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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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HEARINGS CLERK  
EPA -- REGION 10

In the Matter of:	)	
	)	Docket No. CAA-10-2016-0044
TESORO REFINING & MARKETING COMPANY LLC	)	
	)	Proceeding to Assess a Civil Penalty
Anacortes, Washington	)	Under Section 113(d) of the Clean
	)	Air Act, 42 U.S.C. § 7413(d)
Respondent.	)	
	)	
	)	

**TESORO REFINING & MARKETING COMPANY LLC'S ANSWER  
TO THE COMPLAINT**

Respondent Tesoro Refining & Marketing Company LLC ("Tesoro"), hereby answers the U.S. Environmental Protection Agency's ("EPA") Administrative Complaint ("Complaint") as follows:

**I. AUTHORITY**

1.1. As to paragraph 1.1 of the Complaint, this paragraph alleges the statutory and regulatory basis for the Complaint, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced statute and regulations, which speaks for itself.

1.2. As to paragraph 1.2 of the Complaint, Tesoro lacks sufficient information and belief to admit or deny the allegations in this paragraph and on that basis denies the allegations.

1.3. As to paragraph 1.3 of the Complaint, Tesoro lacks sufficient information and belief to admit or deny the allegations in this paragraph and on that basis denies the allegations.

1.4. As to paragraph 1.4 of the Complaint, this paragraph contains EPA's characterization of its claims and notification of rights, to which no response is required. To the extent a response is required, Tesoro denies each and every allegation contained therein.

## **II. STATUTORY AND REGULATORY FRAMEWORK**

2.1. As to paragraph 2.1 of the Complaint, this paragraph contains EPA's characterization of statutes, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced statutes, which speaks for itself.

2.2. As to paragraph 2.2 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.3. As to paragraph 2.3 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.4. As to paragraph 2.4 of the Complaint, this paragraph contains EPA's characterization of regulations and statutes, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations and statutes, which speaks for itself.

2.5. As to paragraph 2.5 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the reference regulations, which speaks for itself.

2.6. As to paragraph 2.6 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.7. As to paragraph 2.7 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is

deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.8. As to paragraph 2.8 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.9. As to paragraph 2.9 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.10. As to paragraph 2.10 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.11. As to paragraph 2.11 of the Complaint, this paragraph contains EPA's characterization of regulations and statutes, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations and statutes, which speaks for itself.

2.12. As to paragraph 2.12 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.13. As to paragraph 2.13 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

2.14. As to paragraph 2.14 of the Complaint, this paragraph contains EPA's characterization of statutes, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced statutes, which speak for itself.

### **III. ALLEGATIONS**

3.1. As to paragraph 3.1 of the Complaint, Tesoro admits the allegations contained therein.

3.2. As to paragraph 3.2 of the Complaint, Tesoro admits the allegations contained therein.

3.3. As to paragraph 3.3 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that portions of the facility are "stationary sources" as that term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3.

3.4. As to paragraph 3.4 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, at times, Tesoro processed, handled, or stored certain flammable substances listed in 40 C.F.R. § 68.130 in a mixture in portions of the facility.

3.5. As to paragraph 3.5 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

3.6. As to paragraph 3.6 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.7. As to paragraph 3.7 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that as of 2011, Tesoro treated the referenced units as covered processes.

3.8. As to paragraph 3.8 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that the E-6611 NHT heat exchanger was a component of the NHT unit in and after October 2010. Tesoro specifically denies that the E-6650 heat exchanger was ever a component of the NHT unit.

3.9. As to paragraph 3.9 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, at times in and after 2011, the concentration of a regulated flammable substance in a mixture in portions of the Processes exceeded one percent by weight.

3.10. As to paragraph 3.10 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, at times in and after 2011, Tesoro used, stored, manufactured, or handled more than 10,000 pounds of a mixture containing regulated flammable substances in portions of the Processes.

3.11. As to paragraph 3.11 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, as of 2011, Tesoro did not treat the Processes as subject to the Program 1 requirements.

3.12. As to paragraph 3.12 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, as of 2011, portions of the Processes were subject to the OSHA process safety management standard, codified at 29 C.F.R. § 1910.119.

3.13. As to paragraph 3.13 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that, as of 2011, Tesoro assigned the Processes to Program 3.

