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Regional Counsel



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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

In the Matter of:)	Docket No. CAA-09-2023-0027
)	
Bowen Transportation, Inc.)	CONSENT AGREEMENT AND
)	FINAL ORDER PURSUANT TO
Respondent.)	40 C.F.R. §§ 22.13 and 22.18
)	

I. CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative penalty assessment proceeding brought under section 113(d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(d), and sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22. In accordance with 40 C.F.R. §§ 22.13 and 22.18, entry of this Consent Agreement and Final Order (“CAFO”) simultaneously initiates and concludes this matter.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region IX (“EPA”), who has been duly delegated the authority to initiate and settle civil administrative penalty proceedings under section 113(d) of the Act.
3. Respondent is Bowen Transportation, Inc. (“Bowen”). Bowen is a transportation company. Bowen owns and operates diesel-fueled vehicles driven in California, among other states.
4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CAFO without adjudication of any issues of law or fact herein and agree to comply with the terms of this CAFO.

B. JURISDICTION

5. Pursuant to section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), the EPA and the United States Department of Justice jointly determined that this matter, which involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment.
6. The regulations at issue in this action have been incorporated into the federally-approved and federally-enforceable California state implementation plan (“SIP”); therefore, in satisfaction of the notice requirements of section 113(a) of the Act, 42 U.S.C. § 7413(a), on September 20, 2021, the EPA issued to Respondent a notice of violation (“NOV”) and provided a copy of the NOV to the California Air Resources Board (“CARB”), providing notice to both Respondent and CARB that the EPA believed Respondent committed the violations alleged in Section I.E of this CAFO and providing Respondent an opportunity to confer with the EPA. On December 22, 2021, representatives of Respondent and the EPA discussed the NOV.

C. GOVERNING LAW

Clean Air Act

7. Pursuant to section 107(d) of the Act, 42 U.S.C. § 7407(d), the Administrator promulgated lists of attainment status designations for each air quality control region (“AQCR”) in every state. These lists identify the attainment status of each AQCR for each of the criteria pollutants. The attainment status designations for California AQCRs are listed at 40 C.F.R. § 81.305.
8. There are multiple AQCRs designated as nonattainment, as well as multiple AQCRs designated as attainment, for fine particulate matter (i.e., PM_{2.5}) and ozone in California. *See* 40 C.F.R. § 81.305.
9. Section 110(a) of the Act requires that all states adopt SIPs that provide for the implementation, maintenance and enforcement of primary and secondary air quality standards. 42 U.S.C. § 7410(a).
10. A person’s failure to comply with any approved regulatory provision of a SIP renders the person in violation of an applicable implementation plan and subject to enforcement under section 113(a)(1) of the Act. 42 U.S.C. § 7413(a)(1).

Title 13, Section 2025 of the California Code of Regulations: On-Road Heavy-Duty Diesel Vehicles

11. On December 14, 2011, CARB amended its “Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles,” codified at title 13, section 2025 of the California Code of Regulations (the “Truck and Bus Regulation”).
12. The Truck and Bus Regulation was incorporated into the federally-approved and federally-enforceable California SIP on May 4, 2012. *See* 77 Fed. Reg. 20308 (April 4, 2012). Since that time, the EPA has coordinated with CARB regarding the EPA’s enforcement of the Truck and

Bus Regulation pursuant to section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), and 40 C.F.R. § 52.23.

