



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO.: OPA-09-2016-0006

On: March 8th, 2016

At: Hanson Aggregates dba Berkeley Asphalt
699 Virginia Street
Berkeley CA 94710

Owned & Operated by: (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. §1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference. By its first signature below, EPA ratifies the inspection findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits to being subject to 40 CFR Part 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR §22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$1,650.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$1,650.00, payable to the Treasurer, United States of America with the notation "Spill Fund - 311" and the Docket Number stated above.

This Expedited Settlement must be returned by certified mail to: **David Wampler, U.S. Environmental Protection Agency, Region 9 (ENF 3-2), 75 Hawthorne Street, San Francisco, California 94105-3901.** The certified check for payment must be sent by certified mail to: U. S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.


After this Expedited Settlement becomes effective, EPA

will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective immediately on the date filed with the Regional Hearing Clerk. If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY EPA:

 Date: 7/19/16
Kathleen H. Johnson, Director
Enforcement Division

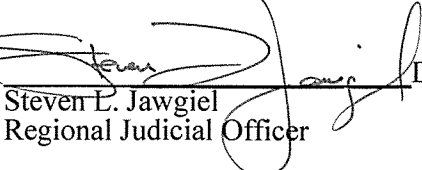
APPROVED BY RESPONDENT:

Name (Print): Marcelo Barajas

Title (Print): VP/GM

 Date: 7/8/16
Marcelo Barajas
Signature

IT IS SO ORDERED:

 Date: 7/20/16
Steven L. Jawgiel
Regional Judicial Officer

**** FILED ****

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U.S.EPA - Region 09

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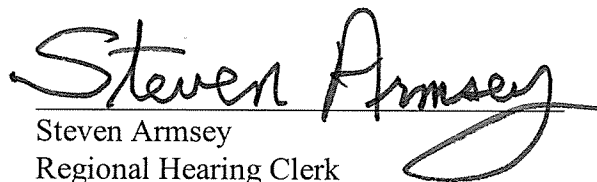
CERTIFICATE OF SERVICE

It is hereby certified that the original of the foregoing Expedited Settlement Agreement and included Final Order in the matter of **Hansen Aggregates dba Berkeley Asphalt (Docket Number OPA-09-2016-0006)**, has been filed with the Regional Hearing Clerk and that a true and complete copy was sent by U.S. Postal Service (return receipt requested) to the following:

Tina Lau
Lehigh Hanson Inc.
12667 Acosta Blvd (Suite 400)
San Ramon, CA 94583

Certified Mail No.: 7015 0640 0001 1122 0840

Date: July 20, 2016


Steven Armsey
Regional Hearing Clerk
EPA – Region 9