

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**



IN THE MATTER OF:)
)
)
)
)
Ventura Coastal, LLC)
12310 Avenue 368)
Visalia, CA 93291)
)
)
Respondent.)

Docket No.

CAA(112r)-09-2022-0038

**CONSENT AGREEMENT
AND FINAL ORDER
40 C.F.R. §§ 22.13 and 22.18**

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action initiated pursuant to Section 113(a)(3)(A) and (d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. §§ 7413(a)(3)(A) and (d) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region IX (“EPA”).
3. Respondent is Ventura Coastal, LLC.
4. The Administrator of EPA has delegated to the Regional Administrators the authority to sign consent agreements memorializing settlements of enforcement actions under the CAA. Delegation 7-6-A, dated August 4, 1994. The Regional Administrator, EPA Region IX, in turn, has re-delegated this authority to the Director of the Enforcement and Compliance Assurance Division. Regional Delegation R9-7-6-A, dated February 11, 2013. On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division is therefore delegated the authority to

settle civil administrative penalty proceedings under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

5. This Consent Agreement and Final Order (“CA/FO”), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations found at 40 C.F.R. Part 68.

6. EPA and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CA/FO. Respondent agrees to comply with the terms of this CA/FO.

B. GENERAL ALLEGATIONS

7. Respondent owns and operates a facility located at 12310 Avenue 368 in Visalia, California (“Facility”). At the Facility, Respondent processes fruits such as lemons, oranges and grapefruits, and produces fresh juices, concentrates, oils and pulp products, and customized blends. The Facility has two million gallons of frozen concentrate storage and 300,000 gallons of fresh, offline “not from concentrate” silo storage capacity.

8. On May 21, 2019, EPA performed an inspection of the Facility pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), Sections 304-312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 11004-12, and Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603(a). Based upon the information gathered during this inspection and subsequent investigation, EPA asserts that Respondent violated certain provisions of the CAA.

9. EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of

this proceeding, is appropriate for an administrative penalty assessment. *See* 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

10. At all times relevant to this CA/FO, Respondent has been a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

11. At all times relevant to this CA/FO, the Facility has been a “stationary source” as defined by Sections 111(a)(3) and 112(a)(3) of the CAA, 42 U.S.C. §§ 7411(a)(3) and 7412(a)(3).

12. At all times relevant to this CA/FO, Respondent has been the “owner or operator” of the Facility as defined by Sections 111(a)(5) and 112(a)(9) of the CAA, 42 U.S.C. §§ 7411(a)(5) and 7412(a)(9).

13. Respondent is subject to the powers vested in the EPA Administrator by Section 113 of the CAA, 42 U.S.C. § 7413.

14. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to assess civil penalties for any violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

15. A stationary source that has a regulated substance in an amount equal to or in excess of the applicable threshold quantity (“TQ”) in a “process” as defined by 40 C.F.R. § 68.3, is subject to the Program 3 risk management plan (“RMP”) requirements. Program 3 imposes the Occupational Safety and Health Administration’s process safety management standard and requires owners or operators to develop a management system to oversee the implementation of the RMP elements.

16. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its implementing regulations, owners, and operators of stationary sources at which a regulated substance is present in more than a TQ must prepare and implement a RMP to detect and prevent or minimize accidental releases of such substances from the stationary sources in order to protect human health and the environment.

17. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), EPA established a TQ for each “regulated substance” at or above which a facility using such a substance in one or more processes shall be subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). For substances designated as “regulated toxic substances,” the TQs are specified at 40 C.F.R. § 68.130, Table 1.

18. Ammonia (anhydrous) is a “regulated toxic substance” listed under Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), with a TQ of 10,000 pounds. 40 C.F.R. § 68.130, Table 1.

19. At all times relevant to this CA/FO, Respondent had 10,000 pounds or more of ammonia (anhydrous) in one or more processes at its Facility.

C. ALLEGED VIOLATIONS

COUNT I

(Failure to comply with the process safety information requirements for equipment in a process)

20. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

21. 40 C.F.R. § 68.65(a) requires owners or operators to complete a compilation of written process safety information before conducting any process hazard analysis, including and information pertaining to the equipment in the process.

