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EPA -- REGION 10

**THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

<b>IN THE MATTER OF:</b>	)	Docket No.
	)	RCRA 10-2017-0116
American Retail Services - Fresno, LLC	)	
EPA ID No. OR7145	)	<b>EXPEDITED SETTLEMENT</b>
	)	<b>AGREEMENT AND</b>
Respondent	)	<b>FINAL ORDER</b>
	)	
_____	)	

**EXPEDITED SETTLEMENT AGREEMENT**

The U.S. Environmental Protection Agency (“EPA”) alleges that American Retail Services, LLC (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at 1920 NE Lafayette Avenue, McMinnville, Oregon (the “UST Facility”), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991-6991m, and Chapter 340-150 of the Oregon Administrative Rule (OAR).

Failure to provide an adequate line leak detector test as required by OAR 340-150-410(2) as follows: Tank 1 Line 2, and Tank 2 Line 2 from August 30, 2016 to October 11, 2016.

Failure to provide an adequate line tightness test as required by OAR 340-150-410(3) as follows: Tank 2 Line 1 and Tank 4 Line 2 from August 30, 2016 to October 11, 2016.

Failure to report a suspected release within 24 hours as required by OAR 340-150-0500 from August 30, 2016 to October 11, 2016.

Failure to initiate a suspected release investigation and confirmation steps within seven days of the suspected release as required by OAR 340-150-0510 from September 7, 2016 to October 11, 2016

1. The EPA and the Respondent agree that settlement of this matter for a penalty of \$12,780 is in the public interest.
2. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (ESA) pursuant to Section 9006 of RCRA and 40 C.F.R. § 22.13(b).
3. In signing this ESA, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the 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

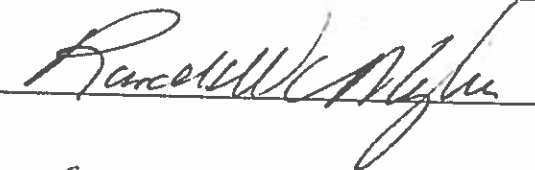
contest the allegations contained herein.

4. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this ESA, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.
5. Upon filing, this ESA shall constitute full settlement of all claims for civil penalties under RCRA for the violation(s) alleged herein.
6. The EPA reserves all of its other rights to take enforcement action for any past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this ESA that were not corrected.
7. Upon signing and returning this ESA to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA or 40 C.F.R. Part 22.
8. Each party shall bear its own costs and fees, if any.
9. This ESA is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

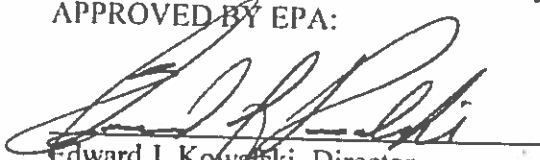
Name (print): Ronald W Whyhoo

Title (print): MANAGER

Signature: 

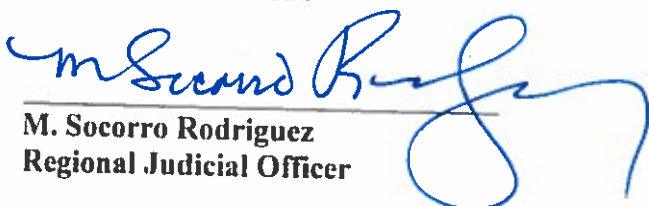
Date 6-20-2017

APPROVED BY EPA:

  
Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
EPA Region 10

Date 6/27/2017

IT IS SO ORDERED:

  
M. Socorro Rodriguez  
Regional Judicial Officer

Date 6/30/17

American Retail Services - Fresno, LLC

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT, In the Matter of: American Retail Services – Fresno, LLC Docket No.: RCRA 10-2017-0116**, 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:

Katherine Griffith, Compliance Officer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, OCE-101  
Suite 900  
Seattle, Washington 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 to:

Mr. David Humphrey  
Facilities Coordinator  
American Retail Services - Fresno, LLC  
2204 South El Camino Real, Suite 314  
Oceanside, California 92054

DATED this 5 day of July, 2017

  
\_\_\_\_\_  
Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10