



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101-3140

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COMPLIANCE AND ENFORCEMENT

### EXPEDITED SETTLEMENT AGREEMENT

**DOCKET NO:** EPCRA-10-2018-0291  
**This ESA is issued to:** Pacific Service & Manufacturing, LLC  
21307 87<sup>th</sup> Avenue Southeast  
Woodinville, Washington 98072

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 10 (EPA), by its duly delegated official, and by Pacific Service & Manufacturing, LLC (Respondent) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

#### ALLEGED VIOLATIONS

Section 312 of EPCRA and the regulations at 40 C.F.R. Part 370 require the owner or operator of a facility that is required to prepare or have available a material safety data sheet ("MSDS") for a hazardous chemical to prepare and submit a Tier II emergency and hazardous chemical inventory form ("Tier II Form") to the appropriate local emergency planning committee ("LEPC"), state emergency response commission ("SERC"), and local fire department by March 1, containing data with respect to the preceding calendar year. The required data includes estimates of the average and maximum quantities of each hazardous chemical stored in excess of the threshold quantity. 40 C.F.R. § 370.42.

EPA alleges that Respondent is the owner or operator of the facility at 21307 87<sup>th</sup> Avenue Southeast, Woodinville, Washington 98072 (Facility). Respondent stores Argon at the Facility. Argon is a "hazardous chemical," as defined by 40 C.F.R. § 370.66 with a threshold quantity of 10,000 pounds.

During calendar year 2016, the Facility stored over 17,000 pounds of Argon, an amount at or above the threshold quantity for reporting. Respondent failed to submit a Tier II Form to the LEPC, SERC, and local fire department for calendar year 2016 by March 1, 2017, in violation of EPCRA § 312 and 40 C.F.R. § 370.45(a).

#### SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **FIVE THOUSAND DOLLARS (\$5,000)** is in the public interest. In signing this ESA, 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

any conditions stated in this ESA; and (5) waives any right to contest the allegations contained herein and to appeal the Final Order accompanying this agreement.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected. Each party agrees that it shall bear its own costs and fees, if any.


Respondent agrees to submit payment in full of the \$5,000 within 30 days of the Final Order issued by the EPA Regional Judicial Officer.

Payment instructions are included on the enclosed "Payment Instructions." which is hereby incorporated by reference.

This ESA is binding on the parties signing below.

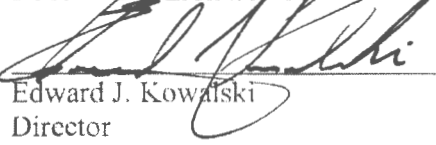
This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature:   
Name (print): CRAIG BRAUN  
Title (print): PLANT MANAGER

Date: JUN 5, 2018

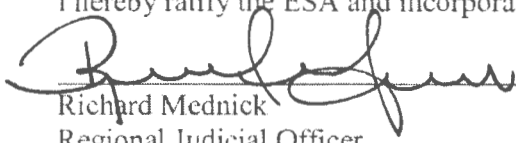
FOR COMPLAINANT:

  
Edward J. Kowalski  
Director  
Office of Compliance and Enforcement

Date: 6/20/2018

**FINAL ORDER**

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

  
Richard Mednick  
Regional Judicial Officer

Date: 6/27/18

## PAYMENT INSTRUCTIONS

Respondent may pay the penalty by check (mail or overnight delivery), wire transfer, ACH, or online payment. Additional payment instructions are available at:

<http://www2.epa.gov/financial/makepayment>

Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If paid by check, the docket number of the ESA must be included on the check. The docket number is located at the top of this ESA.

Concurrently with payment, Respondent must send photocopies of the check, or proof of other payment method to the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ORC-113  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
[young.teresa@epa.gov](mailto:young.teresa@epa.gov)

Erin Williams  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-101  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
[williams.erin@epa.gov](mailto:williams.erin@epa.gov)



**Certificate of Service**

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Pacific Service & Manufacturing, LLC, Woodinville, Washington, Docket No.: EPCRA-10-2018-0291**, 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:

Erin Williams, EPCRA Coordinator  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 155, Mail Stop: OCE-101  
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Craig Braun  
Plant Manager  
Pacific Service & Manufacturing, LLC  
21307 87<sup>th</sup> Avenue Southeast  
Woodinville, Washington 98072

DATED this 27 day of June, 2018

  
\_\_\_\_\_  
Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10

General Order

The undersigned, being duly sworn, deposes and says that the following is a true and correct copy of the original as the same appears in the files of the Department of the Interior, Bureau of Land Management, at Washington, D. C., on this 15th day of August, 1915.

Subscribed and sworn to before me this 15th day of August, 1915.

Notary Public for the District of Columbia

My Commission Expires

at

Washington, D. C.

Witness my hand and the seal of my office at Washington, D. C., this 15th day of August, 1915.

Notary Public

for the District of Columbia

My Commission Expires

at

Washington, D. C.

1915

Notary Public

for the District of Columbia

My Commission Expires

at

Washington, D. C.