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EPA REGION VI

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

IN THE MATTER OF:	§	
	§	
	§	
	§	Consent Agreement and Final Order
PENNZOIL-QUAKER STATE COMPANY	§	
<i>dba</i> SOPUS PRODUCTS	§	USEPA Docket No. RCRA-06-2017-0911
Galena Park, TX 77547	§	
	§	
	§	
RESPONDENT EPA ID NO.	§	
TXD150364289	§	

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CONSENT AGREEMENT AND FINAL ORDER

I.  
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Respondent, Pennzoil-Quaker State Company, dba SOPUS Products (“HLP” or “Respondent”), and concerns the Houston Lube Oil Blending Plant facility located at 780 Clinton Drive, Galena Park, Texas 77547 (the “Facility”).
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(2).

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3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. The Respondent explicitly waives any right to contest the allegations and its right to appeal the final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.
5. The CAFO resolves only those violations which are alleged herein.
6. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order.

## II. JURISDICTION

7. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (“HSWA”) and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

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III.

STATUTORY AND REGULATORY BACKGROUND

9. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976 to amend the Solid Waste Disposal Act, and the Hazardous and Solid Waste Amendments (“HSWA”) enacted by Congress in 1984 to further amend the Solid Waste Disposal Act. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*
10. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA’s RCRA hazardous waste program.
11. Pursuant to its authority under RCRA, EPA has promulgated regulations at 40 C.F.R. Parts 260 through 272 applicable to generators, transporters, and treatment, storage, and disposal facilities. These regulations include detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.
12. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded under 40 C.F.R. § 261.4(a), or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military

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munitions. Materials are solid waste, as defined in 40 C.F.R. § 261.2, if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

13. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C or it is listed in C.F.R. Part 261, Subpart D.
14. Characteristic hazardous wastes are assigned “D” codes in 40 C.F.R. Part 261, Subpart C, depending on the specific hazardous characteristic that the waste exhibits.
15. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to 40 C.F.R. § 261.21.
16. A corrosive hazardous waste has a pH of less than or equal to 2.0 or greater than or equal to 12.5 and is assigned the D002 hazardous waste code pursuant to 40 C.F.R. § 261.22.
17. 40 C.F.R. Part 265 applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.
18. The relevant RCRA statutory and regulatory requirements to this CAFO require that generators of solid waste and hazardous waste must, among other things:

- A. Comply with the statutory notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930;

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B. Determine if all its solid waste streams are hazardous pursuant to

30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)],

C. Comply with the manifest requirements, pursuant to 30 TEX.ADMIN.CODE

§§ 335.10, [40 C.F.R. § 262.20]; and

D. Determine its generator status; and comply with the specific requirements set forth at

30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. §§ 262.34 and/or

270.10].

#### IV.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

19. The Facility is owned by Pennzoil-Quaker State Company *dba* SOPUS Products, which is an active business in the State of Texas with the right to transact business as of April 28, 1998.
20. Respondent is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); and 30 TEX.ADMIN.CODE § 3.2(25), [40 C.F.R. § 260.10].
21. HLP is a lubricating oil manufacturer, with approximately 186 employees. HLP blends base oil as well as synthetic hydrocarbons to create fluids used to lubricate engine parts for cars and heavy machinery.
22. In May 2014, EPA conducted site visits at several treatment, storage, and disposal facilities (“TSDs”), and pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, obtained information on HLP’s hazardous wastes that it offered for transport, storage, and treatment.

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23. During the period of January 2014 and December 2016, EPA conducted a RCRA investigation and record review (“Investigation”) of HLP’s performance as a generator of hazardous waste.
24. On February 17, 2017, EPA made an informal request to HLP for information, and on March 9, 2017 HLP provided the response (“Responses”).
25. During the Investigation and review of the Responses, EPA discovered that HLP, at a minimum, generated and offered for transport and treatment the following hazardous wastes, during 2013 through 2017:
- i. Hazardous wastes, xylenes and ethyl benzene, having the hazardous waste characteristics of ignitability (D001) and the listed hazardous waste F003;
  - ii. Hazardous wastes, heptane, having the hazardous waste characteristics of ignitability (D001);
  - iii. Hazardous waste, chromic acid stream (lab pack), having the hazardous waste characteristics of corrosivity (D002) and toxicity for Chromium (D007);
  - iv. Listed hazardous waste (F005), from the Toluene stream;
  - v. Hazardous waste having the hazardous waste characteristics of toxicity (D022) from the Chloroform stream; and
  - vi. Hazardous waste, benzene, having the characteristics of toxicity (D018).
26. The waste streams identified in Paragraph 25 are hazardous waste as defined in 30 TEX.ADMIN.CODE § 335.1(69), [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.31].

