

**** FILED ****
06SEP2016 - 02:54PM
U.S.EPA - Region 09

1 SYLVIA QUAST
Regional Counsel
2 THOMAS P. MINTZ
Assistant Regional Counsel
3 United States Environmental Protection Agency, Region 9
75 Hawthorne Street
4 San Francisco, California 94105
(415) 972-3896

5 Attorneys for Complainant
6

7 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
8 **REGION 9**

9 **In the matter of:**) **Docket No. CAA-09-2016-0003**
10 **MID PAC PETROLEUM, LLC,**) **CONSENT AGREEMENT AND**
11 **Respondent**) **FINAL ORDER**
12

13 **I. CONSENT AGREEMENT**

14 **A. PRELIMINARY STATEMENT**

15 1. This is a civil administrative penalty assessment proceeding brought under
16 Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13 and
17 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil
18 Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), as
19 codified at 40 C.F.R. Part 22. In accordance with 40 C.F.R. Sections 22.13 and 22.18, entry of
20 this Consent Agreement and Final Order ("CAFO") simultaneously initiates and concludes this
21 matter.

1 **C. STATUTORY AND REGULATORY FRAMEWORK**

2 7. The primary purpose of the Act is to protect and enhance the quality of the
3 Nation's air resources so as to promote the public health and welfare and the productive capacity
4 of its population. 42 U.S.C. § 7401(b)(1).

5 8. Section 111(b)(1) of the Act, 42 U.S.C. § 7411(b)(1), requires EPA's
6 Administrator to: (i) publish a list of categories of stationary sources that, in her judgment, cause
7 or contribute significantly to air pollution that may reasonably be anticipated to endanger the
8 public health or welfare; and (ii) promulgate standards of performance for new sources within
9 those categories. These standards, commonly known as the New Source Performance Standards
10 ("NSPS"), are codified at 40 C.F.R. Part 60.

11 9. On December 23, 1971, EPA promulgated the NSPS General Provisions, codified
12 at 40 C.F.R. Part 60, Subpart A ("General NSPS"). 36 Fed. Reg. 24,877 (1971). For the most
13 part, the General NSPS includes requirements that apply to the owner or operator of an affected
14 facility at a stationary source that is subject to a category-specific NSPS. *See*, 40 C.F.R. § 60.1.
15 A *stationary source* is any building, structure, facility, or installation which emits or may emit
16 any air pollutant. *Id.*, § 60.2. An *affected facility* is any apparatus to which an NSPS applies.
17 *Id.*, § 60.2.

18 10. On August 18, 1983, EPA promulgated the NSPS for Bulk Gasoline Terminals,
19 codified at 40 C.F.R. Part 60, Subpart XX ("Bulk Terminal NSPS"). 48 Fed. Reg. 37,590
20 (1983). The Bulk Terminal NSPS applies to the total of all the loading racks at a bulk gasoline
21 terminal that deliver liquid product into gasoline tank trucks if the construction, reconstruction,

1 or modification of the loading racks is commenced after December 17, 1980. 40 C.F.R. §§
2 60.15, 60.500(a)-(b), 60.506.

3 11. The Bulk Terminal NSPS requires the owner or operator of each bulk gasoline
4 terminal to equip the loading racks with a vapor collection system designed to collect the total
5 organic compound vapors displaced from tank trucks during product loading. 40 C.F.R.
6 § 60.502(a). The emissions to the atmosphere from the vapor collection system must not exceed
7 35 milligrams of total organic compounds per liter of gasoline loaded. 40 C.F.R. § 60.502(b).
8 The owner or operator must comply with these requirements on and after the date on which the
9 performance test is required to be completed. 40 C.F.R. § 60.502. The owner or operator must
10 conduct a performance test within 60 days after achieving the maximum production rate at which
11 the loading racks will be operated, but not later than 180 days after the initial startup of the
12 loading racks. 40 C.F.R. §§ 60.8, 60.503.

13 12. Section 111(e) of the Act, 42 U.S.C. § 7411(e), makes it unlawful for any owner
14 or operator of any new source to operate such source in violation of any applicable NSPS.

