

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**



In the Matter of:)	Docket Nos. CERCLA-05-2024-0007
)	EPCRA-05-2024-0017
BP Products North America Inc.)	
and)	Proceeding to Assess a Civil Penalty Under
Ohio Refining Company, LLC)	Section 109(b) of the Comprehensive
Oregon, Ohio,)	Environmental Response, Compensation and
)	Liability Act, and Section 325(b)(2) of the
Respondents.)	Emergency Planning and Community Right-
_____)	to-Know Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Manager of Emergency Response Branch 1, Superfund & Emergency Management Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent 1 is BP Products North America Inc., a Maryland corporation doing business in the State of Ohio.

4. Respondent 2 is Ohio Refining Company, LLC, a Delaware limited liability company doing business in the State of Ohio.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondents consent to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO.

9. Respondents waive their right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and their right to appeal this CAFO.

Statutory and Regulatory Background

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

11. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals

are produced, used or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Section 304(a)(2) of EPCRA, 42 U.S.C. § 11004(a)(2), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used or stored and such release occurred in a manner which would require notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

13. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by a release.

14. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state, and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

15. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term "hazardous chemical" has the meaning given such term by 29 C.F.R. § 1910.1200(c).

16. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

17. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), and 40 C.F.R. Part 19 authorizes U.S. EPA to assess a civil penalty of up to \$69,733 per day of violation, for violations of CERCLA Section 103, EPCRA Section 304 that occurred after November 2, 2015, and for which penalties are assessed on or after December 27, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

U.S. EPA's Factual Allegations and Alleged Violations

18. Respondent 1 is a "person" as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

19. Respondent 1 is a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

20. Respondent 2 is a "person" as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

21. Respondent 2 is a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

22. On or before February 28, 2023, Respondent 1 was the operator of the facility located at 4001 Cedar Point Road, Oregon, Ohio (facility), and Respondent 2 was the owner of the facility.

23. On and after February 28, 2023, Respondent 2 was an owner and operator of the facility.

24. At all-times relevant to this CAFO, at least one of the Respondents was in charge of the facility.

25. The facility consists of a building, structure, installation, equipment, pipe or pipeline, storage container, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

26. The facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

27. The facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

28. The facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

29. At all times relevant to this CAFO, the Ohio EPA was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

30. At all times relevant to this CAFO, the Lucas County LEPC was the LEPC for Lucas County, Ohio under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

Hydrogen Sulfide

31. Hydrogen sulfide (CAS #7783-06-4) is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

32. Hydrogen sulfide (CAS #7783-06-4) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

33. Hydrogen sulfide (CAS #7783-06-4) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

34. Hydrogen sulfide (CAS #7783-06-4) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

35. Hydrogen sulfide (CAS #7783-06-4) is classified as a compressed gas and pyrophoric gas.

36. Hydrogen sulfide (CAS #7783-06-4) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

37. At all times relevant to this CAFO, hydrogen sulfide was produced, used or stored at the facility.

Sulfur Dioxide

38. Sulfur dioxide (CAS #7446-09-5) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

39. Sulfur dioxide (CAS #7664-09-5) has a reportable quantity of 500 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

40. Sulfur dioxide (CAS #7664-09-5) is classified as a health hazard, compressed gas, and pyrophoric gas.

41. Sulfur dioxide (CAS #7664-09-5) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

42. At all times relevant to this CAFO, sulfur dioxide was produced, used or stored at Respondents’ facility.

September 20, 2022, Hydrogen Sulfide Release

43. On September 20, 2022, beginning at or about 3:21 a.m. until September 21, 2022, at 11:00 p.m., a release occurred from the facility of approximately 621 pounds of hydrogen sulfide (the September 20, 2022, hydrogen sulfide release).

44. In a 24-hour time period, the September 20, 2022, hydrogen sulfide release exceeded 100 pounds.

45. During the September 20, 2022, hydrogen sulfide release, approximately 621 pounds spilled, leaked, poured, emitted, discharged, or escaped into the ambient air.

46. The September 20, 2022, hydrogen sulfide release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

47. The September 20, 2022, hydrogen sulfide release is a “release” as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

48. At least one Respondent had knowledge of the September 20, 2022, hydrogen sulfide release on September 20, 2022, at approximately 2:00 p.m.

49. The September 20, 2022, hydrogen sulfide release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

50. The September 20, 2022, hydrogen sulfide release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

51. The September 20, 2022, hydrogen sulfide release was likely to affect Ohio.

52. The September 20, 2022, hydrogen sulfide release was likely to affect Lucas County, Ohio.

53. Respondents notified the NRC of the September 20, 2022, hydrogen sulfide release on September 20, 2022, at 3:42 p.m.

54. Respondents did not immediately notify the NRC as soon as at least one Respondent had knowledge of the September 20, 2022, hydrogen sulfide release.