22. 40 C.F.R. § 68.65(d)(1) provides that equipment in the process includes: (i) materials of construction; (ii) process and instrument diagrams (“P&IDs”); (iii) electrical classification; (iv) relief system design and design basis; (v) ventilation system design; (vi) design codes and standards employed; (vii) material and energy balances for processes built after June 21, 1999; and (viii) safety systems (e.g., interlocks detection or suspension systems).

23. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to update its P&IDs pertaining to equipment in the process. EPA's inspection team found numerous minor errors in the P&IDs that were sampled, including discrepancies in the P&IDs for the ammonia detector locations, the pressure relief valves, and the emergency shut-off valves.

24. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to keep up-to-date information pertaining to the equipment in the process for the relief system design. EPA's inspection team found that the Facility's relief system design documentation did not include vent piping analysis to show that it met the design basis.

25. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to keep up to date information pertaining to the equipment in the process for the ventilation system design, the ventilation system design documentation did not reference the design basis calculation or state the actual capacity of the system, and the fan specifications and the non-emergency ventilation rate did not include the necessary information.

26. By failing to comply with the process safety information requirements for equipment in the process, including for P&IDs, the relief system design and design basis, and the ventilation system design, Respondent violated 40 C.F.R. § 68.65.

COUNT II

(Failure to comply with process safety information requirements for recognized and generally accepted good engineering practices)

27. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

28. 40 C.F.R. § 68.65(d)(2) requires owners and operators to document that process equipment complies with recognized and generally accepted good engineering practices (“RAGAGEP”).

29. 40 C.F.R. § 68.65(d)(3) requires owners and operators to determine and document that any equipment that deviates from RAGAGEP because it was designed or constructed in accordance with standards that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner.

30. Based on EPA’s inspection and information gathered during EPA’s investigation, EPA determined that Respondent failed to have the following equipment which was not consistent with RAGAGEP:

- (1) Labeling on its process piping and equipment in the machinery room building that includes information such as 1) “AMMONIA”; 2) physical state of the ammonia; 3) relative pressure level of ammonia, being low or high as applicable; 4) pipe service, which shall be permitted to be abbreviated; and 5) direction of flow and identifies the contents of its piping system with a lettered legend that names the contents in full or abbreviated form, with arrows to indicate the direction of the flow;
- (2) Labels on its silos S-8 and S-9 tanks which include the name of the equipment it identifies and the pressure level designation;
- (3) Ammonia discharge relief pipe on the east-side wall mounted high enough above the rooftop to avoid the potential spraying of ammonia on personnel in the vicinity;
- (4) Sealed machinery room with no corrosion or gaps around structural walls and supports and a solid cover with no holes and gaps for piping and conduit;
- (5) Panic hardware on its doors to the machinery room;

- (6) Signage for the interior and exterior machinery room doors, such as caution and warning signs that state the following: 1) Refrigeration Machinery Room; 2) Authorized Personnel Only; 3) Caution – Ammonia R-717; 4) Caution – Eye and Ear Protection Required; and 5) NFPA 704 – Ammonia Fire Diamond (Blue-3, Red-3, Yellow-0); and
- (7) Ammonia sensor detectors located in the machinery room set to report to a monitored location if the detector indicates concentrations of 25 parts per million of ammonia or higher.

31. By failing to comply with the process safety information requirements for RAGAGEP or demonstrate that its equipment is otherwise designed, maintained, inspected, tested, and operating in a safe manner, Respondent violated 40 C.F.R. §§ 68.65(d)(2) and (d)(3).

COUNT III

(Failure to comply with process hazard analysis)

32. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

33. 40 C.F.R. § 68.67(a) requires owners or operators to perform a process hazard analysis.

34. 40 C.F.R. § 68.67(c)(3) requires that the process hazard analysis address engineering and administrative controls applicable to the hazards and their interrelationships, including appropriate application of detection methodologies to provide early warning of releases.

35. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to have an adequate process hazard analysis. EPA's inspection team observed that the process hazard analysis report dated November 19, 2014, indicated that

many of the engineering and administrative controls were not adequate safeguards and lacked specificity.

36. By failing to have an adequate process hazard analysis, Respondent violated 40 C.F.R. § 68.67.

COUNT IV

(Failure to comply with mechanical integrity requirements with a written mechanical integrity program)

37. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

38. 40 C.F.R. § 68.73(b) requires owners and operators to establish and implement written procedures to maintain the on-going integrity of process equipment.

39. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to establish and implement adequate written procedures for its ammonia refrigeration equipment. EPA's inspection team observed that the Facility's overall written mechanical integrity procedures failed to describe how it systematically has identified its ammonia refrigeration equipment or has identified the maintenance and inspection frequencies for the ammonia refrigeration equipment and instrumentation.

40. By failing to have adequate written procedures, Respondent violated 40 C.F.R. § 68.73(b).

COUNT V

(Failure to comply with mechanical integrity requirements for inspections and testing)

41. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

42. 40 C.F.R. § 68.73(d)(3) requires owners and operators to ensure that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' RAGAGEP, and more frequently if determined to be necessary by prior operating experience.

43. 40 C.F.R. § 68.73(e) requires owners and operators to correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information under 40 C.F.R. § 68.65), before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

44. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to conduct regular inspections on its large recirculator vessel ("LRV"). EPA's inspection team observed a heavily corroded pipe with an illegible label located north of the machinery room within the LRV equipment area.

45. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to correct deficiencies for its LRV equipment. EPA's inspection team observed heavy ice buildup near the LRV equipment.

46. By failing to comply with the mechanical integrity requirements for inspections and testing, Respondent violated 40 C.F.R. §§ 68.73(d)(3) and 63.73(e).

COUNT VI

(Failure to comply with management of change and pre-startup review requirements)

47. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

48. 40 C.F.R. § 68.75(a) requires that owners and operators establish and implement written procedures to manage changes.

49. 40 C.F.R. § 68.75(b) requires that the procedures assure that certain considerations are addressed prior to any change including modifications to operating procedures and authorization requirements for the proposed change.

50. 40 C.F.R. § 68.75(c) requires that owners or operators ensure that employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to the start-up of the process or affected part of the process.

51. 40 C.F.R. § 68.77(b) requires that owners or operators confirm for the pre-startup safety review that prior to the introduction of regulated substances to a process that the: (i) safety, operating, maintenance, and emergency procedures are in place and are adequate; and (ii) training of each employee involved in operating a process has been completed.

52. The Facility had a written procedure, management of change (MOC) #2016-02, which documented the removal of two pasteurizer chillers and the addition of two jacketed ammonia silos and a plate and frame chiller.

53. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to have clear documentation indicating when the operating procedures were changed and if they were finalized before startup for MOC #2016-02.

54. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to indicate the dates of completion for every action needed for MOC #2016-02.

55. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to have clear documentation indicating whether the training occurred or whether it was finalized before startup for MOC #2016-02.

56. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to include the dates of completion to indicate that the Facility revised its operating procedures for MOC #2016-02.

57. By failing to comply with the management of change and pre-startup requirements, Respondent violated 40 C.F.R. §§ 68.75(b), 68.75(c) and 68.77(b).

COUNT VII

(Failure to comply with compliance audit requirements)

58. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

59. 40 C.F.R. § 68.79(d) requires owners or operators to promptly determine and document an appropriate response to each of the findings of a compliance audit and document that deficiencies have been corrected.

60. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that Respondent failed to timely address findings from its 2017 compliance audit because it had multiple outstanding recommendations and action items from the 2017 compliance audit that were included as recommendations in the 2020 compliance audit, which indicated that the deficiencies were not promptly addressed.

61. By failing to comply with the compliance audit requirements, Respondent violated 40 C.F.R. § 68.79(d).

COUNT VIII

(Failure to comply with the incident investigation requirements)

62. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

63. 40 C.F.R. § 68.81(e) requires owners and operators to establish a system to promptly address and resolve the incident report findings and recommendations.

64. On August 11, 2014, there was a release of 200 pounds of anhydrous ammonia and on November 15, 2016, there was a release of 3.7 pounds (non-reportable near miss accident) of anhydrous ammonia.

65. Based on EPA's inspection and information gathered during EPA's investigation, EPA determined that the Recommendations Report associated with the incident investigation report from the November 15, 2016 incident indicated that three out of the five recommendations in the Recommendations Report had completion dates in 2018 and 2019, two and three years after the incident, which showed that Respondent did not promptly address and resolve the recommendations.

