



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FILED

2011 AUG 16 AM 11:13

U.S. EPA REGION IX
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2011-0511
This ESA is issued to: Hasa Inc.
23119 Drayton St., Saugus, CA 91350
For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Hasa Inc., 735 Eleven Mile Corner Road, Eloy, AZ 85131

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 Hasa, Inc. (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. §7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On June 21, 2011, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

1. Respondent was required to review and update its risk management plan (RMP) for the stationary source located at 735 Eleven Mile Corner Road, Eloy, AZ 85131 by June 21, 2009 to include accurate information regarding the maximum intended inventory of the regulated substance, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.65(c)(1)(iii). Respondent reviewed and updated its RMP on June 26, 2009, but failed to include accurate information regarding the maximum intended inventory of the regulated substance at the facility in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.65(c)(1)(iii). EPA notes that Respondent corrected its RMP on December 13, 2010, to include accurate inventory information.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$600.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$600.00** in payment of the full penalty amount to the following address:

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

Or, Respondent has the option to do an Online Payment through the Department of Treasury: WWW.PAY.GOV. (Enter SFO 1.1 in search field. Open form and complete required fields).

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center. This original ESA and a copy of the check or online receipt must also be sent by certified mail to:

Jeremy Johnstone (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. 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 30 days of the date of Respondent's receipt of the proposed ESA, 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.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT – Hasa, Inc.


Signature: 

Date: 7/13/11

Name (print): Dave Johnson


Title (print): EHS Manager

FOR COMPLAINANT:

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

Date: 8-3-11

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.


Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

Date: 08/11/11

CERTIFICATE OF SERVICE

I certify that the originals of the fully executed Expedited Settlement Agreements against **Hasa Inc**, was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

Docket # CAA(112r)-09-2011-0009 – Saugus Facility
Docket # CAA(112r)-09-2011-0010 – Pittsburg Facility
Docket # CAA(112r)-09-2011-0011 – Eloy, AZ Facility

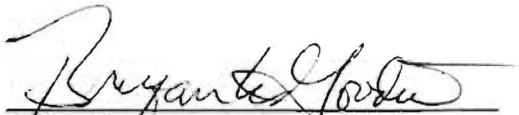
A copy was mailed via CERTIFIED MAIL to:

Donald L. Wilson, CEO
Hasa Inc.
23119 Drayton Street
Saugus, CA 91350

CERTIFIED MAIL NUMBER: 7010-1060-0002-0242-7563

An additional copy was hand-delivered to the following U.S. EPA case attorney:

Thanne Cox, Esq
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

8/16/11
Date



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

CERTIFIED MAIL NO.: 7010-1060-0002-0242-7563
RETURN RECEIPT REQUESTED

In Reply Refer to:

Hasa Inc., 23119 Drayton St., Saugus, CA 91350

Hasa Inc., 1251 Loveridge Road, Pittsburg, CA 94565

Hasa Inc., 735 Eleven Mile Corner Road, Eloy, AZ 85131

AUG 16 2011

Donald L. Wilson, CEO
Hasa Inc.
23119 Drayton St.
Saugus, CA 91350

Re: Hasa Inc., 23119 Drayton St., Saugus, CA 91350
Hasa Inc., 1251 Loveridge Road, Pittsburg, CA 94565
Hasa Inc., 735 Eleven Mile Corner Road, Eloy, AZ 85131

Dear Mr. Wilson:

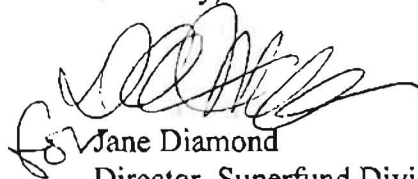
This letter transmits copies of the fully executed Expedited Settlement Agreements that resolve the alleged violations of Clean Air Act Section 112(r)(7) by Hasa, Inc. at the following three locations:

23119 Drayton St., Saugus, CA 91350
1251 Loveridge Road, Pittsburg, CA 94565
735 Eleven Mile Corner Road, Eloy, AZ 85131

The violations at each facility involve failure to resubmit or accurately update Risk Management Plan information pertaining to the maximum intended inventory of the regulated substance, as required by 40 CFR Part 68.65(c)(1)(iii). Further, at the Saugus facility, employees participating in the facility's Emergency Response Program were not given respirator fit testing or medical monitoring in 2008, as called for in the ERP. This constituted a violation of 40 CFR Part 68.95(a)(3).

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the Clean Air Act Section 112(r)(7) requirements, please feel free to contact Jeremy Johnstone of my staff at (415) 972-3499.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Diamond', is written over the typed name.

Jane Diamond
Director, Superfund Division

Enclosures

cc (w/ enclosures):

J. Johnstone, EPA Region IX

T. Cox, EPA Region IX