BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Oil Re-Refining Company, Inc. Portland, Oregon Respondent.	DOCKET NO. CWA-10-2024-0155 **CONSENT AGREEMENT** Proceedings Under Section 311(b)(6) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 311(b)(6) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6).

1.2. Pursuant to CWA Section 311(b)(6)(A), EPA is authorized to assess a civil penalty against any owner, operator, or person in charge of an onshore facility from which oil or a hazardous substance is discharged in violation of CWA Section 311(b)(3), 33 U.S.C. § 1321(b)(3), and/or who fails or refuses to comply with any regulation issued under CWA Section 311(j), 33 U.S.C. § 1321(j).

1.3. CWA Section 311(b)(6)(B), 33 U.S.C. § 1321(b)(6)(B), authorizes the administrative assessment of Class II civil penalties in an amount not to exceed $10,000 per day for each day during which the violation continues, up to a maximum penalty of $125,000. Pursuant to the 2015 amendments to the Federal Civil Penalty Inflation Adjustment Act, 28 U.S.C. § 2461, and 40 C.F.R. Part 19, the administrative assessment of Class II civil penalties may not exceed $23,048 per day for each day during which the violation continues, up to a maximum penalty of $288,080. *See also* 87 Fed. Reg. 89,209 (December 27, 2023) (Civil Monetary Penalty Inflation Adjustment Rule).

1.4. Pursuant to CWA Section 311(b)(6)(A) and (b)(6)(B), 33 U.S.C. § 1321(b)(6)(A)

and (B), and in accordance with Section 22.18 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Oil Re-Refining Company, Inc. ("ORRCO" or "Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Administrator has delegated the authority to sign consent agreements between EPA and the party against whom a penalty is proposed to be assessed pursuant to CWA Section 311(b)(6), 33 U.S.C. § 1321(b)(6), to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant").

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CWA together with the specific provisions of the CWA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Framework

3.1. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a).

3.2. CWA Section 311(j), 33 U.S.C. § 1321(j), provides for the regulation of onshore facilities to prevent or contain discharges of oil. CWA Section 311(j)(l)(C), 33 U.S.C. § 1321(j)(l)(C), provides that the President shall issue regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil ... from onshore facilities ... and to contain such discharges...."

3.3. Initially by Executive Order 11548 (July 20, 1970), 35 Fed. Reg. 11677 (July 22, 1970), and most recently by Section 2(b)(l) of Executive Order 12777 (October 18, 1991), 56 Fed. Reg. 54757 (October 22, 1991), the President delegated to EPA his Section 311(j)(1)(C) authority to issue the regulations referenced in the preceding Paragraph for non-transportation related onshore facilities.

3.4. Pursuant to these delegated statutory authorities and pursuant to its authorities under the CWA, 33 U.S.C. § 1251 *et seq.,* to implement Section 31l(j) the EPA promulgated the Oil Pollution Prevention regulations in 40 C.F.R. Part 112, which set forth procedures, methods and equipment and other requirements to prevent the discharge of oil from non-transportation-related onshore facilities into or upon the navigable waters of the United States or adjoining shorelines, including requirements for preparation and implementation of a Spill Prevention Control and Countermeasure (SPCC) Plan.

3.5. The requirements of 40 C.F.R. Part 112 apply to owners and operators of non-transportation-related onshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products, which due to their location, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines. 40 C.F.R § 112.1.

3.6. The regulations define "onshore facility" to mean any facility of any kind located in, on, or under, any land within the United States other than submerged lands. 40 C.F.R. § 112.2.

3.7. In the case of an onshore facility, the regulations define "owner or operator" to include any person owning or operating such onshore facility. 40 C.F.R. § 112.2.

3.8. The regulations define "person" to include any individual, firm, corporation, association, or partnership. 40 C.F.R. § 112.2.

3.9. "Non-transportation-related," as applied to an on-shore facility is defined to

include oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel. 40 C.F.R § 112.2 App. A.