13. Section 2025(a) of the Truck and Bus Regulation states that the purpose of the regulation is “to reduce emissions of diesel particulate matter (PM), oxides of nitrogen (NOx) and other criteria pollutants from in-use diesel-fueled vehicles.”
14. Section 2025(b) of the Truck and Bus Regulation states that the regulation applies to diesel-fueled trucks and buses that are privately or federally owned, and to publicly and privately-owned school buses, that have a manufacturer’s gross vehicle weight rating (“GVWR”) greater than 14,000 pounds. The Truck and Bus Regulation requires, in part, Fleet Owners to upgrade their vehicles to meet specific performance standards for NOx and PM.
15. Section 2025(d)(17) of the Truck and Bus Regulation defines “Diesel Particulate Filter” (“DPF”) as “an emission control technology that reduces diesel particulate matter emissions by directing the exhaust through a filter that physically captures particles but permits gases to flow through....”
16. Under section 2025(d)(18) of the Truck and Bus Regulation, “Diesel Particulate Matter (PM)” means “the particles found in the exhaust of diesel fueled compression ignition engines...”
17. Under section 2025(d)(28) of the Truck and Bus Regulation, “Fleet” means “one or more vehicles, owned by a person, business, or government agency, traveling in California and subject to this regulation.”
18. Under section 2025(d)(29) of the Truck and Bus Regulation, “Fleet Owner” means, with certain exceptions, “either the person registered as the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country, as evidenced on the vehicle registration document carried in the vehicle.”

19. Under section 2025(d)(47) of the Truck and Bus Regulation, “Person” means “an individual, corporation, business trust, estate, trust, partnership, Limited Liability Company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.”
20. Section 2025(d)(48) of the Truck and Bus Regulation defines “PM BACT” as “the technology employed on the highest level VDECS for PM or an engine that is equipped with an original equipment manufacturer (OEM) diesel particulate filter and certified to meet the 0.01 g/bhp-hr certification standard.”
21. Section 2025(f) of the Truck and Bus Regulation requires Fleet Owners to comply with the following compliance schedule for vehicles with a GVWR less than 26,000 pounds:
 - a. Vehicles with 1995 and older model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2015;
 - b. Vehicles with 1996 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2016;
 - c. Vehicles with 1997 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2017;
 - d. Vehicles with 1998 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2018;
 - e. Vehicles with 1999 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2019;
 - f. Vehicles with 2000 to 2003 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2020; and

g. Vehicles with 2004 to 2006 model year engines must be upgraded to 2010 model year equivalent engines by January 1, 2021.

22. Section 2025(g) of the Truck and Bus Regulation requires Fleet Owners to comply with the following compliance schedule for vehicles above 26,000 pounds GVWR:

a. Vehicles with 1993 and older engine model years must be upgraded to 2010 model year engines by January 1, 2015;

b. Vehicles with an engine model year of 1994 or 1995 must be equipped with a 2010 model year engine by January 1, 2016.

c. Vehicles with an engine model year of 1996 through 1999 must be equipped with a DPF by January 1, 2012.

d. Vehicles with an engine model year of 2000 through 2004 must be equipped with a DPF by January 1, 2013.

e. Vehicles with an engine model year of 2005 or 2006 must be equipped with a DPF by January 1, 2014.

f. Vehicles with an engine model year of 2007 or newer must be equipped with PM BACT by January 1, 2014.

23. Section 2025(x)(l) of the Truck and Bus Regulation provides that "[t]he vehicle owner shall comply with all applicable requirements and compliance schedules set forth in this regulation."

Title 13, Section 2477 of California Code of Regulations:
Transport Refrigeration Units Regulation

24. In accordance with Resolution 10-39 (November 2010), CARB adopted the "Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate," codified at Title 13, Section 2477 of the California Code of Regulations (the "TRU Regulation").

25. The EPA incorporated the TRU Regulation, as submitted by the CARB into the California SIP, effective July 18, 2016. *See* 81 Fed. Reg. 39424 (June 16, 2016).
26. In accordance with Resolution 11-35 (October 2011), CARB amended the TRU Regulation, codified at Title 13, Section 2477 of the California Code of Regulations (the “Amended TRU Regulation”).
27. The EPA incorporated the Amended TRU Regulation, as submitted by the CARB into the California SIP, effective June 18, 2018. *See* 83 Fed. Reg. 23232 (May 18, 2018).
28. As stated in Section 2477(a) of the TRU Regulation, the purpose of the regulation is “to reduce the diesel PM emissions from in-use transport refrigeration units (TRUs) and TRU generator (gen) set equipment used to power electrically driven refrigerated shipping containers and trailers that are operated in California. This specifically includes: (A) Owners and operators of California-based TRUs and TRU gen sets that are installed on trucks, trailers, shipping containers, and railcars; and (B) Owners and operators of non-California-based TRUs and TRU gen sets that are installed on trucks, trailers, shipping containers, and railcars.” *See also* Section 2477.2 of the Amended TRU Regulation.
29. Under Section 2477(b)(1) of the TRU Regulation, the TRU Regulation applies to operators and owners of California and non-California based TRUs and TRU generator sets (“gen sets”) that are installed on trucks, trailers, shipping containers, or rail cars. *See also* Section 2477.2(a) of the Amended TRU Regulation.
30. Under Section 2477(d)(9) of the TRU Regulation, “California-Based TRUs and TRU Gen Sets” mean “the TRUs and TRU gen sets equipped on trucks, trailers, shipping containers, or railcars that a reasonable person would find to be regularly assigned to terminals in California.” *See also* Section 2477.4(a)(13) of the Amended TRU Regulation.

