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UNITED STATES REGION 10

ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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HEARINGS CLERK
EPA -- REGION 10

IN THE MATTER OF:

A Super Store
EPA ID. No. WA100879
Respondent

) Docket No.
) RCRA 10-2015-0133
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that A Super Store (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at 13415 E 32nd Avenue, Spokane Valley, Washington 99216 (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 its implementing regulations at Chapter 173-360 of the Washington Administrative Code (WAC).
 - a. Failure to monitor each underground storage tank at least every 30 days as required by WAC 173-360-335 (2)(a) as follows: Tank #1 (unleaded) for July, September and December 2014; Tank #2 (Regular) for July – September and December 2014 and May – June 2015; Tank #3 (Super) July, September, and December 2014 and May – June 2015.
 - b. Failure to provide annual release detection for underground piping (no automatic line leak detector test, and no annual line tightness test or monthly release detection monitoring) as required by WAC 173-360-350 for lines 1-3 during the period of October 21, 2013 – June 8, 2015.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$11,490 is in the public interest.
3. 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).
4. 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.

5. 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.
6. Upon filing, this ESA shall constitute full settlement of all claims for civil penalties under RCRA for the violation(s) alleged herein.
7. 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.
8. 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.
9. Each party shall bear its own costs and fees, if any.
10. 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): ASHOK K. BHARGAVA

Title (print): OWNER

Signature: 

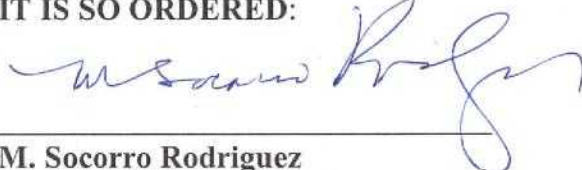
Date 8/17/15

APPROVED BY EPA:


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

Date 8/27/2015

IT IS SO ORDERED:


M. Socorro Rodriguez
Regional Judicial Officer

Date 8/31/15

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: A Super Store Docket No.: RCRA 10-2015-0133**, 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
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. Ashok Bhargava
Ms. Pratibha Bhargava
A Super Store
13415 E 32nd Avenue
Spokane Valley, Washington 99216

DATED this 1st day of September, 2015


Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10

