



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

2011 JAN 13 PM 2:14

U.S. ENVIRONMENTAL PROTECTION AGENCY
 REGIONAL HEARING CLERK

DOCKET NO: EPCRA-09-2011- 0002
This ESA is issued to: Hafadai Beach Hotel
At: Hafadai Beach Hotel, P.O. Box 500338, Saipan, Northern Marianas 96950
For: Violating Section 312 of the Emergency Planning and Community Right-To-Know Act

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 Hafadai Beach Hotel ("Respondent") pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. § 11045, and by 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

The EPA alleges that Respondent, owner and operator of the facility, mailing address at P.O. Box 500338, Saipan, Northern Marianas 96950 ("Facility"), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form) as described in 40 CFR § 370.25 and 40 CFR Part 370, Subpart D, or the state equivalent) for the years 2006, 2007, 2008 and 2009 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 CFR Part 370. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for the years 2008, and 2009 on or before March 1, 2009 and March 1, 2010, respectively.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$ 2,000)** is in the public interest. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and 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 or appeal the final order contained herein.

By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) Respondent has corrected the violations listed above, and (2) Respondent has submitted payment of the civil penalty pursuant to this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **TWO THOUSAND DOLLARS (\$ 2,000)** should be paid by cashier's or certified check to the "Treasurer, United States of America." The penalty payment should be sent, with a copy of the ESA, to the following address:

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

The check should reference Respondent's name and a copy of this ESA must be included with the check.

This original ESA and a copy of the check must be sent by certified mail to:

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

Upon Respondent's submission of the original signed ESA, EPA will take no further civil penalty action against Respondent for the alleged violations of EPCRA identified in the ESA. 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 (unless an extension has been granted by EPA), 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.

In accordance with 40 CFR § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

FOR RESPONDENT – Hafadai Beach Hotel

Signature: 

Date: 9/06/10

Name (print): Mr. Takeshi Nishimura

Title (print): General Manager

FOR COMPLAINANT:

For 

Date: 10 January 2011

Jane Diamond
Superfund Director
U.S. EPA Region IX

IT IS SO ORDERED:


Steven L. Jawgiet
Regional Judicial Officer
U.S. EPA Region IX

Date: 01/12/11

CERTIFICATE OF SERVICE

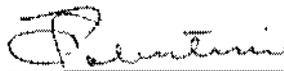
Docket No. EPCRA-09/2011-0002

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with Docket number reference above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested to:

Mr. Takeshi Nishimura
General Manager
Hafadai Beach Hotel
P.O. Box 500338
Saipan, MP 96950-0338

01/13/2011

Date



For Regional Hearing Clerk
U.S. EPA, Region 9
75 Hawthorne Street