



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

FILED

2011 MAR 25 AM 9:55

REGIONAL OFFICE CLERK

DOCKET NO: EPCRA-09-2011- 0004  
This ESA is issued to: Baker Commodities  
At: 4100 Bandini Boulevard, Los Angeles, California 90023  
For: Violating Section 312 of the Emergency Planning and Community Right-To-Know Act

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and by Unity Development Corporation, ("Respondent") pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. § 11045, and by 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

The EPA alleges that Respondent, owner and operator of the facility at 4100 Bandini Boulevard, Los Angeles, California 90023 ("Facility"), failed to maintain process hazard analysis (PHA) and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process. The resolution for some of the items did not show where they were in the process of resolution and were not signed off as completed. This failure is in violation of Process Safety Information 40 CFR § 68.67(a)-(g). In addition, the Facility failed to develop and implement written operating procedures that provide instructions or steps for conducting activities associated with each covered process consistent with the safety information. This failure is in violation of implementing regulations found at 40 CFR Parts 68.69(a)(1)(iii) &(v). Finally, the Facility failed to promptly determine and document an appropriate response to each of the finding of the audit and document that the deficiencies have been corrected and failed to sign off that the deficiencies have been corrected. This failure is in violation of Compliance Audits 40 CFR § 68.67(a)-(d).

The EPA has authority under Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") to pursue civil penalties for violations of the EPCRA Section 312 regulations found at 40 CFR 370, and 42 U.S.C. § 11045. The CAA § 113 authorizes EPA to assess civil administrative penalties for violations of the CAA 112(r) and implementing regulations found at 40 CFR Part 68.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **SIX HUNDRED THIRTY DOLLARS (\$ 630)** is in the public interest. In signing this Agreement, 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 or appeal the final order 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) Respondent has corrected the violations listed above, and (2) Respondent has submitted payment of the civil penalty pursuant to this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **SIX HUNDRED THIRTY DOLLARS (\$ 630)** should be paid by cashier's or certified check to the "Treasurer, United States of America." The penalty payment should be sent, with a copy of the ESA, to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The check should reference Respondent's name and a copy of this ESA must be included with the check.

This original ESA and a copy of the check must be sent by certified mail to:

Travis L. Cain/Sheila Suarez  
U.S. Environmental Protection Agency  
Region IX (SFD-9-3)  
75 Hawthorne Street  
San Francisco, CA 94105

Upon Respondent's submission of the original signed ESA, EPA will take no further civil penalty action against Respondent for the alleged violations of EPCRA identified in the ESA. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of the proposed ESA (unless an extension has been granted by EPA), the 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.

In accordance with 40 CFR § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

**IT IS SO AGREED,**

FOR RESPONDENT – BAKER COMMODITIES

Signature: Ken Evans  
Name (print): Ken Evans  
Title (print): V.P.

Date: 3/2/11

FOR COMPLAINANT:

Jane Diamond  
Jane Diamond  
Superfund Director  
U.S. EPA Region IX

Date: 15 March 2011

**IT IS SO ORDERED:**

Steven L. Jawgier  
Steven L. Jawgier  
Regional Judicial Officer  
U.S. EPA Region IX

Date: 03/24/11

**Certificate of Service**

I hereby certify that the original and a copy of the foregoing Expedited Settlement Agreement for *In the Matter of Baker Commodities* has been filed with the Regional Hearing Clerk, Region IX, and copies sent:

By certified mail, Return Receipt Requested to Respondents:

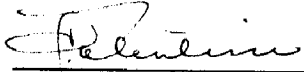
John Dittrick  
Vice President  
Baker Commodities  
4100 Bandini Boulevard  
Los Angeles, CA 90023

Certified Mail No. 7008 1140 0004 5420 7036

Hand delivered to:

Erica Maharg  
Office of Regional Counsel  
U.S. EPA Region IX, ORC-2  
75 Hawthorne St.  
San Francisco, CA 94105

Dated: 03/25/11

  
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FAC: Steven Armsey  
Regional Hearing Clerk  
U.S. EPA, Region IX