



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 10, 1200 6th Avenue, Suite 900, Seattle, Washington, 98101
EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-10-2018-0340

On: July 19, 2017
 At: OB Dock K-3
 Owned or operated: Pacific Star Seafoods, Inc.
 (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted a Spill Prevention, Control, and Countermeasures (SPCC) inspection on the above referenced date. Later, an EPA authorized representative used the inspection report to determine compliance with the Oil Pollution Prevention 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.

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 \$2,750.

This settlement is subject to the following terms and conditions:

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 \$2,750, payable to the "Oil Spill Liability Trust Fund" to: "U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2018-0340."

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.

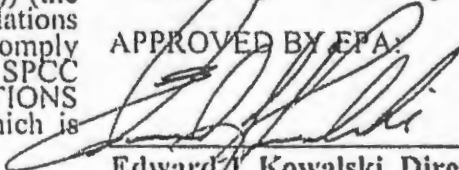
If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other

enforcement action for the violations identified in the Form.

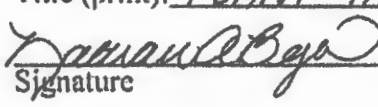
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent 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.

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:

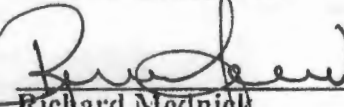

 Date: 7/16/2018
 Edward J. Kowalski, Director
 Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): NATHAN A BERGA
 Title (print): PLANT MANAGER

 Date: 7/19/18
 Signature

Estimated cost for correcting the violation(s) is \$ 2,750.00

IT IS SO ORDERED:


 Date: 8/27/18
 Richard Mednick
 Regional Judicial Officer
 EPA Region 10

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HEARINGS CLERK
 EPA - REGION 10

Certificate of Service

The undersigned certifies that the original signed by the Regional Judicial Officer of the attached **EXPEDITED SPCC SETTLEMENT AGREEMENT, In the Matter of: Pacific Star Seafoods, Inc. (OB Dock K-3), Docket No.: CWA-10-2018-0340**, was filed with the Regional Hearing Clerk, and that true and correct copies of the original were 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:

Rick Cool, Compliance Officer
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155
Mail Stop OCE-101
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. Nate Berga
Plant Manager
Pacific Star Seafoods, Inc.
520 Bridge Access Road
Kenai, Alaska 99611

DATED this 28th day of August, 2018

Teresa Young
Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10

EPA SPCC INSPECTION VIOLATION SUMMARY
Pacific Star Seafoods, Inc. – OB Dock K-3
Kenai, Alaska 99611

Inspection Date: July 19, 2017

SPCC RULE REFERENCE (40 CFR - Part 112)	PLAN	FIELD	SPCC INSPECTION DEFICIENCY DESCRIPTION
112.3, SPCC Plan Requirement	X	NA	The owner or operator or an onshore or offshore facility subject to this section must prepare in writing and implement a Spill Prevention, Control and Countermeasure Plan (hereafter "SPCC Plan or "Plan") in accordance with § 112.7 and any other applicable section of this part.
112.20(e), Certificate of Substantial Harm Criteria	X	NA	This part provides in relevant part that if the owner or operator of a facility determines pursuant to paragraph (a)(2) of § 112.20 that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part. See Part 112, Appendix C, Attachment C-II – Certification of the Applicability of the Substantial Harm Criteria.
112.7(e), Inspections, Tests and Records	X	X	Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under the usual and customary business practices will suffice for the purposes of this paragraph.
112.7(f)(1) and (f)(3), Personnel Training	X	X	<p>Personnel, training, and discharge prevention procedures.</p> <p>(1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan.</p> <p>...</p> <p>(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year for oil handling to assure adequate understanding of the Plan for that facility. Such briefings must highlight and describe known discharges as described in § 112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.</p>
112.8(c)(6), Container Inspections	X	X	<p>This part provides in relevant part:</p> <ul style="list-style-type: none"> • Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. • You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections which take into account the container size, configuration and design. • You must keep comparison records of above ground container integrity

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			testing are maintained. <ul style="list-style-type: none"> • You must also inspect the container’s supports and foundations. • You must frequently inspect the outside of the containers for signs of deterioration, discharges, or accumulation of oil inside diked areas.
112.8(c)(11), Containment for Mobile and Portable Containers	X	X	This part requires in relevant part that the owner or operator must position or locate mobile and portable oil storage containers to prevent a discharge as described in § 112.1(b) and must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.