15 13. Section 113(a)(3)(A) of the Act, 42 U.S.C. § 7413(a)(3)(A), provides, among
16 other things, that whenever, on the basis of any information available to the EPA Administrator,
17 the EPA Administrator finds that any person has violated or is in violation of any requirement or
18 prohibition of any rule promulgated under Section 111 of the Act, 42 U.S.C. §§ 7411, the EPA
19 Administrator may issue an administrative penalty order in accordance with Section 113(d) of
20 the Act.

1 **D. ALLEGED VIOLATIONS OF LAW**

2 14. In or about 1960, Kawaihae Terminals, Inc., built the bulk gasoline terminal,
3 including a tank truck loading rack, located at 61-3651 Kawaihae Road, Kawaihae, Hawaii
4 (“Kawaihae Terminal”).

5 15. Refined petroleum products (*e.g.*, gasoline and diesel) are transferred via
6 pipelines from a local marine port to the Kawaihae Terminal storage tanks. The Kawaihae
7 Terminal then distributes these products by pipelines from its storage tanks to its loading rack,
8 where the products are loaded into tank trucks.

9 16. At all times relevant to this CAFO, the Kawaihae Terminal has been a *stationary*
10 *source* within the meaning of Section 111(a)(3) of the Act, 42 U.S.C. § 7411(a)(3), and a *bulk*
11 *gasoline terminal* as that term is defined in 40 C.F.R. Section 60.501.

12 17. At all times relevant to this CAFO, the Kawaihae Terminal has had a maximum
13 calculated design throughput greater than 75,700 liters of gasoline per day.

14 18. At all times relevant to this CAFO, the loading rack at the Kawaihae Terminal has
15 been a *loading rack* as that term is defined in 40 C.F.R. Section 60.501.

16 19. In or about April 1997, Tosco Corporation became the owner and operator of the
17 Kawaihae Terminal.

18 20. Between August 2000 and March 2002, Tosco Corporation upgraded the
19 Kawaihae Terminal loading rack by (i) replacing components of the existing loading rack; and
20 (ii) converting the loading rack from top loading to bottom loading (“Loading Rack Upgrade”).
21
22

1 21. The Loading Rack Upgrade is both (i) a *modification* within the meaning of
2 Section 111(a)(4) of the Act, 42 U.S.C. § 7411(a)(4), and as that term is defined in 40 C.F.R.
3 Sections 60.2 and 60.14; and (ii) a *reconstruction* as that term is defined in 40 C.F.R. Sections
4 60.15 and 60.506.

5 22. The loading rack at the Kawaihae Terminal is an *affected facility* as that term is
6 defined in 40 C.F.R. Sections 60.2 and 60.500; and is subject to the General NSPS and Bulk
7 Terminal NSPS.

8 23. Respondent is a *person* within the meaning of Section 302(e) of the Act,
9 42 U.S.C. § 7602(e).

10 24. Since on or about September 2004, to the present, Respondent has been the *owner*
11 and *operator* of the Kawaihae Terminal within the meaning of Section 111(a)(5) of the Act, 42
12 U.S.C. § 7411(a)(5), and the *owner* and *operator* of the Kawaihae Terminal loading rack as
13 defined in 40 C.F.R. Section 60.2.

14 ***Failure to Equip Loading Rack with Pollution Controls***

15 25. Since on or about September 2004, Respondent has operated the Kawaihae
16 Terminal loading rack without the vapor collection system required by the Bulk Terminal NSPS
17 at 40 C.F.R. Section 60.502(a).

18 26. At the Kawaihae Terminal, Respondent violated and continues to violate the Bulk
19 Terminal NSPS loading rack vapor collection system requirements of 40 C.F.R.
20 Section 60.502(a).

1 ***Failure to Limit Loading Rack Emissions***

2 27. Since on or about September 2004, Respondent has failed to limit emissions from
3 the loading of liquid product from the Kawaihae Terminal loading rack into gasoline tank trucks
4 to not more than 35 milligrams of total organic compounds per liter of gasoline loaded as
5 required by 40 C.F.R. Section 60.502(b).

6 28. At the Kawaihae Terminal, Respondent violated and continues to violate the Bulk
7 Terminal NSPS loading rack emission limit of 40 C.F.R. Section 60.502(b).

