

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**Leighow Oil Co., Inc.
11 A Street
Danville, PA 17821,**

Respondent.

EPA Docket No. CWA-03-2016-0152

**Proceeding Under Section 311(j)
and 311(b)(6)(B)(i) of the Clean Water Act,
33 U.S.C. § 1321(j) and 1321(b)(6)(B)(i)**

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REGIONAL OFFICE
EPA REGION III
DANVILLE, PA

CONSENT AGREEMENT

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA”), as amended, 33 U.S.C. § 1321(b)(6)(B)(i), and under the authority provided by 40 C.F.R. § 22.13(b), 22.18(b)(2) and (3), and 22.50(a)(1) and (b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Part 22 Rules”), 40 C.F.R. Part 22. The Administrator has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated it to the Director of the Region’s Hazardous Site Cleanup Division (“Complainant”).
2. The parties agree to the commencement and conclusion of this matter by issuance of this Consent Agreement and Final Order (collectively “CAFO”), as prescribed by the Part 22 Rules pursuant to 40 C.F.R. § 22.13(b) and 22.18(b), and having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.
3. For purposes of this proceeding only, Respondent admits to the jurisdictional allegations set forth in this Consent Agreement.
4. Respondent neither admits nor denies the specific factual allegations, findings of fact, and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.
5. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution, enforcement, and issuance of this CAFO.

6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Each party shall bear its own costs and attorney's fees.

Statutory and Regulatory Authority

8. Congress enacted the CWA, 33 U.S.C. §§ 1251 et seq., in 1972.
9. Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), defines "oil" as "oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil."
10. In Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), Congress required the President to promulgate regulations which would, among other things, establish procedures, methods, and other requirements for preventing discharges of oil from onshore facilities into navigable waters and for containing such discharges.
11. By Executive Order 12777, the President delegated the authority to promulgate regulations under Section 311(j) of the CWA to EPA for non-transportation-related onshore and offshore facilities.
12. Pursuant to its delegated authority under Section 311(j) of the CWA, EPA promulgated the Oil Pollution Prevention Regulations, codified at 40 C.F.R. Part 112 (the "Regulations").
13. Pursuant to 40 C.F.R. § 112.1(b), the Regulations apply to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines. Pursuant to 40 C.F.R. § 112.1(d), the Regulations do not apply to any owner or operator of a facility with an aggregate aboveground oil storage capacity of 1,320 gallons or less.
14. According to 40 C.F.R. § 112.3, an owner or operator subject to the Regulations must prepare in writing and implement a Spill Prevention, Control, and Countermeasure ("SPCC") plan, in accordance with § 112.7 and any other applicable section.
15. For violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA has authority, under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), as amended by the Debt Collection Improvement Act and implemented by 40 C.F.R. Part 19, *Adjustment of Civil Monetary Penalties for Inflation*, to file an

Administrative Complaint seeking a civil penalty of \$16,000 per violation, up to a maximum of \$37,500, or seeking \$16,000 per day for each day during which a violation continues, up to a maximum of \$177,500, for violations occurring after January 12, 2009.

Findings of Fact and Conclusions of Law

16. Respondent is a Pennsylvania corporation. The corporate headquarters is located at 11 A Street, Danville, PA 17821.
17. Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.
18. Respondent is the owner and operator of a facility that stored and distributed heating oil, low-sulfur off-road diesel fuel, and gasoline, which was located at 118 Eyer Road, Danville, PA 17821 (the "Facility").
19. Respondent is the owner and/or operator of the Facility within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2.
20. Respondent owned and operated the Facility from 1973 to 2015.
21. The Facility is located approximately 0.25 miles from Mahoning Creek, which is a tributary to the Susquehanna River.
22. The Facility could reasonably be expected to discharge oil in harmful quantities into Mahoning Creek and the Susquehanna River.
23. The Susquehanna River is a navigable water of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
24. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.
25. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2 and Appendix A of 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.
26. Due to its location, the Facility could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. § 110.3, into or upon navigable waters of the United States or adjoining shorelines.
27. Pursuant to 40 C.F.R. § 112.1, Respondent, as the owner and operator of the Facility, is subject to the Regulations codified at 40 C.F.R. Part 112.

28. Pursuant to 40 C.F.R. § 112.3, Respondent was required to prepare in writing and implement an SPCC plan, in accordance with 40 C.F.R. § 112.7 and any other applicable section.