3.10. The regulations define "oil" to mean oil of any kind or in any form, including, but not limited to, vegetable oils, petroleum, fuel oil, sludge, synthetic oils, oil refuse, and oil mixed with wastes other than dredged spoil. 40 C.F.R. § 112.2.

3.11. CWA § 502(7) defines "navigable waters" as "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7).

3.12. Owners or operators of onshore facilities that have an aboveground storage capacity of more than 1,320 gallons of oil, and due to their location could reasonably be expected to discharge oil in harmful quantities into or upon the navigable waters of the United States or adjoining shorelines, must prepare an SPCC Plan in writing, certified by a licensed Professional Engineer, and in accordance with the requirements of 40 C.F.R. § 112.7. 40 C.F.R. § 112.3.

General Allegations

3.13. Respondent is a corporation conducting business in the state of Oregon, and is therefore a "person" under CWA Section 311(a)(7), 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2.

3.14. At all times relevant to this Consent Agreement, Respondent was the "owner or operator," within the meaning of 40 C.F.R. § 112.2 and Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), of an oil refining facility located at 4150 North Suttle Road in Portland, Oregon ("Facility").

3.15. The Facility is an "onshore facility" within the meaning of CWA Section 311(a)(10), 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

3.16. The Facility is "non-transportation-related" within the meaning of 40 C.F.R.

§ 112.2.

3.17. On June 28, 2021, authorized EPA representatives inspected the Facility to determine compliance with Section 311(j) of the CWA and the requirements of 40 C.F.R. Part 112 ("Inspection").

3.18. At the time of the Inspection, Respondent was engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products as described in 40 C.F.R. § 112.1(b).

3.19. At the time of the Inspection, the Facility had an aggregate, above-ground storage capacity greater than 1,320 gallons of oil in containers, each with a shell capacity of at least 55 gallons.

3.20. At the time of the Inspection, Respondent provided to EPA a copy of the SPCC plan effective at the time of the Inspection. The SPCC Plan was dated January 2017 ("SPCC Plan").

3.21. According to the SPCC Plan, a drainage basin borders the southeastern edge of the Facility and drains into the ORRCO wetlands area. The ORRCO wetlands are adjacent to the Smith and Bybee Lakes and are connected via a culvert. The SPCC Plan shows that conveyed stormwater from this wetland area flows into the Smith and Bybee Lakes. The Smith and Bybee Lakes discharge to the North Slough via a water-control structure that allows river flow (including tidal influence) from the Willamette River to enter the lakes, which retains water in the winter and releases it in the summer. The North Slough drains to the Columbia Slough, which flows into the Willamette River just before its confluence with the Columbia River. The Smith and Bybee Lakes, North Slough, Columbia Slough, and these portions of the Willamette River and Columbia River are all relatively permanent, tidally influenced waters. The Columbia River flows into the Pacific Ocean. The Pacific Ocean, which is tidal, and is and was used in interstate and foreign commerce, is a traditionally navigable water. As such, the ORRCO

wetlands is a water of the United States and a navigable water within the meaning of CWA § 507(7), 33 U.S.C. § 1362(7). Accordingly, the Facility is a non-transportation-related, onshore facility that, due to location, could reasonably have been expected, at the time of the Inspection, to discharge oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities. The Facility is therefore subject to the regulations at 40 C.F.R. Part 112.

Violations

Violation 1 – Incomplete Details of Oil Storage Areas

3.22. 40 C.F.R § 112.7(a)(3) requires an SPCC Plan to describe the physical layout of the facility, including a diagram that identifies: the location and contents of all regulated fixed oil storage containers; storage areas where mobile or portable containers are located; completely buried tanks otherwise exempt from the SPCC requirements, marked as "exempt"; transfer stations; and connecting pipes, including intra-facility gathering lines that are otherwise exempt from the SPCC requirements.