8 **E. TERMS OF THE CONSENT AGREEMENT**

9 ***Respondent's Stipulations***

10 29. For the purpose of this proceeding and as required by 40 C.F.R.
11 Section 22.18(b)(2), Respondent:

- 12 a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO and
13 over Respondent;
- 14 b. neither admits nor denies the specific factual allegations in Section I.D of this
15 CAFO;
- 16 c. consents to the assessment of a civil penalty under this Section I.E, as stated
17 below;
- 18 d. consents to the issuance of any specified compliance or corrective action order;
- 19 e. consents to the conditions specified in this CAFO, including, but not limited to,
20 the conditions set forth in Paragraphs 34 of this CAFO;
- 21 f. consents to any stated permit action;

- 1 g. waives any right to contest the allegations set forth in Section I.D of this CAFO;
- 2 and
- 3 h. waives its rights to appeal the Order contained in this CAFO.

4 30. For the purpose of this proceeding, Respondent:

- 5 a. agrees that this CAFO states a claim upon which relief may be granted against
- 6 Respondent;
- 7 b. acknowledges that this CAFO constitutes an enforcement action for purposes of
- 8 considering Respondent's compliance history in any subsequent enforcement
- 9 actions;
- 10 c. waives any and all remedies, claims for relief, and otherwise available rights to
- 11 judicial or administrative review that Respondent may have with respect to any
- 12 issue of fact or law set forth in this CAFO, including any right of judicial review
- 13 under Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1);
- 14 d. consents to personal jurisdiction in any action to enforce this CAFO in the United
- 15 States District Court for the District of Hawaii; and
- 16 e. waives any rights it may possess at law or in equity to challenge the authority of
- 17 EPA to bring a civil action in a United States District Court to compel compliance
- 18 with the CAFO or to seek an additional penalty for such noncompliance, and
- 19 agrees that federal law shall govern in any such civil action.

Civil Penalty Payment

31. Respondent agrees to:

- a. pay the civil penalty of TWO HUNDRED THOUSAND DOLLARS (\$200,000) (“EPA Penalty”) within 30 calendar days of the Effective Date of this CAFO;
- b. pay the EPA Penalty using any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identifying each and every payment with “Docket No. CAA-09-2016-0003”; and
- c. send proof of payment, within 24 hours of payment of the EPA Penalty, to Mark

Sims at:

Mail Code: ENF-2-1
Enforcement Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

and at sims.mark@epa.gov (“proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, 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 “Docket No. CAA-09-2016-0003”).

32. If Respondent fails to pay the civil administrative penalty specified in Paragraph 31(a) of this CAFO within 30 days after the effective date of this CAFO, then Respondent shall pay to EPA a stipulated penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) for each day the default continues, upon written demand by EPA.

1 33. If Respondent fails to timely pay any portion of the penalty assessed under this
2 CAFO, EPA may:

- 3 a. request the Attorney General to bring a civil action in an appropriate district court
4 to recover: the amount assessed; interest at rates established pursuant to
5 26 U.S.C. Section 6621(a)(2); the United States' enforcement expenses; and a 10
6 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
- 7 b. refer the debt to a credit reporting agency or a collection agency, 42 U.S.C.
8 § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- 9 c. collect the debt by administrative offset (i.e., the withholding of money payable
10 by the United States to, or held by the United States for, a person to satisfy the
11 debt the person owes the Government), which includes, but is not limited to,
12 referral to the Internal Revenue Service for offset against income tax refunds, 40
13 C.F.R. Part 13, Subparts C and H; and
- 14 d. suspend or revoke Respondent's licenses or other privileges, or suspend or
15 disqualify Respondent from doing business with EPA or engaging in programs
16 EPA sponsors or funds, 40 C.F.R. § 13.17.

17 ***Compliance Conditions***

18 34. As a condition of settlement, Respondent agrees to all of the following:

- 19 a. *Loading Rack Requirements for the Kawaihae Terminal.*
- 20 i. Regardless of whether the Kawaihae Terminal limits its maximum
21 calculated design throughput of gasoline to 75,700 liters per day or less,
22 all of the loading racks at the Kawaihae Terminal are subject to the

1 requirements of the General NSPS and the Bulk Terminal NSPS (40
2 C.F.R. Part 60, Subparts A and XX), including, but not limited to, the
3 requirement to install a vapor collection system.