31. Section 2477(d)(52) of the TRU Regulation defines “Owner” as “any person that legally holds the title (or its equivalent) showing ownership of a TRU or TRU gen set, excluding [listed exemptions].” *See also* Section 2477.4(a)(70) of the Amended TRU Regulation.
32. Section 2477(d)(51) of the TRU Regulation defines “Operator” as “any person, party or entity that operates a TRU or TRU gen set for the purposes of transporting perishable goods, excluding [listed exemptions].” *See also* Section 2477.4(a)(68) of the Amended TRU Regulation.
33. Section 2477(d)(53) of the TRU Regulation defines “Owner/Operator” as “a requirement applies to the owner and/or operator of a TRU or TRU gen set, as determined by agreement or contract between the parties if the two are separate business entities.” *See also* Section 2477.4(a)(71) of the Amended TRU Regulation.
34. Section 2477(d)(65) of the TRU Regulation defines “Transport Refrigeration Unit (TRU)” as refrigeration systems powered by integral internal combustion engines designed to control the environment of temperature sensitive products that are transported in trucks and refrigerated trailers. TRUs may be capable of both cooling and heating.” *See also* Section 2477.4(a)(91) of the Amended TRU Regulation.
35. Section 2477(d)(66) of the TRU Regulation defines “TRU Generator Set (TRU gen set)” as “a generator set that is designed and used to provide electric power to electrically driven refrigeration units of any kind. This includes but is not limited to gen sets that provide electricity to electrically powered refrigeration systems for semi-trailer vans and shipping containers.” *See also* Section 2477.4(a)(93) of the Amended TRU Regulation.
36. Under Section 2477(d)(55) of the TRU Regulation, “Particulate Matter (PM)” means “the particles found in the exhaust of CI [compression ignition] engines, which may agglomerate and adsorb other species to form structures of complex physical and chemical properties.” *See also*

Section 2477.4(73) of the Amended TRU Regulation. *See also* Section 2477.4(a)(73) of the Amended TRU Regulation.

37. Under Section 2477(d)(42) of the TRU Regulation, “Low Emission TRU (LETRU or L)” means “a TRU or TRU gen set that meets the performance standards described under paragraphs (e)(1)(A)1. or (e)(1)(A)2.” *See also* Section 2477.4(a)(57) of the Amended TRU Regulation.
38. Under Section 2477(d)(69) of the TRU Regulation, “Ultra-Low Emission TRU (ULETRU or U)” means “a TRU or TRU gen set that meets the performance standards described under subparagraphs (e)(1)(A)1. and (e)(1)(A)2. or that uses an ‘alternative technology’ in accordance with subparagraph (e)(1)(A)3.” *See also* Section 2477.4(a)(96) of the Amended TRU Regulation.
39. Pursuant to Section 2477(e)(1)(A) of the TRU Regulation, no Owner/Operator shall operate a TRU or TRU gen set in California unless it meets the emission category performance standards for LETRU or ULETRU by the compliance deadlines set forth in Section 2477(e)(1)(B) of the TRU Regulation. *See also* Section 2477.5(a) and (b) of the Amended TRU Regulation.

