

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**



IN THE MATTER OF:)
)
)
)
)
Par Hawaii Refining, LLC)
91-325 Komohana Street)
Kapolei, HI 96707)
)
)
Respondent.)

Docket No.
CAA(112r)-09-2020-0074

**CONSENT AGREEMENT
AND FINAL ORDER
40 C.F.R. §§ 22.13 and 22.18**

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 113(a)(3)(A) and (d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. §§ 7413(a)(3)(A) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region IX (“EPA”).
3. Respondent is Par Hawaii Refining, LLC.
4. The Administrator of EPA has delegated to the Regional Administrators the authority to sign consent agreements memorializing settlements of enforcement actions under the CAA. Delegation 7-6-A, dated August 4, 1994. The Regional Administrator, EPA Region IX, in turn, has re-delegated this authority to the Director of the Enforcement and Compliance Assurance Division. Regional Delegation R9-7-6-A, dated February 11, 2013. On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division is therefore delegated the authority to

settle civil administrative penalty proceedings under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

5. This Consent Agreement and Final Order (“CA/FO”), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations.

6. EPA and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CA/FO. Respondent agrees to comply with the terms of this CA/FO.

7. Respondent does not admit any liability arising out of the occurrences alleged in this CA/FO.

B. GENERAL ALLEGATIONS

8. Respondent owns and operates the Par West Refinery located at 91-480 Malakole Street in Kapolei, Hawaii (“Facility”). Respondent performs oil refining operations and produces various products from the crude unit, including off-gas and liquified petroleum gas (“LPG”) (C3-C5 Mix), whole straight run (“WSR”) naphtha, jet fuel, diesel, and atmospheric and vacuum gas oil.

9. On March 25-28, 2019, EPA performed an inspection of the Facility pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), Sections 304-312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. §§ 11004-12, and Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9603(a). Based upon the information gathered during this inspection and subsequent investigation, EPA asserts that Respondent violated certain provisions of the CAA.

10. At all times relevant to this CA/FO, Respondent has been a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

11. At all times relevant to this CA/FO, the Facility has been a “stationary source” as defined by Sections 111(a)(3) and 112(a)(3) of the CAA, 42 U.S.C. §§ 7411(a)(3) and 7412(a)(3).
12. At all times relevant to this CA/FO, Respondent has been the “owner or operator” of the Facility as defined by Sections 111(a)(5) and 112(a)(9) of the CAA, 42 U.S.C. §§ 7411(a)(5) and 7412(a)(9).
13. At all times relevant to this CA/FO, Respondent has been the “owner or operator” of a stationary source that has a regulated substance in an amount equal to or in excess of the applicable threshold quantity in a “process” as defined by 40 C.F.R. § 68.3, and is subject to the Program 3 RMP requirements.
14. Respondent is subject to the powers vested in the EPA Administrator by Section 113 of the CAA, 42 U.S.C. § 7413.
15. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to assess civil penalties for any violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).
16. Pursuant to Section 112(r)(7) of the CAA, 2 U.S.C. § 7412(r), and its implementing regulations, owners, and operators of stationary sources at which a regulated substance is present in more than a threshold quantity (“TQ”) must prepare and implement a risk management plan (“RMP”) to detect and prevent or minimize accidental releases of such substances from the stationary sources in order to protect human health and the environment.
17. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), EPA established a TQ for each “regulated substance” at or above which a facility using such a substance in one or more processes shall be subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). For substances designated as “regulated flammable substances,” the TQs are specified at 40 C.F.R. § 68.130, Tables 3 and 4.

18. At all times relevant to this CA/FO, Respondent had 10,000 pounds or more of regulated flammable substances, including a combination of Isobutane, Isopentane, Butane, Methane, Pentane, Propane, Hydrogen, and Ethane, in one or more processes at its Facility, exceeding the TQ for one or more of those substances. Since EPA's inspection, Respondent has shut down the Facility by removing regulated flammable substances. Restarting the Facility will require returning regulated flammable substances at or exceeding the TQ to the Facility.

