandro, California to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, as amended, (33 U.S.C. §1321(j)), (the "Act" or "CWA"). EPA determined that Marathon Packing, as owner or operator of the facilities, violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure ("SPCC") Inspection Findings, Alleged Violations, and Proposed Penalty Form ("Violations Form") which is hereby incorporated by reference. By its signature below, EPA ratifies the inspection findings and alleged violations set forth in the Violations Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violations Form for a penalty of \$2,187.00. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 C.F.R. § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds that Marathon Packing is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violations Form. Marathon Packing admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Marathon Packing as described in the Violations Form. Marathon Packing admits to the facts in the first paragraph of this Settlement Agreement, and waives any objections it may have to EPA's jurisdiction. Marathon Packing consents to the assessment of the penalty stated above.

Marathon Packing further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations identified

in the Violations Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility brought into full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing). Marathon Packing, in accordance with the Payment Instructions linked below, shall provide proof of payment within thirty (30) days after receiving the executed and filed order of this Expedited Settlement.

The payment made pursuant to this Consent Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), and, therefore, Marathon Packing shall not claim it as a tax-deductible expenditure for purposes of federal, state or local law. Additional information on making payment can be found here:

<https://www.epa.gov/financial/makepayment>

Upon signing and returning this Expedited Settlement to EPA, Marathon Packing 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. Moreover, in entering into this Consent Agreement, Marathon Packing agrees to bear its own costs and attorney's fees related to this Consent Agreement.

This Expedited Settlement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b). The parties consent to service of this Expedited Settlement Agreement and Final Order by e-mail at the following valid e-mail addresses: reich.peter@epa.gov and helmlinger.andrew@epa.gov (for Complainant), and David Hernick (david.hernick@marathonpacking.com for Marathon Packing).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-WG32B), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to Marathon Packing.

If Marathon Packing does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, or within an extension timeframe approved by the EPA, the proposed Expedited Settlement is withdrawn without


prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violations Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Marathon Packing for the alleged violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Marathon Packing of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

ROBERTO RODRIGUEZ
Digitally signed by ROBERTO RODRIGUEZ
Date: 2026.03.23 10:10:07 -07'00' Date: _____
Delegated Official

APPROVED BY: MARATHON PACKING CORPORATION

Name (print): BRENDAN CHAN
Title (print): OPERATIONS MANAGER
Signature:  Date: 3/17/26

IT IS SO ORDERED:

Beatrice Wong
Regional Judicial Officer Date: _____

CERTIFICATE OF SERVICE

I hereby certify the foregoing Expedited Settlement Agreement and Final Order in the matter of Marathon Packing Corporation (Docket No. SPCC-09-2026-0047) was filed by the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

RESPONDENT(S): Brendan Chan
Operations Manager
Marathon Packing Corporation
1000 Montague Ave,
San Leandro, CA 94577
brendan.chan@marathonpacking.com

COMPLAINANT: Andrew Helmlinger
Supervisory Attorney Adviser
U.S. EPA – Region IX
Hazardous Waste Section I (ORC-3-1)
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Regional Hearing Clerk
U.S. EPA – Region IX