



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

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EXPEDITED SETTLEMENT AGREEMENT (ESA)

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EPA -- REGION 10
JAN 11 2017
U.S. EPA REGION 10
OFFICE OF COMPLIANCE AND ENFORCEMENT

DOCKET NO: EPCRA-10-2016-0030
This ESA is issued to: Davis Industries, Inc.
6425 212th Street SW
Lynnwood, Washington 98036-7497

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 10 (EPA), by **Davis Industries, Inc. (Respondent)** pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

ALLEGED VIOLATION

EPA alleges that Respondent, owner and/or operator of the facility at **6425 212th Street SW, Lynnwood, Washington 98036** (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 calendar year 2013, 2014, 2015 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 was required to submit its Tier I or Tier II form for calendar year 2013 on or before March 1, 2014, for calendar year 2014 on or before March 1, 2015, and for calendar year 2015 on or before March 1, 2016.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **FIVE THOUSAND DOLLARS (\$ 5,000)** 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 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 **FIVE THOUSAND DOLLARS (\$ 5,000)** must be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "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:

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:

David G. Magdangal
Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mail Stop: OCE-101
Seattle, Washington 98101

Upon Respondent's submission of the original signed ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. 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 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 EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: *Michael J. Davis*
Name (print): MICHAEL J. DAVIS
Title (print): PRESIDENT, *LLC*
Cost to correct violation(s): 5000

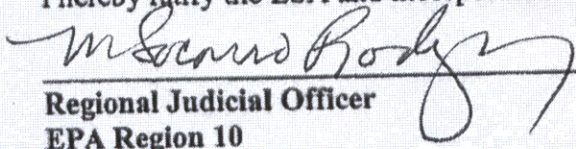
Date: 12/20/16

FOR COMPLAINANT:

Edward J. Kowalski
Edward J. Kowalski
Director
Office of Compliance and Enforcement

Date: 1/10/2017

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


Regional Judicial Officer
EPA Region 10

Date: Jan 12, 2017

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Davis Industries, Inc., Lynnwood, Washington, Docket No.: 10-2016-0030**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

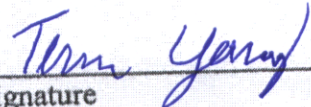
The undersigned certifies that a true and correct copy of the document was delivered to:

David G. Magdangal
Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, 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:

Michael Davis, President
Davis Industries, Inc.
6425 212th Street SW
Lynnwood, Washington 98036-7497
With enclosures

DATED this 12 day of January, 2017


Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10