4 ii. No later than March 1, 2017, all of the loading racks at the Kawaihae
5 Terminal shall comply with the requirements of the General NSPS and the
6 Bulk Terminal NSPS (40 C.F.R. Part 60, Subparts A and XX), including,
7 but not limited to, the installation of a vapor collection system and the
8 completion of performance tests. Notwithstanding this deadline,
9 Respondent shall undertake best efforts to install a vapor collection system
10 on the loading racks at the Kawaihae Terminal as soon as practicable.

11 b. *Additional Terminal-Wide Requirements for the Kawaihae Terminal.* No later
12 than March 1, 2017:

13 i. The Kawaihae Terminal shall comply with all other applicable
14 requirements of the General NSPS and Bulk Terminal NSPS (40 C.F.R.
15 Part 60, Subparts A and XX) not specifically referenced in Paragraph
16 34(a) above, including, but not limited to, tank truck requirements.

17 ii. Respondent shall provide EPA with a written certification that the
18 Kawaihae Terminal, including all of the loading racks at the Kawaihae
19 Terminal, is in compliance with the requirements of the General NSPS and
20 Bulk Terminal NSPS (40 C.F.R. Part 60, Subparts A and XX). The
21 certification shall be (i) submitted to Mark Sims at the same address and

1 email as for the proof of payment in Paragraph 31.c; and (ii) signed by a
2 responsible official of Respondent and include the following certification:

3 I certify under penalty of law that this document and all
4 attachments were prepared under my direction or supervision in
5 accordance with a system designed to assure that qualified
6 personnel properly gather and evaluate the information submitted.
7 Based on my inquiry of the person or persons who manage the
8 system, or those persons directly responsible for gathering the
9 information, the information submitted is, to the best of my
10 knowledge and belief, true, accurate, and complete. I am aware
11 that there are significant penalties for submitting false information,
12 including the possibility of fine and imprisonment for knowing
13 violations.

14 35. *Stipulated Penalties.* In the event that Respondent fails to comply with one or
15 more requirements of this CAFO, the following provisions for stipulated penalties shall apply:

- 16 a. Except for notification and reporting requirements, the following stipulated
17 penalties shall accrue per violation per day for each violation of any requirement
18 of 40 C.F.R. Part 60, Subparts A or XX applicable to the Kawaihae Terminal or
19 loading racks in accordance with the schedule set forth in Paragraph 34:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$3,000	1 st through 14 th day
\$6,000	15 th through 30 th day
\$15,000	31 st day and beyond

- 20 b. The following stipulated penalties shall accrue per violation per day for each
21 violation of (i) Paragraph 34.b.ii regarding the written certification of compliance;
or (ii) any notification or reporting requirement of 40 C.F.R. Part 60, Subparts A

1 or XX applicable to the Kawaihae Terminal or loading racks in accordance with
2 the schedule set forth in Paragraph 34:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1,000	1 st through 14 th day
\$2,500	15 th through 30 th day
\$5,000	31 st day and beyond

- 3
- 4
- 5
- 6
- 7 c. If Respondent fails to comply with any other requirement of this CAFO not
- 8 specifically referenced in Paragraphs 32, 35.a, or 35.b above, Respondent shall
- 9 pay a stipulated penalty of \$1,000 per violation per day for each violation of this
- 10 CAFO.
- 11 d. All penalties shall begin to accrue on the date that performance is due or a
- 12 violation of this CAFO occurs and shall continue to accrue through the final day
- 13 of correction of the noncompliance. Nothing herein shall prevent the
- 14 simultaneous accrual of separate penalties for separate violations.
- 15 e. All penalties owed to EPA under this Paragraph 35 shall be due within 30
- 16 calendar days of Respondent's receipt of a notification of noncompliance and
- 17 request for payment from EPA. Such notification shall describe the
- 18 noncompliance and shall indicate the amount of penalties due. Interest at the
- 19 current rate published by the United States Treasury, as described at 40 C.F.R.
- 20 Section 13.11, shall begin to accrue on the unpaid balance at the end of the 30-day
- 21 period.