3.14. As to paragraph 3.14 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.15. As to paragraph 3.15 of the Complaint, Tesoro denies each and every allegation, except to admit that it submitted risk management plans for the Anacortes refinery on or about June 20, 1999, August 27, 2001, April 10, 2006, March 28, 2011 and March 21, 2016. Tesoro further admits that it submitted corrections/supplements to its risk management plans on or about January 31, 2000, October 17, 2000, August 1, 2001, March 3, 2003, June 2, 2004, October 4, 2010, February 18, 2012, and February 26, 2013.

3.16. As to paragraph 3.16 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that EPA conducted inspections at the Tesoro Anacortes refinery on or about January 24-28, 2011 and October 3-7, 2011.

3.17. As to paragraph 3.17 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that EPA sent an information request dated April 22, 2011 to Tesoro, and Tesoro sent its response on June 22, 2011.

#### **PROCESS SAFETY INFORMATION**

3.18. As to paragraph 3.18 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.19. As to paragraph 3.19 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.20. As to paragraph 3.20 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.21. As to paragraph 3.21 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is

deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

### **Violation 1**

3.22. As to paragraph 3.22 of the Complaint, Tesoro denies each and every allegation contained therein. Tesoro further denies that the cited regulation requires an upper temperature limit for the CFH reactor differential temperature.

3.23. As to paragraph 3.23 of the Complaint, Tesoro denies each and every allegation contained therein.

3.24. As to paragraph 3.24 of the Complaint, Tesoro denies each and every allegation contained therein.

3.25. As to paragraph 3.25 of the Complaint, Tesoro denies each and every allegation contained therein. Tesoro further denies that the cited regulation requires consequences of deviation for design pressure or temperature limits.

### **Violation II**

3.26. As to paragraph 3.26 of the Complaint, Tesoro denies each and every allegation contained therein.

### **PROCESS HAZARD ANALYSIS**

3.27. As to paragraph 3.27 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.28. As to paragraph 3.28 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

3.29. As to paragraph 3.29 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is

deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

### **Violation III**

3.30. As to paragraph 3.30 of the Complaint, Tesoro denies each and every allegation contained therein.

3.31. As to paragraph 3.31 of the Complaint, Tesoro denies each and every allegation contained therein.

3.32. As to paragraph 3.32 of the Complaint, Tesoro denies each and every allegation contained therein.

3.33. As to paragraph 3.33 of the Complaint, Tesoro denies each and every allegation contained therein.

### **OPERATING PROCEDURES**

3.34. As to paragraph 3.34 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

3.35. As to paragraph 3.35 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulations, which speaks for itself.

### **Violation IV**

3.36. As to paragraph 3.36 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that as of January 28, 2011, certain operating procedures for the DHT startup, shutdown, temporary, and emergency procedures may not have identified a specific individual responsible for executing each step in the procedures. Tesoro denies that there is any legal requirement for operating procedures to identify a specific individual responsible for executing each step in an operating procedure.

3.37. As to paragraph 3.37 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that as of January 28, 2011, certain operating procedures for the DHT startup, shutdown, temporary, and emergency operations contained icons. Tesoro denies that there is any legal prohibition against the use of icons in operating procedures.

3.38. As to paragraph 3.38 of the Complaint, Tesoro denies each and every allegation contained therein.

3.39. As to paragraph 3.39 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that as of January 28, 2011, certain operating procedures for the CCU, Alky/BI, CU/VF, and ROSE units startup, shutdown, temporary operations, and emergency operations, may not have identified a specific individual responsible for executing each step in the procedures. Tesoro further denies that there is any legal requirement to identify an individual responsible for executing each step in an operating procedure.

3.40. As to paragraph 3.40 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that as of January 28, 2011, certain operating procedures for the CCU, Alky/BI, CU/VF, and ROSE units startup, shutdown, temporary operations, and emergency operations contained icons. Tesoro further denies that there is any legal prohibition on the use of icons in operating procedures.

3.41. As to paragraph 3.41 of the Complaint, Tesoro denies each and every allegation contained therein.

3.42. As to paragraph 3.42 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that operators rely upon, among other things, the operating limits, the DHT manual, and operator training for conducting DHT normal operations.

3.43. As to paragraph 3.43 of the Complaint, Tesoro denies each and every allegation contained therein.

3.44. As to paragraph 3.44 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that operators rely upon, among other things, the operating

limits, the CCU, Alky/BI, CU/VF, and ROSE unit manuals, and operator training for conducting CCU, Alky/BI, CU/VF, and ROSE normal operations.