3.23. Further, 40 C.F.R. § 112.7(a)(3)(i) requires an SPCC Plan to address, for each fixed container, the type of oil and storage capacity of each container. For mobile or portable containers, an SPCC Plan must include the type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and the anticipated storage capacities. 40 C.F.R. § 112.7(a)(3)(i).

3.24. Neither Respondent's SPCC Plan nor the site diagram located in Appendix D of the SPCC Plan, addresses oil storage in the truck loading areas and the rail loading areas; Mobile Tank No. 945; drums located in the Merit Oil area; or empty containers located in the Merit Oil area, in violation of 40 C.F.R. § 112.7(a)(3).

Violation 2 – Insufficient Detail on Discharge Prediction and Drainage from Diked Areas

3.25. 40 C.F.R. § 112.7(b) requires that where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture,

or leakage, or any other equipment known to be a source of a discharge), a facility shall include in its SPCC Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

3.26. Respondent's SPCC Plan does not provide predictions of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment failure at the Facility, in violation of 40 C.F.R. § 112.7(b).

3.27. Additionally, 40 C.F.R. § 112.8(b)(1) requires that drainage from diked storage areas be restrained by valves, except where facility systems are designed to control such discharge, or manually activated pumps or ejectors are used and the condition of the accumulation is inspected prior to draining the dike to ensure no oil will be discharged. SPCC Plans must discuss how a facility conforms to applicable 40 C.F.R. Part 112 requirements. 40 C.F.R. § 112.7(a)(1).

3.28. Section 7.2.1 of Respondent's SPCC Plan does not accurately reflect the operation of the diked drainage system described by Facility personnel, which automatically discharges to the Publicly Owned Treatment Works (POTW) unless the conductivity probe detects hydrocarbons. Specifically, the Plan does not mention the presence or function of the conductivity probe to prevent drainage to the POTW if hydrocarbons are detected. Therefore, Respondent's Plan does not describe the facility system designed to control discharges from the diked storage area, in violation of 40 C.F.R. § 112.8(b)(1) and 40 C.F.R. § 112.7(a)(1).

Violation 3 – Container Materials and Construction Incompatible with Stored Material

3.29. 40 C.F.R. § 112.8(c)(1) requires that containers' materials and construction be compatible with material stored and conditions of storage such as pressure and temperature.

3.30. During the Inspection, EPA observed corrosion of the chime on Used Oil Storage Tank 7 and Plant Fuel Tank 8, as well as standing water next to the base of both Tanks 7 and 8. Further, inspectors observed corrosion and de-lamination of metal on the side of F.O.G. Process

Water Tank 31.

3.31. The Inspectors' observations of Tanks 7, 8, and F.O.G. Process Water Tank 31 indicate that Respondent failed to use materials and construction compatible with the material stored and conditions of storage such as pressure and temperature, in violation of 40 C.F.R. § 112.8(c)(1).

Violation 4 – Inadequate Integrity Testing Program

3.32. Pursuant to 40 C.F.R. § 112.8(c)(6), facilities must regularly test and inspect each aboveground container for integrity on a regular schedule and whenever repairs are made. In accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections must be determined and identified in an SPCC Plan. 40 C.F.R. § 112.8(c)(6). In addition, the frequency and type of testing and inspections must take into account the size, configuration, and design of the containers. 40 C.F.R. § 112.8(c)(6). Facilities must also maintain records of all inspections and tests of aboveground container integrity testing. 40 C.F.R. § 112.8(c)(6).

3.33. Section 7.3.8 of the Facility's SPCC Plan asserts that the Facility conforms to the American Petroleum Institute Standard 653 ("API 653") for "[t]he scope and schedule of certified inspections and tests performed on the facility's [aboveground storage tanks]." Section 6.8.1 of API 653 requires facilities to maintain a complete record file consisting of construction records, inspection history, and repair/alteration history.

3.34. At the time of the Inspection, Facility representatives stated that they did not have any integrity inspection records available for review. Further, Facility representatives stated that some aboveground storage tanks may have received integrity testing, but, because of a lack of records, they did not know which tanks had received such testing.