1 f. Payment of stipulated penalties shall be made in accordance with the procedure
2 set forth for payment of the penalty in Paragraph 31.b and c of this CAFO.

3 g. All payments shall indicate Respondent's name and address, and the EPA docket
4 number assigned to this action.

5 h. Notwithstanding any other provision of this Paragraph 35, EPA may, in its
6 unreviewable discretion, waive any portion of stipulated penalties that have
7 accrued pursuant to this CAFO.

8 36. Respondent agrees that the time period from the Effective Date of this CAFO
9 until all of the conditions specified in Paragraph 34 are completed and all outstanding penalties
10 as specified in Paragraphs 31, 32, 33, and 35 are paid (the "Tolling Period") shall not be included
11 in computing the running of any statute of limitations potentially applicable to any action
12 brought by Complainant on any claims (the "Tolled Claims") set forth in Section I.D of this
13 CAFO. Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion,
14 or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based
15 on the running of any statute of limitations or the passage of time during the Tolling Period in
16 any action brought on the Tolled Claims.

17 37. The provisions of this CAFO shall apply to and be binding upon Respondent and
18 its officers, directors, employees, agents, trustees, servants, authorized representatives,
19 successors, and assigns. Respondent must give written notice and a copy of this CAFO to any
20 successors in interest prior to any transfer of ownership or control of any portion of or interest in
21 Kawaihae Terminal. Simultaneously with such notice, Respondent shall provide written notice
22 of such transfer, assignment, or delegation to EPA. In the event of any such transfer,

1 assignment, or delegation, Respondent shall not be released from the obligations or liabilities of
2 this CAFO unless EPA has provided written approval of the release of said obligations or
3 liabilities.

4 38. By signing this CAFO, Respondent acknowledges that this CAFO will be
5 available to the public and agrees that this CAFO does not contain any confidential business
6 information or personally identifiable information.

7 39. By signing this CAFO, the undersigned representative of Complainant and the
8 undersigned representative of Respondent each certify that he or she is fully authorized to
9 execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind
10 the party he or she represents to this CAFO.

11 40. By signing this CAFO, Respondent certifies that the information it has supplied
12 concerning this matter was at the time of submission true, accurate, and complete for each such
13 submission, response, and statement. Respondent acknowledges that there are significant
14 penalties for submitting false or misleading information, including the possibility of fines and
15 imprisonment for knowing submission of such information, under 18 U.S.C. Section 1001.

16 41. Except as qualified by Paragraph 33, each party shall bear its own attorney's fees,
17 costs, and disbursements incurred in this proceeding.

18 **F. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER**

19 42. In accordance with 40 C.F.R. Section 22.18(c), completion of the terms of this
20 CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts
21 specifically alleged above.

1 43. Complainant covenants not to sue Respondent for injunctive or other equitable
2 relief for the violations and facts alleged in this matter, but such covenant automatically
3 terminates if and when Respondent fails to timely and satisfactorily complete every condition
4 stated in this CAFO (including payment of any stipulated penalties owed). If and when such
5 covenant terminates, the United States at its election may seek to compel performance of the
6 conditions stated in this CAFO in a civil judicial action under the Act or as a matter of contract.
7 The covenant not to sue becomes permanent upon satisfactory performance of the conditions
8 stated in this CAFO.

9 44. Penalties paid pursuant to this CAFO, including, but not limited to stipulated
10 penalties, shall not be deductible for purposes of federal, state, or local taxes.

11 45. This CAFO constitutes the entire agreement and understanding of the parties and
12 supersedes any prior agreements or understandings, whether written or oral, among the parties
13 with respect to the subject matter hereof.

14 46. The terms, conditions, and compliance requirements of this CAFO may not be
15 modified or amended except upon the written agreement of both parties, and approval of the
16 Regional Judicial Officer.

17 47. Any violation of this CAFO may result in a civil judicial action for an injunction
18 or civil penalties of up to \$37,500 per day per violation, or both, as provided in Section 113(b)(2)
19 of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of
20 the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an
21 administrative, civil judicial, or criminal action.

