

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:)	DOCKET NO. EPCRA-10-2022-0221
)	
R. W. SCOTT CONSTRUCTION)	EXPEDITED SETTLEMENT
COMPANY)	AGREEMENT
)	
Auburn, Washington)	
)	
Respondent.)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that R. W. SCOTT CONSTRUCTION COMPANY (“Respondent”) failed to comply with Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370.

2. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit a completed Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II form) as described in 40 C.F.R. § 370.45 for the calendar year on or before March 1, of the following year.

3. Respondent is an owner or operator of the facility at 4005 West Valley Highway North, Auburn, Washington (“Facility”).

4. Facility is subject to the reporting requirements of 40 C.F.R. Part 370 because Facility stores Diesel Fuel #1 onsite at or above the 10,000-pound reporting threshold. See 40 C.F.R. § 370.10(a).

5. Facility is subject to the reporting requirements of 40 C.F.R. Part 370 because Facility stores Unleaded Gasoline onsite at or above the 10,000-pound reporting threshold. See 40 C.F.R. § 370.10(a)

6. Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.20 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form to the State Emergency Response Commission (“SERC”), the Local Emergency Planning Commission (“LEPC”), and the fire department with jurisdiction over Facility (“Fire Department”) for calendar year 2020 by March 1, 2021. The 2020 Emergency and Hazardous Chemical Inventories were filed with the SERC, the LEPC and the Fire Department on September 29, 2021.

7. EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$5,000 (the “Assessed Penalty”).

8. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order by one of the following methods:

8.1. Send a cashier’s or certified check or money order with a notation for EPCRA-10-2022-0221 payable to the order of the “Treasury of the United States of America” to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. EPCRA-10-2022-0221
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

8.2. Send a cashier’s or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with

a notation for EPCRA-10-2022-0221 payable to the order of the “Treasury of the United States of America” to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

8.3. Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

9. Concurrently with the payment made under Paragraph 8, Respondent must send a copy of the cashier’s or certified check or money order, or proof of other payment method, to the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Erin Williams
U.S. Environmental Protection Agency
Region 10
williams.erin@epa.gov

10. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

11. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged above; (b) neither admits nor denies the factual allegations contained in this Agreement; (c) consents to the assessment of this penalty and any conditions stated in this Agreement; and (d) waives any right to contest the allegations above, and its right to appeal the proposed attached Final Order.

12. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation(s); (b) agrees to pay the Assessed Penalty; (c) agrees to submit a true and accurate proof of payment of the Assessed Penalty as set forth in Paragraph 10.

13. Upon the effective date of this Agreement and subsequent payment of the Assessed Penalty as set forth in Paragraph 7, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

14. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

15. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of EPCRA, any other federal statute or regulation, or this Agreement. Nothing in this Agreement or Final Order is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement or Final Order shall be construed to limit EPA's authority to take any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. Each party shall bear its own costs and attorney's fees, if any.

17. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

18. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement and Final Order shall be

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REGION 10

In the Matter of:)	DOCKET NO. EPCRA-10-2022-0221
)	
R. W. SCOTT CONSTRUCTION)	FINAL ORDER
COMPANY)	
)	
Auburn, Washington)	
)	
Respondent.)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Expedited Settlement Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Expedited Settlement Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under EPCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2022.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: R. W. SCOTT CONSTRUCTION COMPANY, Docket No.: EPCRA-10-2022-0221**, 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:

Ms. Erin Williams, EPCRA Coordinator
U.S. Environmental Protection Agency
Region 10
williams.erin@epa.gov

Mr. Jeff Scott
President
R. W. Scott Construction Company
4005 West Valley Highway North
Auburn, Washington 98001
jeffscott@rwscottconstruction.com

DATED this _____ day of _____, 2022.

Regional Hearing Clerk
EPA Region 10