Count I

29. The findings of fact and conclusions of law contained in Paragraphs 16 through 28 of this CAFO are incorporated by reference herein as though fully set forth at length.
30. On August 20, 2015, EPA conducted an SPCC inspection (the “Inspection”) of the Facility due to a past history of spills and to determine the Facility’s compliance with Section 311(j) of the CWA and its implementing regulations at 40 C.F.R. Part 112.
31. During the Inspection, EPA observed that the Facility had a total aboveground oil storage capacity of approximately 65,550 gallons.
32. At the time of the Inspection, EPA inspectors observed that Respondent failed to prepare in writing an SPCC plan for the Facility, in accordance with 40 C.F.R. § 112.7 and any other applicable section, as follows:
- a. Pursuant to 40 C.F.R. § 112.3(d), a licensed Professional Engineer must review and certify the SPCC plan; by the certification, the Professional Engineer attests, “(i) That he is familiar with the requirements of [the Regulations]; (ii) That he or his agent has visited and examined the facility; (iii) That the Plan has been prepared in accordance with good engineering practice [...]; (iv) That procedures for required inspections and testing have been established; and (v) That the Plan is adequate for the facility.” At the time of the Inspection, the Professional Engineer’s attestation in the SPCC Plan for the Facility did not attest that the procedures for required inspections had been established or that the SPCC Plan was adequate for the Facility, as required by 40 C.F.R. § 112.3(d)(1)(iv) and (v).
 - b. Pursuant to 40 C.F.R. § 112.7(a)(3), the owner or operator of a facility must describe in the SPCC plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. At the time of the Inspection, the diagram in the SPCC plan failed to include a 275-gallon heating oil tank and five 55-gallon drums.
 - c. Pursuant to 40 C.F.R. § 112.7(j), the owner or operator of a facility must include in the SPCC plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and

containment procedures listed in 40 C.F.R. § 112 or any applicable more stringent State rules, regulations, and guidelines. At the time of the Inspection, the SPCC plan did not include discussion regarding conformance with other applicable discharge prevention and containment requirements or more stringent State regulations.

- d. Pursuant to 40 C.F.R. § 112.7(f), the owner or operator of a facility that determines, pursuant to 40 C.F.R. § 112.20(a)(2), that the facility could not, because if its location, reasonably be expected to cause substantial harm to the environment by discharging oil to the navigable waters, must complete and maintain at the facility the certification form contained in Appendix C to Part 112. At the time of the Inspection, the Certification of the Applicability of the Substantial Harm Criteria was not complete because it had no date or signature.
33. Based on EPA's Inspection and EPA's review of information gathered during the Inspection, EPA alleges that Respondent failed to prepare in writing an SPCC plan for the Facility, in accordance with 40 C.F.R § 112.7 and any other applicable section, including but not limited to § 112.3, as required by 40 C.F.R § 112.3 of the Regulations.
 34. Failure to prepare in writing an SPCC plan in accordance with 40 C.F.R § 112.7 and any other applicable section, including but not limited to § 112.3, is a violation of 40 C.F.R § 112.3 of the Regulations, issued pursuant to Section 311(j) of the CWA, 33 U.S.C. § 1321(j), which is subject to the assessment of penalties pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

Count II

35. The findings of fact and conclusions of law contained in Paragraphs 16 through 34 of this CAFO are incorporated by reference herein as though fully set forth at length.
36. At the time of the Inspection, EPA inspectors observed that Respondent failed to implement an SPCC plan for the Facility in accordance with the Regulations, as follows:
 - a. Pursuant to 40 C.F.R. § 112.7(c) and 40 C.F.R. § 112.8(c)(2), the owner or operator of a facility must provide appropriate containment and/or diversionary structures or equipment to prevent a discharge. The entire containment system must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. At the time of the Inspection, Respondent's containment dike, containing two 20,000-gallon heating oil tanks and one 20,000-gallon

diesel fuel tank, was incapable of containing oil due to multiple cracks and the presence of a drainage opening that did not include a valve.