1 48. Nothing in this CAFO relieves Respondent of the duty to comply with all
2 applicable provisions of the Act and other federal, state, or local laws or regulations, nor shall it
3 restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it
4 be construed to be a ruling on, or determination of, any issue related to any federal, state, or local
5 permit.

6 49. Nothing herein shall be construed to limit the power of EPA to undertake any
7 action against Respondent or any person in response to conditions that may present an imminent
8 and substantial endangerment to the public health, welfare, or the environment.

9 50. EPA reserves the right to revoke this CAFO and settlement penalty if and to the
10 extent that EPA finds, after signing this CAFO, that any information provided by Respondent
11 was materially false or inaccurate at the time such information was provided to EPA, and EPA
12 reserves the right to assess and collect any and all civil penalties for any violation described
13 herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective
14 until received by Respondent in writing.

15 **G. EFFECTIVE DATE**

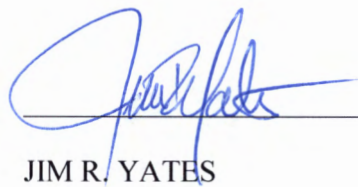
16 51. Respondent and Complainant agree to issuance of the attached Final Order. Upon
17 filing, EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become
18 effective after execution of the Final Order by the Regional Judicial Officer on the date of filing
19 with the Regional Hearing Clerk.
20
21

1 The foregoing Consent Agreement *In the Matter of Mid Pac Petroleum, LLC*, Docket No. CAA-
2 09-2016-0003, is Hereby Stipulated, Agreed, and Approved for Entry.

3
4 FOR RESPONDENT:

5
6
7
8 7/12/16

9 DATE

10 

11 JIM R. YATES
12 President
13 Mid Pac Petroleum, LLC
14 1132 Bishop Street, 25th Floor
15 Honolulu, Hawaii 96813
16
17
18
19
20
21
22
23

1 The foregoing Consent Agreement *In the Matter of Mid Pac Petroleum, LLC*, Docket No. CAA-
2 09-2016-0003, is Hereby Stipulated, Agreed, and Approved for Entry.

3

4 FOR COMPLAINANT:

5

6

7

8 8-30-16



9 DATE

KATHLEEN H. JOHNSON
Director
Enforcement Division
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

10

11

12

13

14

15

16

17

18

19

20

21

22

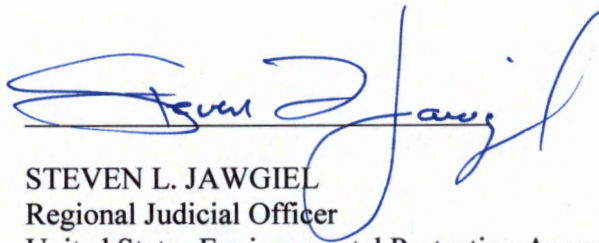
1 **II. FINAL ORDER**

2 EPA Region 9 and Mid Pac Petroleum, LLC, having entered into the foregoing Consent
3 Agreement,

4 IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2016-0003) be
5 entered, and Respondent shall pay a civil administrative penalty in the amount of TWO
6 HUNDRED THOUSAND DOLLARS (\$200,000) and otherwise comply with the terms set forth
7 in the CAFO.

8
9
10 09/06/16

11 DATE



12 STEVEN L. JAWGIEL
13 Regional Judicial Officer
14 United States Environmental Protection Agency, Region 9
15
16
17
18
19
20
21
22
23

CERTIFICATE OF SERVICE

I hereby certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER *In the matter of Mid Pac Petroleum, LLC* (CAA-09-2016-0003), has been filed with the Regional Hearing Clerk, and a copy was served on Counsel for Respondent and Counsel for EPA, as indicated below:

FIRST CLASS MAIL – CERTIFIED (7012 1640 0001 2190 5935)

Respondent –
(By Counsel)

Douglas A. Codiga, Esq.
Schlack Ito, LLC
Topa Financial Center
745 Fort Street, Suite 1500
Honolulu, Hawaii 96813

HAND-DELIVERED

Complainant –
(By Counsel)

Thomas P. Mintz, Esq.
Office of Regional Counsel
Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Dated at San Francisco, California, this 6TH day of September, 2016.



For:

Region 9 Regional Hearing Clerk