C. **ALLEGED VIOLATIONS**

COUNT I

(Failure to comply with management system requirements)

19. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

20. 40 C.F.R. § 68.15(a) requires owners and operators of a stationary source with processes subject to Program 2, which imposes streamlined prevention program requirements, or Program 3, which imposes the Occupational Safety and Health Administration's process safety management standard, to develop a management system to oversee the implementation of the RMP elements.

21. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to provide a complete and up to date copy of the Management of Organizational Change report indicating the transfer of ownership from Island Energy Services, LLC to Respondent on December 18, 2018.

22. By failing to comply with the management system requirements, Respondent violated 40 C.F.R. § 68.15(a).

COUNT II

(Failure to comply with process safety information requirements for consequences of deviation)

23. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

24. 40 C.F.R. § 68.65(a) requires owners and operators to complete a compilation of written process safety information before conducting any process hazard analysis, including information pertaining to the technology of the process and information pertaining to the equipment in the process.

25. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to maintain an up to date compilation of written process safety information in the control room. EPA's inspection team observed that the printed consequence of deviation compilation was an outdated version that was not up to date with the electronic version that was accessible on the control room computer.

26. By failing to comply with the process safety information maintenance requirements for consequences of deviation, Respondent violated 40 C.F.R. § 68.65(a).

COUNT III

(Failure to comply with process safety information for the maximum intended inventory)

27. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

28. 40 C.F.R. § 68.65(c)(1)(iii) specifies that owners and operators shall complete a compilation of process safety information before conducting any process hazard analysis and information pertaining to the technology of the process (any activity involving a regulated substance) shall include the maximum intended inventory.

29. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to accurately maintain information for the maximum intended inventory for the

crude unit process. The dimensions used in the calculations to determine the maximum intended inventories for crude units V-5116 and C-5100 did not match the dimensions of the vessels indicated on the corresponding Piping and Instrumentation Diagrams (“P&IDs”).

30. By failing to comply with the process safety information requirements for maximum intended inventory, Respondent violated 40 C.F.R. § 68.65(c)(1)(iii).

COUNT IV

(Failure to comply with the process safety information requirements for piping and instrumentation design)

31. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

32. 40 C.F.R. § 68.65(d)(1) specifies that owners and operators shall complete a compilation of process safety information before conducting any process hazard analysis and information pertaining to the equipment in the process (any activity involving a regulated substance), which includes: (i) materials of construction; (ii) P&IDs; (iii) electrical classification; (iv) relief system design and design basis; (v) ventilation system design; (vi) design codes and standards employed; (vii) material and energy balances for processes built after June 21, 1999; and (viii) safety systems (e.g. interlocks detection or suspension systems).

33. Based on EPA’s inspection and information gathered during EPA’s investigation, Respondent failed to keep up to date information pertaining to the equipment in the process for the crude unit; specifically P&ID 51-HA-1009 Revision 20 was outdated. EPA’s inspection team observed discrepancies during the field verification of P&ID 51-HA-1009 Revision 20. P&ID 51-HA-1009 Revision 20 shows a blinded 4-inch manual valve after the intersection of pressure control valve PV159 and a bypass line, but the field verification during the inspection showed the 4-inch manual valve is on the bypass line.

34. By failing to comply with the process safety information requirements for P&IDs, Respondent violated 40 C.F.R. § 68.65(d)(1)(ii).

COUNT V

(Failure to comply with the process hazard analysis)

35. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

36. 40 C.F.R. § 68.67(c) requires that the process hazard analysis address engineering and administrative controls applicable to the hazards and their interrelationships, including stationary source siting.

37. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to evaluate the effect of the hazards of explosion or fires from nearby LPG storage spheres on its occupied buildings.

38. By failing to comply with the process hazard analysis requirements, Respondent violated 40 C.F.R. § 68.67(c).

COUNT VI

(Failure to comply with operating procedures for the crude unit)

39. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

40. 40 C.F.R. § 68.69(a) requires that owners or operators develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and requires owners or operators to address certain elements including safety systems and their functions.

41. 40 C.F.R. § 68.69(b) requires that operating procedures shall be readily accessible to employees who work in or maintain a process.

42. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to provide clear written instructions for safely conducting activities related to the crude unit emergency operating procedures; specifically, the emergency shutdown procedures were unclear.

43. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to have the operating procedures readily accessible to employees who work in or maintain the crude unit process. The printed copy of the operating procedure for Emergency Shutdown of the Crude Unit (51-EP-101) that Respondent produced upon request was outdated.

44. By failing to comply with the operating procedures requirements for the crude unit, Respondent violated 40 C.F.R. §§ 68.69(a) and 68.69(b).

COUNT VII

(Failure to comply with operating procedures for current operating practices)

45. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

46. 40 C.F.R. § 68.69(c) requires that owners or operators review the operating procedures as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. Owners or operators also are required to certify annually that these operating procedures are current and accurate.

47. Based on EPA's inspection and information gathered during EPA's investigation, Respondent failed to assure that the operating procedures reflected current practices. The operating procedures were not updated to account for changes at the Facility and contained obsolete actions.

48. By failing to comply with the operating procedure requirements for current operating practices, Respondent violated 40 C.F.R. § 68.69(c).

COUNT VIII

(Failure to comply with management of change requirements)

49. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

50. 40 C.F.R. § 68.75(a) requires that owners or operators establish and implement written procedures to manage changes (except for “replacements in kind”) to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process.

51. Based on EPA’s inspection and information gathered during EPA’s investigation, Respondent failed to establish and implement written management of change procedures for taking a fuel gas knock-out drum (V-5152) and taking the pressure regulating equipment of the fuel gas line out of service.

52. By failing to comply with the management of change requirements, Respondent violated 40 C.F.R. § 68.75(a).

COUNT IX

(Failure to comply with compliance audit requirements)

53. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

54. 40 C.F.R. § 68.79(d) requires that owners or operators promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

55. Based on EPA’s inspection and information gathered during EPA’s investigation, Respondent failed to promptly determine appropriate responses to compliance audit findings from the June 2016 compliance audit and document that deficiencies had been corrected.

56. By failing to comply with the compliance audit requirements, Respondent violated 40 C.F.R. § 68.79(d).

COUNT X

(Failure to comply with RMP submittal requirements)

57. Paragraphs 1 through 18, above, are incorporated herein by this reference as if they were set forth here in their entirety.

58. 40 C.F.R. § 68.195(b) requires owners and operators to update the RMP within one month of any change to the contact information.

59. Based on EPA’s inspection and information gathered during EPA’s investigation, Respondent failed to update the emergency contact in the RMP within one month of a change to the emergency contact. Although the emergency contact changed on or around December 20, 2018, the contact information was not updated until June 19, 2019.

60. By failing to comply with the RMP submittal requirements, Respondent violated 40 C.F.R. § 68.195(b).

D. CIVIL ADMINISTRATIVE PENALTY

61. EPA proposes that Respondent be assessed, and Respondent agrees to pay **ONE-HUNDRED TWENTY-THREE THOUSAND AND FOUR HUNDRED AND SIXTY-ONE DOLLARS (\$123,461.00)**, as the civil administrative penalty for the violations alleged herein.

62. The proposed penalty was calculated in accordance with the “Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68” dated June 2012,

and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Inflation Adjustment Rule, 40 C.F.R. Part 19.

E. ADMISSIONS AND WAIVER OF RIGHTS

63. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CA/FO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the CA/FO; (iii) consents to any and all conditions specified in this CA/FO and to the assessment of the civil administrative penalty under Section H of this CA/FO; (iv) waives any right to contest the allegations contained in Section C of the CA/FO; and (v) waives the right to appeal the proposed final order contained in this CA/FO.

64. EPA and Respondent agree that settlement of this matter is in the public interest and that entry of this CA/FO without further litigation is the most appropriate means of resolving this matter.

