

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:) DOCKET NO. EPCRA-10-2020-0146
)
A1 PETROLEUM COMPANY) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND FINAL ORDER**
711 South Main Street)
Ellensburg, Washington,)
)
Respondent.)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that A1 PETROLEUM 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 711 South Main Street, Ellensburg, Washington (“Facility”).

4. Facility is subject to the reporting requirements of 40 C.F.R. Part 370 because Facility stores Diesel Fuel #2 (CAS #068476-34-6), Unleaded Gasoline (CAS 008006-61-9), and Jet A Fuel (CAS 064740-48-9) onsite at or above the 10,000-pound reporting thresholds. See 40 C.F.R. § 370.10(a).

5. 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, the Local Emergency Planning Commission, and the fire department with jurisdiction over Facility for calendar year 2019 by March 1, 2020. The 2019 Emergency and Hazardous Chemical Inventories were filed on May 7, 2020.

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

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

7.1. Send a cashier's or certified check or money order with a notation for EPCRA-10-2020-0146 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-10-2020-0146
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

7.2. 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-10-2020-0146 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

7.3. 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).

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

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

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

By written notice to Respondent, EPA may change the email addresses and/or person listed above.

9. 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).

10. 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.

11. 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 6.

12. Upon the effective date of this Agreement and subsequent payment of the Assessed Penalty as set forth in Paragraph 6, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

13. 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.

14. 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.

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

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

17. 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 filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), the Final Order is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he/she is authorized to execute this Agreement and to legal bind Respondent.

IT IS SO AGREED,

Respondent Name (print): Ross Ogan

Respondent Title (print): Vice President

Respondent Signature: 

Date: 8/12/2020

APPROVED BY EPA:

EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Date: _____

FINAL ORDER

Pursuant to the authority of Section 325 of EPCRA, 42 U.S.C. § 11045, and according to the terms of the Expedited Settlement Agreement entered into by Complainant or EPA and Respondent or A1 PETROLUEM COMPANY, IT IS HEREBY ORDERED THAT:

The Expedited Settlement Agreement is hereby ratified and shall be effective upon the filing of the Expedited Settlement Agreement and this Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this ____ day of _____.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10