66. By failing to comply with the incident investigation requirements, Respondent violated 40 C.F.R. § 68.81.

COUNT IX

(failure to comply with the hot work permit requirements)

67. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

68. 40 C.F.R. § 68.85(a) requires owners and operators to issue hot work permits for hot work operations.

69. 40 C.F.R. § 68.85(b) requires that hot work permits document that the fire prevention and protection requirements in 29 C.F.R. § 1910.252(a) have been implemented prior to beginning the hot work operations, indicating the dates authorized for hot work and identifying the object on which hot work is to be performed.

70. Based on EPA’s inspection and information gathered during EPA’s investigation, EPA determined that Respondent failed to have a complete hot work permit job/project #4111-2501 for “Weldcut Grind.” EPA’s inspection team observed that the section for “Required Precautions in Restricted Work Zones (Ammonia and Flammables)” was left blank, indicating that not all the requirements were implemented prior to the start of the hot work.

71. By failing to comply with the hot work permit requirements, Respondent violated 40 C.F.R. § 68.85.

D. CIVIL ADMINISTRATIVE PENALTY

72. EPA proposes that Respondent be assessed, and Respondent agrees to pay **TWO HUNDRED SEVENTY-THOUSAND DOLLARS (\$270,000.00)**, as the civil administrative penalty for the violations alleged herein.

73. The proposed penalty was calculated in accordance with the “Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68” dated June 2012, and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Inflation Adjustment Rule, 40 C.F.R. Part 19.

E. ADMISSIONS AND WAIVER OF RIGHTS

74. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CA/FO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the CA/FO; (iii) consents to any and all conditions specified in this CA/FO and to the assessment of the civil administrative penalty under Section D of this CA/FO; (iv) waives any right to contest the allegations contained in Section C of the CA/FO; and (v) waives the right to appeal the proposed Final Order contained in this CA/FO.

F. PARTIES BOUND

75. This CA/FO shall apply to and be binding upon Respondent, and its successors and assigns, until such time as the civil penalty required under Section D (and any additional civil penalty required under Section I have been paid, and any delays in performance and/or stipulated penalties have been resolved.

76. No change in ownership or legal status relating to the Facility will in way alter Respondent's obligations and responsibilities under this CA/FO.

77. Until all the requirements of this CA/FO are satisfied, Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer.

78. The undersigned representative hereby certifies that he or she is fully authorized by Respondent to enter into and execute this CA/FO, and to legally bind Respondent to it.

G. CERTIFICATION OF COMPLIANCE

79. By signing this CA/FO, Respondent certifies to EPA that it has fully complied with the requirements of CAA Section 112(r) that formed the basis for the violations alleged in the CA/FO, and the Facility is now in compliance with CAA Section 112(r).

80. The signatory for Respondent certifies under penalty of law that this certification of compliance is based upon true, accurate and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

H. PAYMENT OF CIVIL PENALTY

81. Respondent consents to the assessment of and agrees to pay civil administrative penalties of **TWO HUNDRED SEVENTY-THOUSAND DOLLARS (\$270,000.00)** in settlement of the

civil penalty claims made in this CA/FO. This CA/FO constitutes a settlement of all claims for the violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), alleged in Section C above.

82. Respondent shall pay the civil penalty within thirty (30) days of the Effective Date of this CA/FO.

83. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Respondent's name and address, and the appropriate EPA docket number of this action. Payment shall be made by corporate, certified, or cashier's checks payable to "Treasurer of the United States" and sent as follows:

Regular Mail:

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

Overnight Mail:

U.S. Environmental Protection Agency
Government Lock Box 979077
1005 Convention Plaza
SL-MO-C2GL
St. Louis, MO 63101
Contact: Craig Steffen, (513) 487-2091, steffen.craig@epa.gov

Alternatively, payment may be made by electronic transfer as provided below:

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank of New York using the following information:

ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Beneficiary: US Environmental Protection Agency Automated Clearinghouse:

Automated Clearinghouse payments to EPA can be made through the US Treasury using the following information:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of the US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
Remittance Express (REX): 1-866-234-5681

Online Payment through Pay.gov:

Credit or debit cards, as well as checking accounts, can be used to make payments using the information below:

Visit www.pay.gov.
Enter “SFO 1.1” in the search box on the top left side of the screen.
Open the form and follow the on-screen instructions.

