



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**MEMORANDUM**

FROM: Desean Garnett, Attorney-Advisor  
TO: Steven Armsey, Regional Hearing Clerk  
DATE: July 20, 2021  
SUBJECT: In re Hawaii Fueling Facilities Corporation  
Docket No. OPA 09-2021-0047  
40 C.F.R. § 22.45(b) Requirements

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1. EPA published public notice of the expedited settlement agreement in the above-referenced matter on its website on June 7, 2021. A true and correct copy of EPA's public notice is attached as Exhibit A.
2. The 30-day public comment period ended on July 7, 2021.
3. On July 8, 2021, I conferred with you, in your capacity as Region 9's Regional Hearing Clerk, and you confirmed that no comments were received regarding EPA's public notice in this matter. See attached email from Steve Armsey, Region 9 Regional Hearing Clerk, to me, dated July 8, 2021. (Exhibit B).

# **EXHIBIT A**

An official website of the United States government.



## **Public Notice: Proposed Settlement of CWA Section 311 Class II Administrative Penalty: Hawaii Fueling Facilities Corporation and Signature Flight Support Corporation, Honolulu, HI**

### **How to Comment**

**Comments accepted through: 07/07/2021**

Please provide your full name and mailing address. Please submit your comment in writing stating that you are providing comments on the proposed assessment of a penalty pursuant to Section 311(b)(6) of the Clean Water Act, 33 U.S.C. § 1321(b)(6), and intend to participate in the proceeding. Please include the following Docket Number OPA-09-2021-0047 with your comments.

All comments must be submitted to the Regional Hearing Clerk (address below), within 30 days of the date of this public notice (see 40 C.F.R. § 22.45(b)). If the 30th day of the comment period falls on a Saturday, Sunday, or federal holiday, the deadline shall be extended to the next business day. EPA will consider all comments received within this 30-day period before issuance of the final order. Please note that 40 C.F.R. Part 22, the federal regulations governing these proceedings, can be found online at [www.ecfr.gov](http://www.ecfr.gov).

We encourage electronic submittals, including in addition to any required hard copy submissions, but if you are unable to submit electronically or need other assistance, please reach out to the contact listed in the notice or regulation or, if unavailable, the responsible EPA program's general contact email or phone number.

If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the listed contact by email or phone

#### **Name, Mailing Address, Telephone Number, and Email of Regional Hearing Clerk**

Steven Armsey ([r9hearingclerk@epa.gov](mailto:r9hearingclerk@epa.gov))  
U.S. Environmental Protection Agency, Region IX

75 Hawthorne Street (ORC-1)  
San Francisco, CA 94105  
(415) 972-3919

Publish Date: 06/07/2021

## Summary

EPA is providing notice of a proposed administrative penalty settlement with Hawaii Fueling Facilities Corporation and Signature Flight Support Corporation (Respondents) for violations of Clean Water Act (CWA) regulations at its bulk fuel storage facility located at 6 Sand Island Access Road, Honolulu, Hawaii. EPA alleges the Respondents violated requirements under 40 Code of Federal Regulations (C.F.R.) Part 112, by failing to provide sufficiently impervious secondary containment and failing to provide secondary containment sized to contain a spill from the single largest container plus freeboard for precipitation.

Pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), and in accordance with 40 C.F.R. Part 22 (rules of practice for assessing administrative civil penalties), EPA proposes entering into a **Consent Agreement and Final Order** (CA/FO) with Respondents to simultaneously commence and conclude this CWA Class II civil administrative penalty proceeding. Under the proposed CA/FO, Respondents will pay the United States a civil penalty of \$150,000 to resolve this matter.

### **In the Matter of Hawaii Fueling Facilities Corporation and Signature Flight Support Corporation: OPA-09-2021-0047**

**Complainant:** Amy Miller-Bowen, Director, Enforcement and Compliance Assurance Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105.

**Respondents:** Hawaii Fueling Facilities Corporation and Signature Flight Support Corporation, Sand Island, Honolulu, Hawaii

#### **Description of Business or Activity Conducted by the Respondents:**

Respondents operate a bulkfuel storage and distribution terminal facility located at 6 Sand Island Access Road, Honolulu, Hawaii (the Facility). The Facility is subject to certain requirements, including the SPCC Rule and implementing regulations at 40 C.F.R. Part 112.

**Summary of Alleged Violations:** At the Facility, the Respondents failed to provide sufficiently impervious secondary containment and failed to provide secondary containment sized to contain a spill from the single largest container plus freeboard for precipitation.

**Proposed Penalty:** \$150,000.

## Applicants or Respondents

Hawaii Fueling Facilities Corporation

Signature Flight Support Corporation

LAST UPDATED ON JUNE 7, 2021

# **EXHIBIT B**

**From:** [Armsey, Steven](#)  
**To:** [Garnett, Desean](#)  
**Cc:** [Adams, Connor](#); [Reich, Peter](#)  
**Subject:** RE: In the Matter of Hawaii Fueling Facilities Corporation, Docket No. OPA-09-2021-0047  
**Date:** Thursday, July 8, 2021 5:00:11 PM

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To: Garnett, Desean  
Date: July 08, 2021  
Subject: Hawaii Fueling Facilities Corporation (OPA-09-2021-0047)

In the matter of Hawaii Fueling Facilities Corp (OPA-09-2021-0047) there were no public comments received by e-mail ([R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)), as of today, approximately 5:00 PM.

Likewise, no comments have been brought to my attention that may have been delivered via U.S. Postal Service or by commercial delivery service.

Please be aware that the Regional Hearing Clerk's current duty station is not physically located in the EPA Region 9 Offices at 75 Hawthorne Street, San Francisco, California, and only limited persons currently have authorization to periodically enter the premises and check the physical mail boxes.

Let me know if there are any questions. Thanks.

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*Steven Armsey*  
*Regional Hearing Clerk*  
*U.S. EPA – Region 09*  
*(415) 972 - 3919*

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**From:** Garnett, Desean <Garnett.Desean@epa.gov>  
**Sent:** Thursday, July 8, 2021 3:30 PM  
**To:** Armsey, Steven <Armsey.Steven@epa.gov>  
**Cc:** Adams, Connor <Adams.Connor@epa.gov>; Reich, Peter <Reich.Peter@epa.gov>  
**Subject:** In the Matter of Hawaii Fueling Facilities Corporation, Docket No. OPA-09-2021-0047

Steve,

I am writing to determine whether the Regional Hearing Clerk received any public comments for the following Oil Pollution Act administrative enforcement case: [In the Matter of Hawaii Fueling Facilities Corporation](#), Docket No. OPA-09-2021-0047. The public comment period ended on July 7, 2021.

The public notice is available here: <https://www.epa.gov/hi/proposed-settlement-cwa-section-311-class-ii-administrative-penalty-hawaii-fueling-facilities>.

Thank you,

Desean

Desean Garnett  
Attorney-Advisor  
U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
Tel: (415) 972-3046  
[garnett.desean@epa.gov](mailto:garnett.desean@epa.gov)

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