

BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY

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EXPEDITED SETTLEMENT AGREEMENT (ESA)

JUN 07 2012

DOCKET NO: EPCRA-10-2012-0119

U.S. EPA-W00

This ESA is issued to: **Granite Construction Company Hannegan Plant and Yard, Bellingham, WA**

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

This Expedited Settlement Agreement is being entered into by the United States Environmental Protection Agency, Region 10, by its representative, Director, Office of Compliance and Enforcement and by **Granite Construction Company Hannegan Plant and Yard, Bellingham, Washington** pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §11045, and 40 C.F.R. §22.13(b).

ALLEGED VIOLATION

The EPA alleges that Respondent, owner and/or operator of the facility at **3876 Hannegan Road, Bellingham, Washington 98226** (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 years 2000 and 2011 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 did not submit its 2010 Tier I or Tier II form by March 1, 2011 and its 2011 Tier I or Tier II form by March 1, 2012.

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 the 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 cashiers 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:

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HEARINGS CLERK
EPA -- REGION 10

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 Dr. SE, Suite 102
Lacey, Washington 98503
Attn: Suzanne E. Powers, EPCRA Enforcement Coordinator

Upon Respondent's submission of the original signed ESA, the EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. The 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.

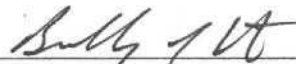
If Respondent does not return the signed, original ESA with an attached copy of the check to the EPA at the above address in correct form within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to the EPA's 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): Bradley J. Estes
Title (print): Materials Manager

Date: 6/5/2012

FOR COMPLAINANT:


Edward J. Kowalski, Director
Office of Compliance and Enforcement

Date: 7/18/2012

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


Regional Judicial Officer
EPA Region 10

Date: 8/13/12

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of Granite Construction Company - Hannegan Plant and Yard, Bellingham, WA, Docket No.: EPCRA-10-2012-0119**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Suzanne Powers
U.S. Environmental Protection Agency/Washington Ops Office
300 Desmond Dr. SE, Suite 102
Lacey, WA 98503

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Bradly J. Estes
Materials Manager
Granite Construction Company - Hannegan Plant
3876 Hannegan Rd.
Bellingham, WA 98226

DATED this 13 day of August, 2012



Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10