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent’s name, the case title, and docket number, to both:

Regional Hearing Clerk (RC-1)
U.S. Environmental Protection Agency - Region 9
R9HearingClerk@epa.gov

And

Rick Sakow
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 9
Sakow.Rick@epa.gov

84. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), failure to pay the penalty so that it is received by the due date will result in imposition of interest from the Effective Date of this CA/FO at the current interest rate published by the U.S.

Treasury, as described at 40 C.F.R. §13.11. In addition, a six percent (6%) per annum penalty that will be assessed monthly will be applied on any principal amount not paid within ninety (90) days of the due date.

85. The penalties specified in this CA/FO shall represent civil administrative penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

86. If Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: FIVE HUNDRED DOLLARS (\$500) per day for the first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for the sixteenth to thirtieth day of delay, and FIVE THOUSAND DOLLARS (\$5,000) per day for each day of delay thereafter. Compliance by Respondent shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

87. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day until performance is complete. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of a written demand by EPA for such penalties. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of penalties in Section G of the CA/FO.

88. If a stipulated penalty is not paid in full, interest shall begin to accrue on the unpaid balance at the end of the fifteen-day period at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11. EPA reserves the right to take any additional action, including but not limited to, the imposition of civil penalties, to enforce compliance with this CA/FO or with the CAA and its implementing regulations.

89. The payment of stipulated penalties specified in this Section shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

90. Notwithstanding any other provision of this section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.

J. RESERVATION OF RIGHTS

91. Except as addressed in this CA/FO, EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under the CAA or any other statutory, regulatory, or common law enforcement authority of the United States. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under the CAA, or any other statutory, regulatory, or common law enforcement authority in the United States.

92. Compliance by Respondent with the terms of this CAFO shall not relieve Respondent of its obligations to comply with the CAA, or any other applicable local, state, tribal, or federal laws and regulations. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, state, tribal, or federal permits nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, tribal, state, or local permit.

93. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement action should EPA determine that such actions

are warranted except as it relates to those matters resolved by this CA/FO. Respondent's full compliance with this CA/FO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this CA/FO.

94. EPA reserves its right to seek reimbursement from Respondent for such additional costs as may be incurred by the United States in the event of delay of performance as provided by this CA/FO.

K. MISCELLANEOUS

95. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

96. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

97. Each party to this action shall bear its own costs and attorneys' fees.

98. Respondent consents to entry of this CA/FO without further notice.

L. EFFECTIVE DATE

99. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

In the Matter of Ventura Coastal LLC
Docket No. CAA (112r)-09-2022-0038

Respondent Ventura Coastal, LLC

DATE: 7/11/2022

BY: David McDermott
David McDermott
Chief Financial Officer

In the Matter of Ventura Coastal LLC
Docket No. CAA (112r)-09-2022-0038

United States Environmental Protection Agency, Region 9

BY: **AMY MILLER-**
BOWEN

Digitally signed by AMY
MILLER-BOWEN
Date: 2022.08.18
08:28:32 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (“CA/FO”) in the matter of Ventura Coastal, LLC (Docket No. CAA (112r)-09-2022-0038) be entered and that Respondent pay a civil penalty TWO HUNDRED SEVENTY-THOUSAND DOLLARS (\$270,000.00) in accordance with the terms of this CA/FO.

Steven L. Jawgiel Date
Regional Judicial Officer
U.S. EPA Region IX

In the matter of Ventura Coastal, LLC
Consent Agreement and Final Order

CERTIFICATE OF SERVICE

This is to certify that the original of the fully executed Consent Agreement and Final Order in the matter of Ventura Coastal, LLC (Docket No. CAA(112r)-09-2022-0038) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent by electronic mail to the following parties.

RESPONDENT:

David McDermott
Chief Financial Officer
Ventura Coastal, LLC
DMcdermott@vcoastal.com

Dana Palmer, Esq.
Allen Matkins
DPalmer@allenmatkins.com

COMPLAINANT:

Ylan Nguyen, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Nguyen.Ylan@epa.gov

Ponly J. Tu
Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region IX

Date