3.45. As to paragraph 3.45 of the Complaint, Tesoro denies each and every allegation contained therein.

3.46. As to paragraph 3.46 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that operators rely upon, among other things, the operating limits, the E-6611 NHT unit manuals, and operator training for conducting E-6611 NHT normal operations.

3.47. As to paragraph 3.47 of the Complaint, Tesoro denies each and every allegation contained therein.

3.48. As to paragraph 3.48 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that operators rely upon, among other things, the operating limits, the BSU unit manuals, and operator training for conducting BSU normal operations.

3.49. As to paragraph 3.49 of the Complaint, Tesoro denies each and every allegation contained therein.

3.50. As to paragraph 3.50 of the Complaint, Tesoro denies each and every allegation contained therein.

3.51. As to paragraph 3.51 of the Complaint, Tesoro denies each and every allegation contained therein. Tesoro further denies that the cited regulation requires such instructions for the E-6611 NHT.

3.52. As to paragraph 3.52 of the Complaint, Tesoro denies each and every allegation contained therein.

3.53. As to paragraph 3.53 of the Complaint, Tesoro denies each and every allegation contained therein.

3.54. As to paragraph 3.54 of the Complaint, Tesoro denies each and every allegation contained therein.

3.55. As to paragraph 3.55 of the Complaint, Tesoro denies each and every allegation contained therein.

3.56. As to paragraph 3.56 of the Complaint, Tesoro denies each and every allegation contained therein.

3.57. As to paragraph 3.57 of the Complaint, Tesoro denies each and every allegation contained therein.

3.58. As to paragraph 3.58 of the Complaint, Tesoro denies each and every allegation contained therein. Tesoro further denies that the cited regulation requires separate written operating procedures for startup, shutdown, temporary operations or emergency operations solely for the E-6611 exchangers.

3.59. As to paragraph 3.59 of the Complaint, Tesoro denies each and every allegation contained therein.

3.60. As to paragraph 3.60 of the Complaint, Tesoro denies each and every allegation contained therein.

3.61. As to paragraph 3.61 of the Complaint, Tesoro denies each and every allegation contained therein.

#### **Violation V**

3.62. As to paragraph 3.62 of the Complaint, Tesoro denies each and every allegation contained therein.

3.63. As to paragraph 3.63 of the Complaint, Tesoro denies each and every allegation contained therein.

3.64. As to paragraph 3.64 of the Complaint, Tesoro denies each and every allegation contained therein.

3.65. As to paragraph 3.65 of the Complaint, Tesoro denies each and every allegation contained therein.

## **MECHANICAL INTEGRITY**

3.66. As to paragraph 3.66 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

3.67. As to paragraph 3.67 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

3.68. As to paragraph 3.68 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

## **Violation VI**

3.69. As to paragraph 3.69 of the Complaint, Tesoro denies each and every allegation contained therein.

3.70. As to paragraph 3.70 of the Complaint, Tesoro denies each and every allegation contained therein.

3.71. As to paragraph 3.71 of the Complaint, Tesoro denies each every allegation contained therein. Tesoro further denies that the cited regulation requires vibration testing on covered rotating process equipment.

3.72. As to paragraph 3.72 of the Complaint, Tesoro denies each every allegation contained therein.

## **COMPLIANCE AUDITS**

3.73. As to paragraph 3.73 of the Complaint, this paragraph contains EPA's characterization of regulations, to which no response is required. To the extent a response is

deemed required, Tesoro denies each and every allegation contained therein, except to refer to the language of the referenced regulation, which speaks for itself.

#### **Violation VII**

3.74. As to paragraph 3.74 of the Complaint, Tesoro denies each every allegation contained therein. Tesoro further denies that the cited regulation requires that RMP Compliance Audits evaluate all RMP covered processes.

3.75. As to paragraph 3.75 of the Complaint, Tesoro denies each and every allegation contained therein, except to admit that the target completion dates for the referenced action items were set in accordance with Tesoro's written audit procedure, which expressly authorizes completion dates in excess of one year.

#### **ENFORCEMENT AUTHORITY**

3.76. As to paragraph 3.76 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

#### **IV. PROPOSED PENALTY ORDER**

4.1. As to paragraph 4.1 of the Complaint, Tesoro denies each and every allegation contained therein.

4.2. As to paragraph 4.2 of the Complaint, Tesoro denies each and every allegation contained therein.

4.3. As to paragraph 4.3 of the Complaint, Tesoro denies each and every allegation contained therein. Tesoro further responds that the proposed penalty is unreasonable, excessive, and arbitrary and capricious.

