

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

In the matter of ) U.S. EPA Docket No.  
 ) RCRA-09-2022-0001  
Phillips 66 Company )  
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RCRA EPA ID No. CAD980881676 ) CONSENT AGREEMENT AND  
 ) FINAL ORDER PURSUANT TO  
 ) 40 C.F.R. SECTIONS 22.13 AND  
Respondent. ) 22.18

**\*\*FILED\*\***  
**03 NOV 2021**  
**U.S. EPA - REGION IX**

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6928(a)(1) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations (“C.F.R.”) Part 22.
2. Complainant is the United States Environmental Protection Agency, Region 9 (“EPA”). Respondent is Phillips 66 Company (“Respondent” or “Phillips 66”).
3. Respondent owns and operates a petroleum refinery located at 1520 East Sepulveda Boulevard, Carson, CA 90745 (the “Facility” or “Carson Plant”). Respondent’s Facility RCRA EPA Identification Number is CAD980881676. At the Facility, Respondent performs oil refining operations and recycles oil-bearing material generated in the course of those refining operations.
4. On December 2, 2020, Respondent submitted a variance request to the California Department of Toxic Substances Control (“DTSC”), after Phillips 66 had determined that it would be unable to comply with the speculative accumulation prohibition found in California’s authorized RCRA regulations, California Health and Safety Code section 25144(c)(4). The purpose of the variance application was to seek an extension of the time allowed for accumulation of oil-bearing material prior to its return to the refining process, as contemplated under 40 C.F.R. § 260.31(a). As set forth in Paragraph 22 below, Phillips 66 maintains that it was unable to comply with the prohibition for reasons beyond its reasonable control, including disruption of normal operations caused by the COVID pandemic and certain other operational issues that occurred late in the year. DTSC determined that it did not have the authority under RCRA to grant a variance, and contacted EPA Region 9. Following subsequent discussions and information

exchanges with Respondent, EPA determined that a variance request, which EPA Region 9 determined could only be issued by EPA Headquarters, could not be granted and that Respondent would be in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations adopted pursuant thereto, as authorized by the United States, once the generator accumulation time period expired.

5. In order to facilitate the beneficial recycling, rather than off-site disposal, of the oil-bearing material in question, EPA and Respondent agree to settle this matter and consent to the entry of this Consent Agreement and Final Order (“CA/FO”). This CA/FO, which contains the elements of a complaint required by 40 C.F.R. Sections 22.14(a)(1)-(3) and (8), simultaneously commences and concludes this matter in accordance with 40 C.F.R. Sections 22.13 and 22.18.
6. This action is based on EPA’s allegation that Respondent stored waste that it was not authorized to store. EPA maintains Respondent thereby violated Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations authorized pursuant thereto.<sup>1</sup> This CA/FO only resolves the allegations set forth herein.

#### B. STATUTORY AND REGULATORY FRAMEWORK

7. Subtitle C of RCRA requires the EPA Administrator to promulgate regulations establishing a hazardous waste management program. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, any violation of a requirement of law under an authorized state hazardous waste program, including those that are more stringent (but not broader) than corresponding federal requirements, is a violation of a requirement of Subtitle C of RCRA.
8. The State of California received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271, on August 1, 1992. The authorized program is established pursuant to Hazardous Waste Control Law, Chapter 6.5 under Division 20 of the California Health & Safety Code, and the regulations promulgated thereunder at Title 22, Chapter 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CA/FO, with the exception of the variance provisions in 40 C.F.R. § 260.31.
9. A violation of California’s authorized hazardous waste program constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California’s

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<sup>1</sup> All citations to the C.C.R. refer to Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States. Corresponding federal citations are provided in brackets.

authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.

10. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty and/or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
11. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the EPA signatory below.