55. Respondents' failure to immediately notify the NRC of the September 20, 2022, hydrogen sulfide release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

56. Respondents notified the Ohio SERC of September 20, 2022, hydrogen sulfide release on September 20, 2022, at 3:32 p.m.

57. Respondents did not immediately notify the SERC after at least one Respondent had knowledge of the September 20, 2022, hydrogen sulfide release.

58. Respondents' failure to immediately notify the SERC of the September 20, 2022, hydrogen sulfide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

59. Respondents notified the Lucas County LEPC of the September 20, 2022, hydrogen sulfide release on September 20, 2022, at 3:22 p.m.

60. Respondents did not immediately notify the LEPC after at least one Respondent had knowledge of the September 20, 2022, hydrogen sulfide release.

61. Respondents' failure to immediately notify the LEPC of the September 20, 2022, hydrogen sulfide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

September 20, 2022, Sulfur Dioxide Release

62. On September 20, 2022, beginning at or about 3:21 a.m. until September 21, 2022, at 4:00 p.m., a release occurred from the facility of approximately 53,202 pounds of sulfur dioxide (the September 20, 2022, sulfur dioxide release).

63. In a 24-hour time period, the September 20, 2022, sulfur dioxide release exceeded 500 pounds.

64. During the September 20, 2022, sulfur dioxide release, approximately 53,202 pounds spilled, leaked, poured, emitted, discharged, or escaped into the air.

65. The September 20, 2022, sulfur dioxide release is a “release” as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

66. At least one Respondent had knowledge of the September 20, 2022, sulfur dioxide release on September 20, 2022, on or before 3:00 p.m.

67. The September 20, 2022, sulfur dioxide release occurred in a manner which would require notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

68. The September 20, 2022, sulfur dioxide release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

69. The September 20, 2022, sulfur dioxide release was likely to affect Ohio.

70. The September 20, 2022, sulfur dioxide release was likely to affect Lucas County, Ohio.

71. Respondents notified the Ohio SERC of the September 20, 2022, sulfur dioxide release on September 20, 2022, at 3:32 p.m.

72. Respondents did not immediately notify the SERC after at least one Respondent had knowledge of the September 20, 2022, sulfur dioxide release.

73. Respondents’ failure to immediately notify the SERC of the September 20, 2022, sulfur dioxide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

74. Respondents notified the Lucas County LEPC of the September 20, 2022, sulfur dioxide release on September 20, 2022, at 3:22 p.m.

75. Respondents did not immediately notify the LEPC after at least one Respondent had knowledge of the September 20, 2022, sulfur dioxide release.

76. Respondents' failure to immediately notify the LEPC of the September 20, 2022, sulfur dioxide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

June 23, 2023, Hydrogen Sulfide Release

77. On June 23, 2023, at 9:09 p.m., a release occurred from the facility of approximately 314 pounds of hydrogen sulfide (the June 23, 2023, hydrogen sulfide release).

78. In a 24-hour time period, the June 23, 2023, hydrogen sulfide release exceeded 100 pounds.

79. During the June 23, 2023, hydrogen sulfide release, approximately 314 pounds spilled, leaked, poured, emitted, discharged, or escaped into the ambient air.

80. The June 23, 2023, hydrogen sulfide release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

81. The June 23, 2023, hydrogen sulfide release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

82. Respondent 2 had knowledge of the June 23, 2023, hydrogen sulfide release on June 23, 2023, at approximately 9:09 p.m.

83. The June 23, 2023, hydrogen sulfide release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

84. The June 23, 2023, hydrogen sulfide release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

85. The June 23, 2023, hydrogen sulfide release was likely to affect Ohio.

86. The June 23, 2023, hydrogen sulfide release was likely to affect Lucas County, Ohio.

87. Respondent 2 notified the NRC of the June 23, 2023, hydrogen sulfide release on June 30, 2023, at 2:56 p.m.

88. Respondent 2 did not immediately notify the NRC as soon as Respondent 2 had knowledge of the June 23, 2023, hydrogen sulfide release.

89. Respondent 2's failure to immediately notify the NRC of the June 23, 2023, hydrogen sulfide release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

90. Respondent 2 notified the Ohio SERC of June 23, 2023, hydrogen sulfide release on June 30, 2023, at 3:08 p.m.

91. Respondent 2 did not immediately notify the SERC after Respondent 2 had knowledge of the June 23, 2023, hydrogen sulfide release.

92. Respondent 2's failure to immediately notify the SERC of the June 23, 2023, hydrogen sulfide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

93. Respondent 2 notified the Lucas County LEPC of the June 23, 2023, hydrogen sulfide release on June 30, 2023, at 3:06 p.m.

