



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region X

1200 Sixth Avenue

Seattle, WA 98101

EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-10-2007-0024

On September 13, 2005, at The Jerry Brown Company Oil facility, located at 2690 Prairie Road, Eugene, Oregon, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) 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 failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits being 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 Respondent may have to EPA's jurisdiction.

EPA is 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 **\$1500**. The Respondent consents to the assessment of this penalty.

This Expedited Settlement is also subject to the following terms and conditions: 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 **\$1500** payable to the "Oil Spill Liability Trust Fund," to: U.S. Environmental Protection Agency, 1200 6th Ave., ORC-158, Seattle, WA 98101, Attn: Carol Kennedy, Regional Hearing Clerk. Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10- 2007-0024"

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 regulation.

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

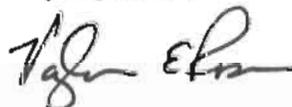
EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature. If 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 noncompliance identified in the Form.

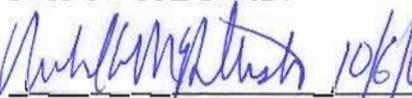
APPROVED BY EPA:

 Date: 9/27/06
Philip Wong
Manager, Compliance Monitoring
Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): VAUGHN E. ROSE
Title (print): PRESIDENT
Signature: 

IT IS SO ORDERED:

 Date: 10/6/06
RICHARD G. McALLISTER
REGIONAL JUDICIAL OFFICER
REGION 10

RECEIVED
06 OCT 11 AM 8:18
HEARINGS CLERK
EPA--REGION 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: The Jerry Brown Company, Prairie Road, DOCKET NO.: CWA-10-2007-0024** was filed with the Regional Hearing Clerk on October 11, 2006.

On October 11, 2006 the undersigned certifies that a true and correct copy of the document was delivered to:

Deborah Hilsman, Esquire
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158
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 on October 11, 2006, to:

Mr. Joe Morrell
The Jerry Brown Company
2690 Prairie Road
Eugene, OR 97401

DATED this 11th day of October 2006.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10