D. STIPULATED FACTS

40. On October 26, 2020, the EPA issued an information request to Respondent pursuant to section 114 of the Act, 42 U.S.C. § 7414, seeking information concerning Respondent’s compliance with the Truck and Bus Regulation, Drayage Truck Regulation (under California Code of Regulations, section 2027), and TRU Regulation, which was shared with CARB.
41. Bowen submitted a response, dated February 21, 2021, to the information request.
42. As referenced in paragraph 6 above, on September 20, 2021, the EPA issued an NOV to Respondent and provided a copy of the NOV to CARB regarding the alleged violations described in Section I.E of this CAFO, providing notice to both Respondent and CARB and an opportunity for Respondent to confer with the EPA regarding the NOV.

43. Representatives of Respondent and the EPA discussed the NOV on December 22, 2021 and have had additional discussions on subsequent occasions to negotiate the terms of this settlement, including Respondent's actions with respect to its Fleet.
44. Respondent represents that it has taken actions with respect to its Fleet sufficient to address any noncompliance with the Truck and Bus Regulation and TRU Regulation.

E. VIOLATIONS OF LAW ALLEGED BY THE EPA

45. EPA alleges Bowen owns and/or operates diesel-fueled vehicles registered to be driven on public highways in California, among other states.
46. EPA alleges Respondent is a "Person" as that term is defined under section 302(e) of the Act, 42 U.S.C. § 7602(e), and section 2025(d)(47) of the Truck and Bus Regulation.
47. EPA alleges that, at all times relevant to this CAFO, Respondent was a "Fleet Owner" of a "Fleet" of vehicles as those terms are defined under sections 2025(d)(28) and (29) of the Truck and Bus Regulation.
48. EPA alleges that, at all times relevant to this CAFO, the Truck and Bus Regulation applied to Bowen.
49. EPA alleges Respondent violated section 2025(f) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2018 one (1) vehicle between 14,001 and 26,000 pounds GVWR with an engine model year of 1997, that was not upgraded to a 2010 model year engine after the compliance deadline of January 1, 2017.
50. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2018 and 2020 one (1) diesel-fueled vehicle above 26,000 pounds GVWR with an engine model year of 1992 that was not equipped with a 2010 model year engine after the compliance deadline of January 1, 2015.

51. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2020 two (2) vehicles above 26,000 GVWR with an engine model year of 1999, that were not equipped with 2010 model year engines after the compliance deadline of January 1, 2020.
52. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2017 one (1) vehicle above 26,000 GVWR with an engine model year of 1997, that was not equipped with a DPF after the compliance deadline of January 1, 2012.
53. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2017 - 2019 two (2) vehicles above 26,000 GVWR with an engine model year of 1999, that were not equipped with DPFs after the compliance deadline of January 1, 2012.
54. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2017, 2018, and 2020 one (1) vehicle above 26,000 GVWR with an engine model year of 2000, that was not equipped with a DPF after the compliance deadline of January 1, 2013.
55. EPA alleges Respondent violated section 2025(g) of the TBR as a Fleet Owner by operating in California during 2017 and 2020 two (2) vehicles above 26,000 GVWR with an engine model year of 2005, that were not equipped with DPFs after the compliance deadline of January 1, 2014.
56. EPA alleges Respondent violated section 2025(g) of the Truck and Bus Regulation as a Fleet Owner by operating in California during 2017 one (1) vehicle above 26,000 GVWR with an

engine model year of 2006, that was not equipped with a DPF after the compliance deadline of January 1, 2014.

57. EPA alleges that, at all times relevant to this CAFO, Respondent was an “Owner” and/or “Operator” and/or “Owner/Operator” as those terms are defined under section 2477(d)(52), (51) and (53), respectively, of the TRU Regulation, and section 2477.4(a)(70), (68) and (71) respectively, of the Amended TRU Regulation.

58. EPA alleges that, at all times relevant to this CAFO, the TRU Regulation or Amended TRU Regulation, applied to Respondent.

59. EPA alleges Respondent violated Section 2477(e)(1)(A) and (B) of the TRU Regulation and/or Section 2477.5(a) and (b) of the Amended TRU Regulation by operating two (2) TRUs or TRU gen sets in California on various dates between January 1, 2017, and March 29, 2019, without meeting the applicable ULETRU performance standards by the applicable compliance deadlines.