94. Respondent 2 did not immediately notify the LEPC after Respondent 2 had knowledge of the June 23, 2023, hydrogen sulfide release.

95. Respondent 2's failure to immediately notify the LEPC of the June 23, 2023, hydrogen sulfide release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Civil Penalty

96. Complainant has determined that the combined appropriate civil penalty to settle this action is \$137,200. Complainant has determined that \$51,996 of the \$137,200 is an appropriate civil penalty for the violations in 2023 and \$85,204 of the \$137,200 is an appropriate civil penalty for the violations in 2022. Complainant has determined that \$29,594 of the \$137,200 is an appropriate civil penalty to settle this action for the CERCLA violations. Complainant has determined that \$107,606 of the \$137,200 is an appropriate civil penalty to settle this action for the EPCRA violations. In determining the penalty amounts, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondents, their ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

97. Respondents agree to pay separate civil penalties in the amount of \$29,594 for the CERCLA (Superfund) violations and \$107,606 for the EPCRA violations (collectively "Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk.

98. Respondents shall pay the Assessed Penalties and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

99. When making a payment, Respondents shall:

- a. For any CERCLA payment include Respondents' name, the CERCLA docket number, CERCLA-05-2024-0007 and the billing document number, 2752430B007.
- b. For any EPCRA payment include Respondents' name and the EPCRA docket number, EPCRA-05-2024-0017.
- c. Concurrently with any payment or within 24 hours of any payment, Respondents shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
R5regionalclerk@epa.gov

James Entzminger
Entzminger.james@epa.gov

Robert H. Smith
Smith.roberth@epa.gov

and

U.S. Environmental Protection
Agency Cincinnati Finance
Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA

requirements, in the amount due, and identified with the appropriate docket number and Respondents' name.

100. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondents fail to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS large corporate underpayment rate, any lower rate would fail to provide Respondents adequate incentive for timely payment.
- b. Handling Charges. Respondents will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondents fail to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

101. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondents fail to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondents' licenses or other privileges, or suspend or disqualify Respondents from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

102. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

103. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

104. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondents

to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondents herein agree, that:

- a. Respondents each shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondents shall therein certify that their completed IRS Form W-9s includes Respondents’ correct TIN or that Respondents have applied and are waiting for issuance of a TIN;
- c. Respondents shall email their completed Form W-9s to EPA’s Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondents have certified in their completed IRS Form W-9s that they do not yet have a TIN but have applied for a TIN, Respondents shall provide EPA’s Cincinnati Finance Center with Respondents’ TIN, via email, within five (5) days of Respondents’ receipt of a TIN issued by the IRS.

General Provisions

105. The parties’ consent to service of this CAFO by email at the following valid email addresses: smith.roberth@epa.gov (for Complainant), gdillard@bakerlaw.com (for Respondent 1), and twebster@sidley.com (for Respondent 2). Respondents understand that the CAFO will become publicly available upon filing.

106. Full payment of the penalty and compliance with this CAFO resolves only Respondents’ liability for federal civil penalties for the violations alleged in the CAFO.

107. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

108. Respondents certify that they are complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004.

109. This CAFO does not affect Respondents' responsibility to comply with CERCLA, EPCRA, and other applicable federal, state and local laws and regulations.

110. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

111. The terms of this CAFO bind Respondents and their successors and assigns.

112. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

113. Each party agrees to bear its own costs and attorney's fees in this action.

114. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: BP Products North America Inc. & Ohio Refining Company, LLC,
Oregon, Ohio**

Docket Nos. CERCLA-05-2025-0007; EPCRA-05-2024-0017

BP Products North America Inc., Respondent

Jun. 27, 2024
Date

Amber Russell
Amber Russell
President – BP Products North America Inc.

**In the Matter of: BP Products North America Inc. & Ohio Refining Company, LLC,
Oregon, Ohio
Docket Nos. CERCLA-05-2024-0007; EPCRA-05-2024-0017**

Ohio Refining Company, LLC, Respondent

July 1, 2024

Date



Heidi Hurst
Vice-President, Refining
Toledo Refinery

**In the Matter of: BP Products North America Inc. & Ohio Refining Company, LLC,
Oregon, Ohio
Docket Nos. CERCLA-05-2024-0007; EPCRA-05-2024-0017**

U.S. Environmental Protection Agency, Complainant

Date

Jason El-Zein
Manager, Emergency Response Branch 1
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

Date

Douglas Ballotti
Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

**In the Matter of: BP Products North America Inc. & Ohio Refining Company, LLC,
Oregon, Ohio
Docket Nos. CERCLA-05-2024-0007; EPCRA-05-2024-0017**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5