

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2011 FEB 17 PM 2:47

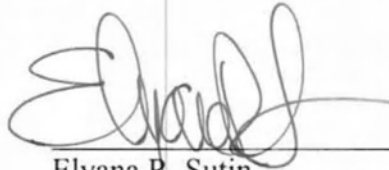
FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2010-0032

IN THE MATTER OF:)	
)	
DOUBLE D DISTRIBUTION)	
455 W. 1100 North,)	FINAL ORDER
North Salt Lake, UT 84054-2620)	
)	
RESPONDENT)	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 17th DAY OF February, 2011.



Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No.: CWA-08-2010-0032

2011 FEB 17 PM 2:47

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
)
Double D Distribution)
455 W. 1100 North,)
North Salt Lake, UT)
84054-2620)
Respondent.)
_____)

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Double D Distribution, by their undersigned representatives, hereby consent and agree as follows:

1. On September 23, 2010, Complainant issued a Complaint alleging certain violations of Section 311(b)(6)(B)(i) of the Clean Water Act (Act), 33 U.S.C. §1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990. The Complaint proposed a civil penalty for the violations alleged therein.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint, or this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors or assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. Respondent consents and agrees to pay a civil penalty in the amount of ten thousand dollars (\$10,000.00), in the manner described below in this paragraph:

- a. The Respondent shall pay the ten thousand dollars (\$10,000.00) in accordance with the following schedule:
- i.) The **first payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement;
 - ii.) The **second payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on May 2, 2011;
 - iii.) The **third payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on August 2, 2011;
 - iv.) The **fourth payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on November 2, 2011;
 - v.) The **fifth payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on February 2, 2012;
 - vi.) The **sixth payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on May 2, 2012;
 - vii.) The **seventh payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on August 2, 2012; and
 - viii.) The **final payment** of one thousand two hundred and fifty dollars (\$1,250.00) dollars is due on November 2, 2012.
- b. If the due date falls on a weekend or legal federal holiday, the due date is the next business day. The date the payment is made is considered to be the date of the deposit ticket (standard form 215) issued by the Bank

described below. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

- c. The payments in paragraph 5, above, shall be made by remitting a cashier's or certified check, including the name and docket number of this case, referencing "Oil Spill Liability Trust Fund-311," for the amount, **payable to the "Environmental Protection Agency,"** to:

CHECK PAYMENTS:

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

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
Tel: 314-418-4087

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency "

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074

Contact – Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Department of Treasury.

This payment option can be accessed from the information below:

WWW.PAY.GOV
Enter sfo 1.1 in the search field
Open form and complete required fields.

A copy of the check, or wire transfer, shall be sent simultaneously to:

Donna K. Inman (8ENF-UFO)
Technical Enforcement Program
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

and

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

- d. **In the event any payment is not received by the specified due dates referenced in subparagraph 5.a., supra, interest accrues from the date of the Final Order, not the due date**, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (i.e., on the 1st late day, 30 days of interest accrues).
- e. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the Final Order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the Final Order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.
- f. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

6. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Clean Water Act and its implementing regulations.

7. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

8. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

9. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement.

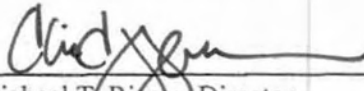
10. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

11. Each party shall bear its own costs and attorney fees in connection with this matter.

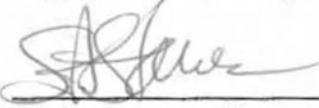
12. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8.**

Date: 1/27/2011

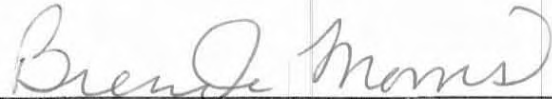
By: 
Michael T. Risner, Director
David J. Janik, Supervisory Enforcement Attorney
Legal Enforcement Program

Date: 1/28/11

By: 
Sandra Stavenes, Director
Technical Enforcement Program

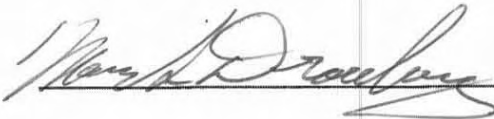
In The Matter Of: Double D Distribution
Docket No.: CWA-08-2010-0032

Date: 1-27-11

By: 
Brenda Morris
Enforcement Attorney
Legal Enforcement Program

DOUBLE D DISTRIBUTION,
Respondent.

Date: 1/3/11

By: 

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **DOUBLE D DISTRIBUTION; DOCKET NO.: CWA-08-2010-0032** was filed with the Regional Hearing Clerk on February 17, 2011.

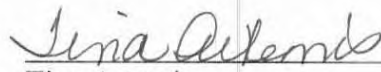
Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Brenda L. Morris, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on February 17, 2011, to:

Scott L. Soelbert, Registered Agent
Double D Distribution
1031 N. 1560 E.
Orem, UT 84097

E-mailed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

February 17, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk

