

RECEIVED

16 SEP 16 AM 11:08

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10 HEARINGS CLERK EPA - REGION 10

IN THE MATTER OF:) Docket No.
American Retail Services - Fresno, LLC) RCRA 10-2016-0080
EPA ID No. OR7639) EXPEDITED SETTLEMENT
Respondent) AGREEMENT AND
) FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

The U.S. Environmental Protection Agency ("EPA") alleges that American Retail Services, LLC ("Respondent"), owner or operator of the Underground Storage Tank(s) (USTs) at 33651 Highway 99 East, Tangent, Oregon (the "UST Facility"), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991-6991m, and Chapter 340-150 of the Oregon Administrative Rule (OAR).

Failure to inspect impressed current systems every 60 days as required by OAR 340-150-0325(3) as follows: Tank #1, Tank #2, Tank #3, Tank #4, and Tank #5 from August 20, 2010 to March 15, 2016.

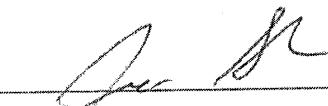
- 1. The EPA and the Respondent agree that settlement of this matter for a penalty of \$4,250 is in the public interest.
2. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (ESA) pursuant to Section 9006 of RCRA and 40 C.F.R. § 22.13(b).
3. In signing this ESA, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the 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 contained herein.
4. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this ESA, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.

5. Upon filing, this ESA shall constitute full settlement of all claims for civil penalties under RCRA for the violation(s) alleged herein.
6. The EPA reserves all of its other rights to take enforcement action for any past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this ESA that were not corrected.
7. Upon signing and returning this ESA to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA or 40 C.F.R. Part 22.
8. Each party shall bear its own costs and fees, if any.
9. This ESA is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

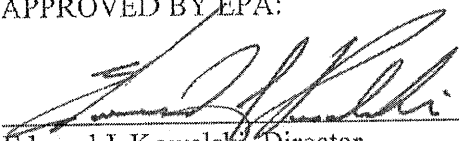
Name (print): JAN SACHA

Title (print): CEO

Signature: 

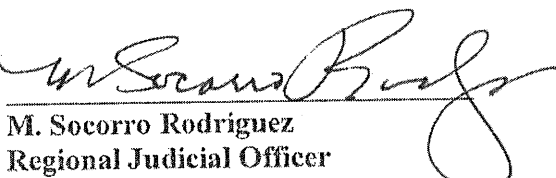
Date 8/15/2016

APPROVED BY EPA:


Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10

Date 9/13/2016

IT IS SO ORDERED:


M. Socorro Rodriguez
Regional Judicial Officer

Date 9/15/16

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: American Retail Services – Fresno, LLC, Docket No.: RCRA 10-2016-0080**, 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:

Katherine Griffith, Compliance Officer
U.S. Environmental Protection Agency
1200 Sixth Avenue, OCE-101
Suite 900
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:

David Humphrey
American Retail Services – Fresno, LLC
2204 S El Camino Real, Suite 314
Oceanside, California 92054

DATED this 16 day of September, 2016



Signature

Teresa Luna
Regional Hearing Clerk
EPA Region 10