C. EPA's General Allegations

12. Respondent is a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
13. Respondent is a "large quantity generator" of hazardous waste at the Facility as defined in 22 C.C.R. § 66260.10 [*see also* definition of "large quantity generator" at 40 C.F.R. § 260.10].
14. Based on its status as a large quantity generator, Respondent is an "owner" of a "facility" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10]. Basic functions performed at the Carson Plant include the refining of petroleum products and the recycling of oil-bearing hazardous secondary materials by insertion into the refining process, including the coking process.
15. Based on its status as a large quantity generator, Respondent is the "operator" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
16. A conditional exclusion from hazardous waste regulation for oil-bearing materials intended for return to the petroleum refining process is found in California Health and Safety Code Section 25144(c) [*see also* 40 C.F.R. § 261.4(a)(12)(i), conditional exclusion from the definition of "solid waste"].
17. The conditional exclusion for oil-bearing materials, as defined in California Health and Safety Code section 25144(a)(2), requires that parties do not speculatively accumulate material intended for recycling. California Health and Safety Code Section 25144(c)(4) [*see also* 40 C.F.R. § 261.2(c)(4)].
18. A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year, commencing on January 1, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of

that material accumulated at the beginning of the period. Materials shall be placed in a storage unit with a label indicating the first date that the material began to be accumulated. California Health and Safety Code Section 25144(c)(4) [*see also* 40 C.F.R. § 261.2(c)(4)].

19. The oil-bearing material accumulated at the Facility is subject to the limitations on speculative accumulation as defined in California Health and Safety Code Section 25144(c)(4) [*see also* 40 C.F.R. § 261.2(c)(4)].
20. According to the information provided in Phillips 66's request for a variance, on January 1, 2020 approximately 81,300 barrels of oil-bearing materials were accumulated at the Facility. To comply with the speculative accumulation prohibition of California Health and Safety Code Section 25144(c)(4), Respondent would have had to process at least 61,100 barrels of oil-bearing material by December 31, 2020.
21. As of November 30<sup>th</sup>, 2020, Phillips 66 had processed 47,155 barrels of oil-bearing materials. Respondent anticipated having a shortfall of approximately 10,000 barrels by the end of the year, due to a number of factors cited in the variance request submitted to DTSC.
22. Respondent cited the following factors that contributed towards their inability to recycle 75 percent of the oil-bearing material within the calendar year of 2020: (1) coke drum mechanical failure and operational issues in the early part of the year that led to reduced capacity for processing oil-bearing materials; (2) reduced demand due to the COVID-19 pandemic that reduced coker throughput by 25% from April through August of 2020; (3) coke quality issues and mechanical issues that reduced the coker capacity in the later part of the year.
23. Phillips 66 was not able to recycle a sufficient amount of the remaining oil-bearing material by January 1, 2021 to comply with the speculative accumulation prohibition.
24. As of January 1, 2021, Respondent was deemed to be speculatively accumulating the remaining oil-bearing material (i.e., the shortfall), and therefore not meeting the conditional exclusion for oil-bearing material in California Health and Safety Code Section 25144(c)(4). As a result, the oil-bearing material comprising the shortfall became subject to regulation as a hazardous waste.
25. The oil-bearing material located at the Facility contains characteristic and listed hazardous wastes including benzene (D018), petroleum refinery primary oil/water/separate sludge (F037), petroleum refinery secondary (emulsified) oil/water/solids separation sludge (F038), and slop oil emulsion solids from petroleum refinery (K049).
26. The oil-bearing material located at the Facility and comprising the shortfall as described in Paragraph 24 above is a solid waste.

27. DTSC granted a 30-day extension of the 90-day limit on accumulation of hazardous waste to Phillips 66 on December 24, 2020, extending the period of allowable accumulation April 30, 2021.
28. As of May 1, 2021, Respondent accumulated approximately 10,000 barrels of oil-bearing hazardous waste at the Facility for more than 120 days, and failed to satisfy the conditional exclusion in California Health and Safety Code Section 25144(c)(4).
29. Respondent is engaged in the “storage” of hazardous waste (i.e., the 10,000 barrel shortfall) as defined in California Health and Safety Code Section 25123 (see also Section 1004(33) of RCRA, 42 U.S.C. § 6903(33)) and 22 CCR § 66260.10 [*see also* 40 CFR § 260.10].
30. EPA has given notice of this action to DTSC as required by section 3008(a)(2) of the Act, 42 U.S.C. § 6928(a)(2).