4.4. As to paragraph 4.4 of the Complaint, Tesoro denies each and every allegation contained therein.

## **V. OPPORTUNITY TO REQUEST A HEARING**

5.1. Tesoro hereby requests a formal hearing to contest all material facts alleged in the Administrative Complaint, as well as the appropriateness of the proposed penalty, pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

5.2. As to paragraph 5.2 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein as it relates to Tesoro.

## **VI. FAILURE TO FILE AN ANSWER**

6.1. As to paragraph 6.1 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

6.2. As to paragraph 6.2 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

## **VII. INFORMAL SETTLEMENT CONFERENCE**

7.1. As to paragraph 7.1 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

7.2. As to paragraph 7.2 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

7.3. As to paragraph 7.3 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

**VIII. PAYMENT OF PENALTY**

8.1. As to paragraph 8.1 of the Complaint, this paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, Tesoro denies each and every allegation contained therein.

**IX. AFFIRMATIVE DEFENSES**

9.1. Tesoro denies each and every allegation of the Complaint not specifically admitted.

9.2. EPA's claims are barred, in whole or in part, because the Complaint fails to state a claim upon which relief can be granted.

9.3. EPA's claims are barred, in whole or in part, by the applicable statute(s) of limitations.

9.4. EPA's claims are barred, in whole or in part, because the Clean Air Act's implementing regulations and agency guidance did not provide and have not provided fair notice of the interpretations of law now advanced in the Complaint. Accordingly, EPA's efforts to enforce retroactively those new interpretations deprive Tesoro of Due Process of law and Equal Protection of the laws as guaranteed by the Fifth Amendment to the Constitution of the United States, and the Administrative Procedure Act, 5 U.S.C. §§ 551-59.

9.5. EPA's claims are barred, in whole or in part, because EPA seeks to impose an excessive fine in violation of the Eighth Amendment to the United States Constitution.

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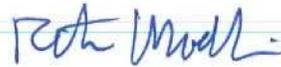
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9.6. EPA's claims are barred, in whole or in part, because the Risk Management Program regulations at 40 C.F.R. Part 68 are performance standards, and EPA improperly seeks to substitute its judgment for Tesoro's.

Dated this 11th day of May, 2016.

Peter S. Modlin



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Peter S. Modlin (State Bar No. 151453)  
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San Francisco, California 94105  
(415) 393-8200  
Attorneys for Respondent

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

In the Matter of:	)	
	)	Docket No. CAA-10-2016-0044
TESORO REFINING &	)	
MARKETING COMPANY LLC	)	
Anacortes, Washington	)	Proceeding to Assess a Civil Penalty
	)	Under Section 113(d) of the Clean
Respondent.	)	Air Act, 42 U.S.C. § 7413(d)
	)	
	)	
	)	

**TESORO REFINING & MARKETING COMPANY LLC'S REQUEST FOR A  
HEARING**

Defendant Tesoro Refining & Marketing Company LLC hereby requests a formal hearing to contest all material facts alleged as well as the appropriateness of the proposed penalty in the U.S. Environmental Protection Agency's Administrative Complaint, pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

Dated this 11th day of May, 2016.

Peter S. Modlin



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Peter S. Modlin (State Bar No. 151453)  
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San Francisco, California 94105  
(415) 393-8200  
Attorneys for Respondent

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

In the Matter of:	)	
	)	Docket No. CAA-10-2016-0044
TESORO REFINING AND	)	
MARKETING COMPANY, LLC	)	
Anacortes, Washington	)	Proceeding to Assess a Civil Penalty
	)	Under Section 113(d) of the Clean
Respondent.	)	Air Act, 42 U.S.C. § 7413(d)
	)	
	)	

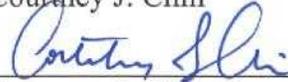
**CERTIFICATE OF SERVICE**

I hereby certify that the original copy of Respondent Tesoro Refining and Marketing Company, LLC's Answer to the Complaint and the original copy of Respondent Tesoro Refining Marketing Company, LLC's Request for a Hearing were sent this day by Federal Express overnight delivery service to the address indicated below:

Robert Hartman, Assistant Regional Counsel  
EPA Region 10  
1200 Sixth Ave., Suite 900  
Mail Stop: ORC-113  
Seattle, WA 98101

Dated this 11th day of May, 2016.

Courtney J. Chin



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Attorneys for Respondent