3.35. The Facility's lack of inspection records is a violation of the requirement to maintain records of all inspections and tests of aboveground containers under 40 C.F.R.

§ 112.8(c)(6).

3.36. At the time of Inspection, the Facility only had shop-built containers. API 653 applies to field-constructed above-ground storage tanks rather than shop-built containers. The failure of the Facility to take into account the size, configuration, and design of the containers when identifying the frequency and type of testing and inspections is a violation of 40 C.F.R. § 112.8(c)(6).

3.37. At the time of the Inspection, Facility representatives stated that they planned to get all aboveground storage tanks inspected soon under STI SP001, a less stringent standard than the API 653 standard listed in the SPCC Plan that a Professional Engineer certified. While STI SP001 applies to shop-built containers, the failure of the Facility to conform its integrity testing and inspection program to its SPCC Plan, which has been reviewed and certified by a Professional Engineer, is a violation of 40 C.F.R. § 112.8(c)(6).

Violation 5 – Inadequate Procedures for Observation of Effluent Treatment Facilities

3.38. SPCC Plans must discuss how a facility conforms to applicable 40 C.F.R. Part 112 requirements. 40 C.F.R. § 112.7(a)(1). 40 C.F.R. § 112.8(c)(9) requires owners or operators to observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in 40 C.F.R. § 112.1(b).

3.39. Section 7.3.11 of the Facility's SPCC Plan addresses effluent treatment facilities and the discharge of water from the diked containment area to the POTW; however, the SPCC Plan does not address or provide details for observation of the system to detect an upset, or discuss the presence of a conductivity probe used to hold water and prevent discharge to the POTW if hydrocarbons are detected. The failure to have accurate procedures in place to detect possible system upsets is a violation of 40 C.F.R. § 112.7(a)(1) and 40 C.F.R. § 112.8(c)(9).

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by CWA Section 311(b)(8), 33 U.S.C. § 1321(b)(8), EPA has taken into account the seriousness of the alleged violations; Respondent's economic benefit of noncompliance; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge; the economic impact of the penalty on the violator; and any other matters as justice may require. After considering all of these factors, EPA has determined that an appropriate penalty to settle this action is $62,000 ("Assessed Penalty").

4.4. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 4.3 and agrees to pay the total Assessed Penalty within 30 days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

4.5. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

4.6. When making a payment, Respondent shall:

4.6.1. Identify every payment with Respondent's name and the docket number of this Agreement, CWA-10-2024-0155.

4.6.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following person(s):

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Kate Spaulding
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Spaulding.Kate@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.7. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1321(b)(6)(H), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

4.7.1. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other

charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1321(b)(6)(H). The rate of interest is the IRS standard underpayment rate.

4.7.2. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.

4.7.3. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

4.8. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

4.8.1. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

4.8.2. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

4.8.3. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

4.8.4. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1321(b)(6)(H). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.9. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

4.10. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

4.11. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with the law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

4.11.1. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf.

4.11.2. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

4.11.3. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at henderson.jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

4.11.4. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

4.12. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.13. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III above.

4.14. Except as described in Subparagraph 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.15. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order.

4.16. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.17. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

8/16/2024

FOR RESPONDENT:

SCOTT BRIGGS
President
Oil Re-Refining Company, Inc.

FOR COMPLAINANT:

EDWARD KOWALSKI
Digitally signed by EDWARD KOWALSKI
Date: 2024.08.20 19:23:23 -07'00'

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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Oil Re-Refining Company, Inc. Portland, Oregon Respondent.	DOCKET NO. CWA-10-2024-0155 **FINAL ORDER** Proceedings Under Section 311(b)(6) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)

1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.

2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the Clean Water Act (CWA) for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

4. This Final Order shall become effective upon filing.

IT IS SO ORDERED.

Mednick, Richard
Digitally signed by Mednick, Richard
Date: 2024.09.30 13:42:46 -07'00'

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10