- b. Pursuant to 40 C.F.R. § 112.7(e), the owner or operator of a facility must implement requirements of 40 C.F.R. Part 112 pertaining to inspections, tests, and records and retain records of inspections and tests with the SPCC plan for a period of three years. The plan for the Facility stated that visual inspections of tanks are conducted and recorded daily; however, at the time of the Inspection, Respondent could not produce records of daily visual inspections for the three 20,000-gallon tanks since March 2014 or any records of daily visual inspections conducted within the previous three years for the 5,000-gallon gasoline tank, the 275-gallon heating oil tank, or the 55-gallon drums.
- c. Pursuant to 40 C.F.R. § 112.8(c)(6), the owner or operator of a facility must test or inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made and keep comparison records. At the time of the Inspection, Respondent failed to develop and implement an integrity testing protocol for the 275-gallon heating oil tank and the 55-gallon drums.
- d. Pursuant to 40 C.F.R. § 112.8(c)(8)(v), the owner or operator of a facility must regularly test liquid level sensing devices to ensure proper operation. At the time of the Inspection, Respondent could not produce records of liquid level sensing device testing for the three 20,000-gallon tanks.
- e. Pursuant to 40 C.F.R. § 112.7(f), the owner or operator of a facility must implement requirements pertaining to personnel, training, and discharge prevention procedures. At a minimum, the owner or operator must train the facility's oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the SPCC plan. The owner or operator must also schedule and conduct discharge prevention briefings for the facility's oil-handling personnel at least once a year to ensure adequate understanding of the SPCC plan for the facility. At the time of the Inspection, Respondent could not produce records of initial SPCC training or annual discharge prevention briefings for employees from 2013 through the date of the Inspection.
- f. Pursuant to 40 C.F.R. § 112.7(g), the owner or operator of a facility must describe in its SPCC plan and implement how it will secure access to the oil handling, processing and storage areas; secure flow and drain valves; and prevent unauthorized access to starter controls on oil pumps. At the time of the Inspection, EPA inspectors observed that Respondent had no

security measures in place to control access to either the 5,000-gallon gasoline tank or the loading rack.

- g. Pursuant to 40 C.F.R. § 112.7(h), the owner or operator of a facility must implement requirements pertaining to car and tank truck loading/unloading racks, including a containment system designed to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility. At the time of the Inspection, Respondent's Facility provided inadequate containment for its loading rack. The off-loading rack had a concrete containment area with a capacity to hold a discharge of 1,558 gallons, which provided insufficient containment for any single compartment of any of the Facility's tanker trucks.
 - h. Pursuant to 40 C.F.R. § 112.8(b), the owner or operator of an onshore facility must use valves of manual, open-and-closed design, for the drainage of diked areas. At the time of the Inspection, EPA inspectors observed that Respondent's containment dike, containing two 20,000-gallon heating oil tanks and one 20,000-gallon diesel fuel tank, did not possess a functional drain valve, but rather an open line with leaves and debris where a drain valve was once located.
 - i. Pursuant to 40 C.F.R. § 112.8(c), the owner or operator of an onshore facility must meet specific discharge prevention and containment procedures pertaining to bulk storage containers; 40 C.F.R. § 112.2 defines a bulk storage container as any container used to store oil. Owners or operators must not allow drainage of uncontaminated rainwater from diked areas into storm drains or open water, bypassing the facility treatment system, unless the bypass valve is normally closed, the retained rainwater is inspected to ensure that there is no oil present, the bypass valve is opened and resealed after discharge under responsible supervision, and records of such discharged events are kept, as required by 40 C.F.R. § 112.8(c)(3). At the time of the Inspection, EPA observed that there was no valve and the discharge pipe was open in the diked area, resulting in immediate discharge of rainwater without inspection or supervision. Moreover, Respondent was not able to provide monthly drainage records for the diked area from April 2014 through the date of the Inspection. Owners or operators must also promptly correct visible discharges which result in a loss of oil from a container, and must promptly remove any accumulation of oil in diked areas, as required by 40 C.F.R. § 112.8(c)(10). At the time of the Inspection, there were numerous spills throughout the facility that were not promptly removed.
37. Based on EPA's Inspection and EPA's review of information gathered during the Inspection, EPA alleges that Respondent failed to implement an SPCC plan for the Facility, in accordance with 40 C.F.R § 112.7 and any other applicable

section, including but not limited to § 112.3 and 112.8, as required by 40 C.F.R § 112.3 of the Regulations.

38. Failure to implement an SPCC plan in accordance with 40 C.F.R § 112.7 and any other applicable section, including but not limited to § 112.3 and 112.8, is a violation of 40 C.F.R § 112.3 of the Regulations, issued pursuant to Section 311(j) of the CWA, 33 U.S.C. § 1321(j), which is subject to the assessment of penalties pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

Penalty

39. The penalty was calculated after consideration of the statutory penalty factors in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), which were applied in accordance with EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998), including the seriousness of the violation; the economic benefit to the violator, if any; the degree of culpability; any other penalty for the same incident; history of prior violations, if any; the nature, extent, and degree of success of the violator's mitigation efforts; the economic impact of the penalty on the violator; and other matters as justice may require.
40. Within thirty (30) days of the effective date of the Final Order, Respondent shall pay a penalty in the amount of **\$20,355.00**. All payments shall be made by a cashier's or certified check, by an electronic funds transfer ("EFT"), or by on-line payment.
- a. If paying by check, Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF-311." If paying by check, Respondent shall note on the check the title and docket number (CWA-03-2016-0152) of this case.
- b. If Respondent sends payments by the U.S. Postal Service, the payments shall be addressed to:

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

- c. If Respondent sends payments by a private delivery service, the payments shall be addressed to:

U.S. Environmental Protection Agency
U.S. Bank
1005 Convention Plaza

Mail Station SL-MO-C2GL
St. Louis, MO 63101
Attn: Heather Russell (513) 487-2044

- d. If paying by EFT, the Respondent shall make the transfers to:
- Federal Reserve Bank of New York
ABA 021030004
Account 68010727
33 Liberty Street
New York, NY 10045
- e. If paying by EFT, field tag 4200 of the Fedwire message shall read: “(D 68010727 Environmental Protection Agency).” In the case of an international transfer of funds, the Respondent shall use SWIFT address FRNYUS33.
- f. If paying through the Department of Treasury’s Online Payment system, please access “www.pay.gov,” and enter sfo 1.1 in the search field. Open the form and complete the required fields and make payments. Note that the type of payment is “civil penalty,” the docket number “CWA-03-2016-0152” should be included in the “Court Order # or Bill #” field, and “3” should be included as the Region number.
41. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent’s failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling delinquent debts.
42. Interest on the civil penalty will begin to accrue on the date that this CAFO, when fully executed, is mailed or hand-delivered to the Respondent. EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest on the portion of a civil penalty not paid within such thirty (30) calendar day period will be assessed at the rate of the U.S. Treasury Tax and Loan Rate in accordance with 40 C.F.R. § 13.11(a).
43. The costs of the Agency’s administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA’s Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the

first thirty (30) day period after a payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

44. A penalty charge of six percent per year will be assessed monthly on any portion of a payment that remains delinquent more than ninety (90) calendar days from the date it was due. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
45. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must pay the civil penalty in accordance with the payment deadline set forth above.
46. Respondent shall submit a copy of the check (or, in the case of an EFT transfer, a copy of the EFT confirmation) to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Suzanne M. Parent (3RC42)
Associate Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

47. Failure by Respondent to pay the penalty assessed by the Final Order in full may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

General Provisions

48. The undersigned officer of Respondent represents and warrants that he or she has the authority to bind the Respondent and its successors or assigns to the terms of this Consent Agreement.
49. The provisions of this Consent Agreement and the Final Order shall be binding upon Respondent and Respondent's successors or assigns.
50. This Consent Agreement and the accompanying Final Order resolve only the civil penalty claims for the specific violations alleged in this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States authority to pursue criminal sanctions. In

addition this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

51. The effective date of this Consent Agreement and the accompanying Final Order (which is signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer) shall be the date the CAFO is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice, and shall terminate upon Respondent's full compliance with its terms.
52. This Consent Agreement does not create any right in or grant any cause of action to any third party.

For the Respondent, Leighow Oil Co., Inc.

Date: 6/30/14


By: 

Name: Glen Leighow

Title: Pres.

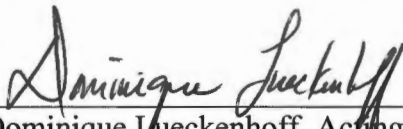
For the Complainant, U.S. Environmental Protection Agency, Region III

Date: 7/14/16

By: 
Suzanne M. Parent
Associate Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Hazardous Site Cleanup Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 7/20/16

By: 
Dominique Lueckenhoff, Acting Director
Hazardous Site Cleanup Division

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**Leighow Oil Co., Inc.
11 A Street
Danville, PA 17821,**

Respondent.

EPA Docket No. CWA-03-2016-0152

**Proceeding Under Section 311(j)
and 311(b)(6)(B)(i) of the Clean Water Act,
33 U.S.C. § 1321(j) and 1321(b)(6)(B)(i)**

FINAL ORDER

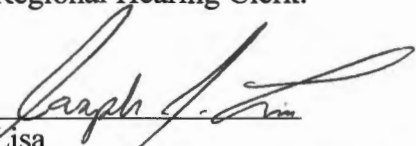
Complainant, the Acting Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Leighow Oil Co., Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, with specific references to Section 22.13(b), 22.18(b)(2) and (3), and 22.1(b) and 22.50(a)(1). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998) and the statutory factors set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8).

NOW, THEREFORE, PURSUANT TO Section 311(b)(6)(B)(i) of the CWA, as amended, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY THOUSAND THREE HUNDRED AND FIFTY FIVE DOLLARS (\$20,355.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: July 21, 2016



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA, Region III