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27. From the Investigation and review of the Response, EPA determined that during the period of 2013 through 2016, HLP generated, at a minimum, the hazardous waste streams identified in Paragraph 25 in quantities that exceeded the threshold amount of 1000 kilograms of hazardous waste per month in some instances and in other instances HLP exceeded the threshold amount of 100 kilogram of hazardous waste per month, which qualified HLP, respectively as a large quantity generator (“LQG”) and a small quantity generator (“SQG”) status under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34], for the periods that such wastes remained onsite.
28. Further, at or about November 13, 2013, HLP began accumulating on-site hazardous waste that it stored for more than 90 days without a permit or without having interim status.
29. HLP is a “generator” of “hazardous wastes” at the Facility, as those terms are defined in 30 TEX ADMIN.CODE §§ 335.1(65) & (69), [40 C.F.R. § 260.10].
30. As a generator of hazardous waste, HLP is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, and 40 C.F.R. Parts 262 and/or 270.

**Claim i. Notification Requirements**

31. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.
32. Pursuant to 30 TEX.ADMIN.CODE §§ 335.78(a), [40 C.F.R. §§ 261.5(a) and (b)], a generator is a conditionally exempt small quantity generator (“CESQG”) in a calendar month if it generates no more than 100 kg of hazardous waste and complies with 30 TEX.ADMIN.CODE §§ 335.78(f), (g), and (j), [40 C.F.R. §§ 261.5 (f), (g), and (j)].

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33. During the Investigation and review of the Responses, EPA determined that HLP identifies itself as a CESQG.
34. The exemptions set forth at 30 TEX.ADMIN.CODE § 335.78(c), [40 C.F.R. § 261.5(c)], are not applicable to HLP for the relevant periods of this CAFO since HLP was a not CESQG for those periods relevant to this CAFO.
35. During the Investigation and review of the Responses, EPA determined that HLP, has operated over the relevant period of this CAFO as a LQG and at other times HLP operated as a SQG.
36. Within the meaning of 30 TEX.ADMIN.CODE § 335.1(65) and 40 C.F.R. § 260.10, HLP is a “generator”.
37. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator or authorized State a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person. No identified characteristic or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
38. HLP did not file with the Administrator or the authorized State a notification and/or subsequent notification of its hazardous waste activities for, at a minimum, the period of 2013 through 2016 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).



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**Claim ii. Failure to Make Adequate Hazardous Waste Determination**

39. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.
40. Pursuant to 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)], a person who generates a solid waste, as defined in 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.2], must determine if the waste is hazardous either by applying the required test method or by applying its knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.
41. From 2013 through 2017, Respondent failed to make adequate and complete hazardous waste determinations on certain of its waste streams.
42. Respondent violated the requirements of RCRA and the regulations promulgated at 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)], by failing to make the requisite hazardous waste determination on certain of its solid waste streams generated by Respondent at its Facility, which is the relevant subject of this CAFO.

**Claim iii. Failure to Operate within Its Stated Generator Status**

43. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.
44. During the Investigation and review of Responses, EPA determined that HLP operated in some instances as a LQG during 2013 through 2014 and in other instances HLP operated as a SQG during 2015 through 2016.

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45. For several instances during the period of 2013 through 2016, HLP exceeded the CESQG status, and for the period such hazardous waste remained onsite, operated as a SQG or LQG in violation of one or more of the exemption requirements for SQG and LQGs set forth under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. Part 262].
46. Specifically, and at a minimum, HLP did not fully comply with the exemption requirements for LQG set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [ 40 C.F.R. § 262.34(a)(4)], which incorporates by reference 40 C.F.R. subparts C, and D in 40 C.F.R. 265, with 40 C.F.R. § 265.16. Therefore, HLP has violated TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. §§ 270.1 and 270.10].
47. Specifically, and at a minimum, HLP did not fully comply with the exemption requirements for SQG set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [ 40 C.F.R. § 262.34(d)(4) and (5) (i) through (iv)], which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 265.16. Therefore, HLP has violated TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. §§ 270.1 and 270.10].

**Claim iv. Failure to Comply with the Manifest Requirements**

48. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.
49. Pursuant to 30 TEX.ADMIN.CODE § 335.10, [40 C.F.R. § 262.20(a)(1)], a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.
50. During the period of 2014 through 2017 and for the manifests reviewed by EPA, Respondent generated and offered for shipment hazardous waste to licensed treatment, storage, or

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disposal facilities using hazardous waste manifests, and failed to include an identification number on the manifests for the TSDs, used incorrect addresses for the Facility, and/or had several inconsistencies with the generator's name, transporter's name and identification number on at least eighteen (18) such manifests and thus did not comply fully with the various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.

51. Of the manifests reviewed by EPA, Respondent failed to completely and adequately prepare its hazardous waste manifests for several shipments of hazardous waste, during the period of 2014 through 2017, in violation of 30 TEX.ADMIN.CODE § 335.10, [40 C.F.R. § 262.20].

**Claim v: Failure to Comply with the One-Time Written Notice Requirement, LDR**

52. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.

53. Pursuant to 30 TEX.ADMIN.CODE § 335.431(c), 40 C.F.R. § 268.7(a)(2) and 40 C.F.R. § 268.7(a)(3)(i), are adopted by reference and in accordance with all applicable requirements of 40 C.F.R. § 268.7 Land Disposal Restrictions ("LDR"), at a minimum, a generator with the initial shipment of waste to each treatment, storage, or disposal facility must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file.