F. TERMS OF CONSENT AGREEMENT

60. For the purpose of this proceeding, as required by 40 C.F.R. 22.18(b)(2), Respondent:

- a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO and over Respondent;
- b. admits to the stipulated facts contained in Section I.D of this CAFO;
- c. neither admits nor denies the specific factual allegations and legal conclusions contained in Section I.E of this CAFO;
- d. consents to the assessment of a civil penalty under this Section, as stated below;
- e. consents to the conditions specified in this CAFO;
- f. waives any right to contest the allegations set forth in Section I.E of this CAFO; and
- g. waives its rights to appeal the proposed Order contained in this CAFO.

Civil Penalty

61. Respondent agrees to:

- a. pay the civil penalty of SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$79,500) (“EPA Penalty”) within 30 calendar days of the Effective Date of this CAFO;
- b. pay the EPA Penalty using any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identifying each and every payment with “Docket No. CAA-09-2022-1015”; and
- c. within 24 hours of payment of the EPA Penalty, send proof of payment to the Regional Hearing Clerk and EPA Region 9 at the following addresses:

Regional Hearing Clerk Office of Regional Counsel
U.S. Environmental protection Agency, Region IX
R9HearingClerk@epa.gov

Yvezee Lapada
Enforcement and Compliance Assurance Division
U.S. Environmental protection Agency, Region IX
Lapada.Yvezeenikita@epa.gov

(“proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with “Docket No. CAA-09-2023-0027”).

62. If Respondent fails to pay the civil administrative penalty specified in paragraph 61(a) of this CAFO within 30 days after the Effective Date of this CAFO, then Respondent shall pay to the EPA a stipulated penalty in the amount of FIVE HUNDRED DOLLARS (\$500.00) for each day the default continues plus the penalty sum specified in paragraph 61(a), upon written demand by the EPA.

- a. All penalties owed to EPA under Section I.F.62 shall be due within thirty (30) calendar days of Respondent's receipt of a notification of noncompliance and request for payment from EPA. Such notification shall describe the amount of penalties due.
 - b. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of the penalty in Section I.F.61.
 - c. Notwithstanding any other provision of this Section I.F, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CAFO.
63. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
- a. request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
 - b. refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
 - c. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

- d. suspend or revoke Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

Additional Terms of Settlement

64. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assignees. Respondent must give written notice and a copy of this CAFO to any successors in interest prior to any transfer of ownership or control of any portion of or interest in Respondent. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this CAFO unless EPA has provided written approval of the release of said obligations or liabilities.
65. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
66. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
67. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for

submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

68. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

69. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

70. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

71. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

72. Any violation of this Order may result in a civil judicial action for an injunction or civil penalties of up to \$117,468 per day per violation, or both, as provided in section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

73. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

74. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
75. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any material information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

H. EFFECTIVE DATE

76. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Regional Hearing Clerk.

The foregoing Consent Agreement In the Matter of Bowen Transportation, Inc., Docket No. CAA-09-2023-0027 is hereby stipulated, agreed, and approved for entry.

FOR RESPONDENT:

Feb. 21, 2023
Date


Signature

Printed Name: Chad Bowen

Title: President

Address: 9732 State Route 445 #332, Sparks, NV 89441

Email Address: tawna@bowenonline.com

The foregoing Consent Agreement In the Matter of Bowen Transportation, Inc., Docket No. CAA-09-2023-0027 is hereby stipulated, agreed, and approved for entry.

FOR COMPLAINANT:

**AMY MILLER-
BOWEN** Digitally signed by AMY
MILLER-BOWEN
Date: 2023.03.03 10:34:22
-08'00'

Amy C. Miller-Bowen
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

II. FINAL ORDER

EPA Region IX and Bowen Transportation, Inc. having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2023-0027) be entered, and Respondent shall pay a civil administrative penalty in the amount of SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$79,500) and otherwise comply with the terms set forth in the CAFO.

STEVEN L. JAWGIEL Date
Regional Judicial Officer
United States Environmental Protection Agency,
Region IX

