



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105
EXPEDITED DISCHARGE SETTLEMENT AGREEMENT**

DOCKET NO.: OPA-09-2012-0001

On: August 6, 2011

At: City of Anaheim
200 S. Anaheim Blvd.
Anaheim, CA

Owned or Operated by: City of Anaheim (Respondent)

Respondent discharged 2,214 gallons of oil in violation of Section 311(b)(3) of the Clean Water Act (the "Act"), as noted on the attached FINDINGS and ALLEGED CIVIL VIOLATIONS FORM ("Form"), which is hereby incorporated by reference.

EPA finds that the Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as further described by 40 CFR § 110.3, into navigable waters of the United States or adjacent shorelines. The Respondent admits to being subject to the Act and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is 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 \$4,500.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, has cleaned up the spill pursuant to federal requirements, has taken any required corrective actions that will prevent future spills, and has sent a certified check in the amount of \$4,500.00, payable to the "Treasurer, United States of America," to: "U. S. Environmental Protection Agency, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000." Respondent has noted on the penalty payment check "Spill Fund - 311" and the document number of the settlement agreement.

This Expedited Settlement must be returned by certified mail to: OPA Enforcement Coordinator, U.S. Environmental Protection Agency, Region 9 (SFD-9-4), 75 Hawthorne Street, San Francisco, CA California 94105-3901. The certified check for payment must be sent by certified mail to: U. S. Environmental Protection Agency, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.


After this Expedited Settlement becomes effective, EPA will take no further civil action against the Respondent for the violations of the Act 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 Act or of any other federal statute or regulations.


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, 33 U.S.C. § 1321, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective after signature by the Regional Judicial Officer. If 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 noncompliance identified in the Form.

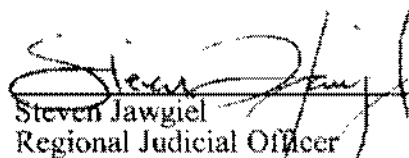
APPROVED BY EPA:


Jane Diamond, Director
Superfund Division
Date: 8-09-2011

APPROVED BY RESPONDENT:

Name (print): Cristina L. Talley
Title (print): City Attorney, Anaheim

Signature Date 11/21/11

IT IS SO ORDERED:


Steven Jawgiel
Regional Judicial Officer
Date 12/09/11

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FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. The City of Anaheim, Public Works Department (Respondent) is a public agency organized under the laws of the state of California with a place of operations located in Anaheim, California. The Respondent is a person within the meaning of Section 311(a)(7) of the Clean Water Act, 33 U.S.C. § 1321(a)(7) (the "Act").

2. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.

3. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters of the United States in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that: (1) violate applicable water quality standards; or (2) cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

4. On or about August 6, 2011, Respondent discharged 2,214 gallons of oil, as defined in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), and 40 C.F.R. § 110.1, from an emergency backup generator into a storm water drain that flows into Carbon Creek Channel.

5. Carbon Creek Channel is a navigable water of the United States as defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1.

6. Respondent's August 6, 2011 discharge of oil from a emergency backup generator located at the Respondent's 200 S. Anaheim Blvd., Anaheim, California facility caused a sheen upon or discoloration of Carbon Cheek Channel.

7. Respondent's discharge of oil from an emergency backup generator located at the Respondent's 200 S. Anaheim Blvd., Anaheim, California facility into Carbon Creek Channel occurred in a quantity that has been determined may be harmful, violated Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3). Pursuant to Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as adjusted in accordance with 40 C.F.R. § 19.4, the Respondent is liable for civil penalties of up to \$16,000 per barrel of oil discharged, up to a maximum of \$37,500.


CERTIFICATION OF SERVICE

I certify that the original and the foregoing Expedited SPCC Settlement Agreement in the matter of **City of Anaheim OPA-09-2012-0001** has been filed with the Region 9 Hearing Clerk and that copies were sent return receipt requested to the following:

Ms. Cristina Talley
City of Anaheim
200 S. Anaheim Blvd., Suite 276
Anaheim, CA 92805

Certified Mail No.:
7010 1060 0002 0234 9339

Date: 12/2/11



Bryan Goodwin
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105