54. At certain times relevant to this CAFO, HLP did not send the one-time written notice to the TSD receiving its waste nor did HLP place a copy of said written notice in its file for the Facility relevant to this CAFO.

55. HLP has therefore violated 40 C.F.R. § 268.7 on several instances for its failure to comply with the one-time written notice to comply with the LDR regulation for prohibited waste.

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**Claim vi: Storage of Hazardous Waste Without a Permit or Interim Status  
(During 2014)**

56. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.

57. Pursuant to 30 TEX.ADMIN.CODE § 335.69(a), [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or more of hazardous waste in a calendar month, may accumulate hazardous waste on site for 90 days or less without a permit or without interim status provided that the generator complies with all the requirements of 30 TEX.ADMIN.CODE § 335.69(a), [40 C.F.R. § 262.34(a)].

58. At relevant periods of this CAFO, specifically in early 2014, Respondent accumulated and stored at its Facility over 1,000 kilograms of hazardous waste having the hazardous waste characteristics of ignitibility (D001) and the listed hazardous waste code of F003 beyond the 90 days allowed for a LQG.

59. Respondent was not granted an extension to the 90-day period, for the hazardous waste described in Paragraph 58, pursuant to 30 TEX.ADMIN.CODE § 335.69(b), [40 C.F.R. § 262.34(b)].

60. Respondent has therefore accumulated and stored hazardous waste at its Facility in violation of 30 TEX.ADMIN.CODE Subchapters C and F, [40 C.F.R. Parts 264, 265, 267, and 270].

**Claim vii. Failure to File Annual/Biennial Reports**

61. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.

62. Pursuant to 30 TEX.ADMIN.CODE § 335.71, [40 C.F.R. § 262.41], a large quantity generator who ships any hazardous waste off-site for treatment, storage and/or disposal, must

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prepare and submit a Biennial Report to EPA's Regional Administrator, and to the TCEQ, by March 1 of each even-numbered year in addition to the annual reporting, which is required under 30 TEX.ADMIN.CODE § 335.9.

63. For the 2013 and 2014 reporting years, the EPA and/or the TCEQ did not receive the requisite number of Annual/Biennial Reports that Respondent was required to file for its Facility in violation of 30 TEX.ADMIN.CODE §§ 335.9 and 335.71, [40 C.F.R. § 262.41].

V.  
COMPLIANCE ORDER

64. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within ninety (90) calendar days of the effective date of this Order, Respondent shall provide in writing the following to the EPA:

- A. Respondent shall certify that it has assessed all its solid waste streams to determine the accurate waste codes and has developed and implemented standard operating procedures "SOPs" to ensure that HLP is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing the manifests; and (e) meeting the requirements of the land disposal requirements;
- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification and within the prescribed time period;

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C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

65. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of HLP and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency  
Compliance Assurance and Enforcement Division  
Waste Enforcement Branch  
Waste Compliance I Section (6EN-H1)  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Attn: Angela Hays

VI.  
TERMS OF SETTLEMENT

**i. Penalty Provisions**

66. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness

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of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Two Hundred and Twenty-Six Thousand Fifteen Dollars (\$226,015).

67. The penalty shall be paid within sixty (60) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

68. The following are Respondent's options for transmitting the payments:

Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express

Mail, the check should be remitted to:

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

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

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The case name and docket number (In the Matter of Pennzoil-Quaker State Company, *dba* SOPUS Products Docket No. RCRA-06-2017-0911) shall be clearly documented on or within your chosen method of payment to ensure proper credit.

69. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Mark Potts, Chief  
Waste Enforcement Branch (6EN-H)  
Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
Attention: Angela Hays

Your adherence to this request will ensure proper credit is given when penalties are received by EPA.

70. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of process and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged



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and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

**ii. Cost**

71. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**iii. Termination and Satisfaction**

72. When Respondent believes that it has complied with all the requirements of this CAFO, including the total payment of the civil penalty, Respondent shall so certify in writing and in accordance with the certification language set forth in Paragraph 65. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

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**iv Effective Date of Settlement**

73. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

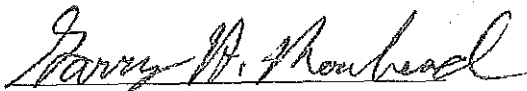
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THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT  
AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date:

9/28/2017

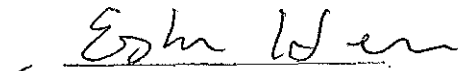


Gary Morehead  
Plant Manager  
Pennzoil-Quaker State Company  
dba SOPUS PRODUCTS

FOR THE COMPLAINANT:

Date:

9/28/17



for Cheryl T. Seager  
Director  
Compliance Assurance and  
Enforcement Division

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FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 CFR Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case 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 shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 CFR § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: \_\_\_\_\_

9/28/17



\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

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CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of Sept, 2017, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA – Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED:** 70010360000366748285

Houston Lube Oil Blending Plant  
Attn: Garry Morehead, Plant Manager  
780 Clinton Dr.  
Galena Park, TX 77547

  
\_\_\_\_\_  
Ms. Lori Jackson,  
Paralegal