D. ALLEGED VIOLATIONS

COUNT I

Storage of hazardous waste without a permit

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. At the time Respondent submitted the variance request, Respondent did not have a permit or grant of interim status to store or treat hazardous waste under 22 C.C.R. § 66270.1(c) [40 C.F.R. § 270.1(c)].
33. 22 C.C.R. § 66262.34 [40 C.F.R. § 262.17] provides that a generator may accumulate hazardous waste on-site without a permit or grant of interim status if it meets certain conditions, including that waste may not be accumulated on-site longer than 90 days, or as further extended by DTSC. Failing to meet the conditions of the exemption subjects the generator to the permitting requirements at California Health and Safety Code Section 25201 [*see also* 40 C.F.R. § 270.1(c)].
34. At the Facility, Respondent generated and accumulated, “hazardous waste” as defined in California Health and Safety Code § 25117 and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes included but are not limited, to benzene (D018), petroleum refinery primary oil/water/separate sludge (F037), petroleum refinery secondary (emulsified) oil/water/solids separation sludge (F038), and slop oil emulsion solids from petroleum refinery (K049).
35. Respondent was not authorized to store these wastes.

36. Therefore, EPA alleges that Respondent violated California Health and Safety Code Section § 25201(a) [see also 40 C.F.R. § 270.1(c)].

E. CIVIL PENALTY

37. EPA proposes that Respondent be assessed, and Respondent agrees to pay, a total of EIGHTY-SEVEN THOUSAND AND TWO HUNDRED AND SEVENTY-SIX DOLLARS (\$87,276) as the civil penalty for the violations alleged herein. The proposed penalty was calculated in accordance with Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

F. ADMISSIONS AND WAIVERS OF RIGHTS

38. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
39. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

G. PARTIES BOUND

40. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Section E has been paid in accordance with Section I, and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
41. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.



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

#### H. COMPLIANCE TASKS

43. All submissions to EPA in the section shall be to John Schofield at schofield.john@epa.gov.
44. Within thirty (30) days of the Effective Date of the CA/FO, Respondent will provide EPA with a complete inventory of the amount of speculatively accumulated wastes remaining to be processed in the coker.
45. Respondent will process in the coker approximately fifty percent (50%) or approximately 5,198 barrels of the 2020 speculatively accumulated waste by September 30, 2021.
46. Respondent will process in the coker the remaining speculatively accumulated waste by December 31, 2021.
47. Beginning August 1, 2021, Respondent will provide EPA with monthly progress reports which includes the amount of speculatively accumulated wastes that was processed the prior month and the amount of wastes remaining to be processed.
48. Respondent will perform weekly inspections of the speculatively accumulated wastes per 22 C.C.R. §§ 66262.34(a)(1); 66265.174 [40 CFR § 262.17(a)(1)(v)]. Copies of inspection logs will be maintained in the Facility's operating record and made available to EPA or DTSC representatives upon request.
49. Respondent will provide EPA with at least a sixty (60) days written notice if the Facility determines that the remaining speculatively accumulated wastes at the time of the notification will not be processed by December 31, 2021. Respondent will be required to remove and properly dispose any remaining speculatively accumulated waste by December 31, 2021. If applicable, a copy of the completed and signed hazardous waste manifest must be provided to EPA no later than February 15, 2022.

#### I. PAYMENT OF CIVIL PENALTY

50. Respondent consents to the assessment of and agrees to pay a civil penalty of EIGHTY-SEVEN THOUSAND AND TWO HUNDRED AND SEVENTY-SIX DOLLARS (\$87,276) in full settlement of the federal civil penalty claims set forth in this CA/FO.
51. Respondent shall submit payment of the EIGHTY-SEVEN THOUSAND AND TWO HUNDRED AND SEVENTY-SIX DOLLARS (\$87,276) civil penalty within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional

Judicial Officer, is filed with the Regional Hearing Clerk. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. The civil penalty shall be paid by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) 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

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:  
Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101  
Contact: Natalie Pearson (314-418-4087)

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact – Jesse White (301-887-6548)  
ABA = 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 31006  
CTX Format



On-Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "sfo1.1" in the search field

Open form and complete required fields

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:

Steve Armsey

Regional Hearing Clerk (ORC-1)

U.S. Environmental Protection Agency - Region IX

75 Hawthorne Street

San Francisco, CA 94105

armsey.steven@epa.gov

and

John Schofield

Enforcement Division (ENF-2-2)

U.S. Environmental Protection Agency - Region IX

75 Hawthorne Street

San Francisco, CA 94105

schofield.john@epa.gov.

52. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the Effective Date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. §13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

J. DELAY IN PERFORMANCE/STIPULATED PENALTIES

53. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: for failure to submit a payment to EPA by the time required in this CA/FO, FIVE HUNDRED DOLLARS (\$500) per day for first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and FIFTEEN HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.

54. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
55. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
56. All penalties shall be made payable by certified or cashier's check to the U.S. Environmental Protection Agency shall be remitted as described in Paragraph 52.
57. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
58. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

K. RESERVATION OF RIGHTS

59. 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, except as to those civil penalties for the violations and facts alleged herein. 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. 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 RCRA or EPCRA (except as to those civil penalties for the violations and facts alleged herein); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"); or any other statutory, regulatory or common law enforcement authority of the United States.
60. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA, or any other applicable local, State or federal laws and regulations.
61. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's

liability for federal civil penalties for the specific alleged violations and facts as set forth in Section D and D of this CA/FO.

62. 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 or federal permits.

L. OTHER CLAIMS

63. Nothing in this CA/FO shall constitute or be construed as a release from nor an admission by Respondents of any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

M. MISCELLANEOUS

64. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.
65. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
66. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
67. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the Effective Date of this CA/FO is the date the Final Order, having been approved by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

9/29/21  
\_\_\_\_\_  
Date

10/25/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tim Seidel  
Manager, Los Angeles Refinery  
Phillips 66 Company

AMY MILLER-  
BOWEN  Digitally signed by AMY MILLER-  
BOWEN  
Date: 2021.10.25 10:56:13 -07'00'

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Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 9

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA-09-2022-0001) be entered and that the Phillips 66 Company shall pay a civil penalty of Respondent shall submit payment of the EIGHTY-SEVEN THOUSAND AND TWO HUNDRED AND SEVENTY-SIX DOLLARS (\$87,276) in accordance with the terms of this Consent Agreement and Final Order. Respondent shall pay civil penalty within thirty (30) days after the Effective Date of this CA/FO. Evidence of payment shall be sent to the EPA Region 9 addresses specified in Paragraph 52 of this Consent Agreement and Final Order within such 30-day period.

This Final Order shall be effective upon filing with the Regional Hearing Clerk.

11/3/21

Date

BEATRICE WONG

Digitally signed by BEATRICE  
WONG  
Date: 2021.11.03 08:24:31 -07'00'

Beatrice Wong  
Regional Judicial Officer  
U.S. EPA, Region IX

## CERTIFICATE OF SERVICE

This is to certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the matter of the Phillips 66 Company (RCRA-09-2022-0001) has been filed with the Regional Hearing Clerk, and a copy was served on Respondent and on the Complainant as indicated below:

**RESPONDENT:**  
**(Via E-mail)**

Margaret Rosegay  
Pillsbury Winthrop Shaw Pittman LLP  
Four Embarcadero Center, 22nd Floor  
San Francisco, CA 94111-5998  
[margaret.rosegay@pillsburylaw.com](mailto:margaret.rosegay@pillsburylaw.com)

**COMPLAINANT:**  
**(Via E-mail)**

Brianna Fairbanks  
Assistant Regional Counsel  
U. S. EPA – Region 9  
[fairbanks.brianna@epa.gov](mailto:fairbanks.brianna@epa.gov)

**Armsey, Steven** Digitally signed by Armsey,  
Steven  
Date: 2021.11.03 16:44:14 -07'00'

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Steven Armsey  
Regional Hearing Clerk  
U.S. EPA – Region 9