F. PARTIES BOUND

65. This CA/FO shall apply to and be binding upon Respondent, and its successors and assigns, until such time as the civil penalty required under Section D (and any additional civil penalty required under Section I) have been paid, the compliance tasks under section G have been completed, and any delays in performance and/or stipulated penalties have been resolved.

66. No change in ownership or legal status relating to the Facility will in way alter Respondent's obligations and responsibilities under this CA/FO.

67. Until all the requirements of this CA/FO are satisfied, Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer.

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

G. COMPLIANCE TASKS

69. All submissions required in this section shall be in writing and sent to Don Nixon, electronically at Nixon.don@epa.gov, or, if a hard copy is requested, to:

Don Nixon (ENF-2-2)
Enforcement Compliance and Assurance Division
U.S. Environmental Protection Agency – Region 9
75 Hawthorne Street
San Francisco, CA 94105

70. If Respondent is unable to complete any of the compliance tasks required in this section within the associated schedule, Respondent shall submit a written request, including the basis for the request, for an extension to EPA. Based on this request, EPA may grant or deny an extension to the aforementioned schedule.

71. Relief Valve System Analysis. Conditional to Respondent restarting operations at the crude unit, Respondent shall submit to EPA a certification that: the design cases for the pressure relief devices (“PRD”) have been developed. The PRD certification shall cover the 4 Cogeneration Units and 2 Boilers, if any hydrocarbon processing units resume operation, including operation of the crude unit, and the study will be completed prior to returning any hydrocarbon processing units back to service. The PRD certification shall follow current applicable recognized and generally accepted good engineering practices (“RAGAGEP”). Respondent shall ensure that any critical safety issues identified in the PRD certification (including the possible replacement of PRDs) will be addressed before the hydrocarbon processing resumes at the Facility.

72. Respondent is not required to complete the compliance tasks set forth in this Section if the Respondent does not restart the Facility.

H. PAYMENT OF CIVIL PENALTY

73. Respondent consents to the assessment of and agrees to pay civil administrative penalties of **ONE-HUNDRED TWENTY-THREE THOUSAND AND FOUR HUNDRED AND SIXTY-ONE DOLLARS (\$123,461.00)** in settlement of the civil penalty claims made in this CA/FO. This CA/FO constitutes a settlement of all claims for the violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), alleged in Section C above.

74. Respondent shall pay the assessed penalty according to the terms of this CA/FO and Attachment 1, attached hereto, which specifies an installment payment plan and interest schedule.¹

75. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the appropriate EPA docket number of this action. Payment shall be made by corporate, certified, or cashier's checks payable to "Treasurer of the United States" and sent as follows:

Regular Mail:

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

Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077

St. Louis, MO 63101
Contact: Natalie Pearson (314-418-4087)

¹ This installment payment plan is based on Respondent's certification that the COVID-19 public health emergency has negatively impacted Respondent's financial health. Any false statement made in the certified statement may result in voiding the payment schedule, require immediate payment of the full penalty amount, and subject Respondent to further penalties. *See Temporary Waiver of the June 29, 2015 Guidance on Evaluating a Violator's Ability to Pay a Civil Penalty in an Administrative Enforcement Action Due to the COVID-19 Public Health Emergency*, May 26, 2020.

Alternatively, payment may be made by electronic transfer as provided below:

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17th Street, NW

Washington, DC 20074

Contact - Jesse White (301-887-6548)

ABA = 051036706

Transaction Code 22 - checking

Environmental Protection Agency

Account 31006

CTX Format

Online Payment:

This payment option can be accessed from the information below:

www.pav.gov

Enter "sfol.l" in the search field

Open form and complete required fields

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both:

Regional Hearing Clerk (RC-1)

U.S. Environmental Protection Agency - Region 9

75 Hawthorne Street

San Francisco, CA 94105

Armsey.Steven@epa.gov

And

Don Nixon
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105
Nixon.Donald@epa.gov

76. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), failure to pay the penalty so that it is received by the due date will result in imposition of interest from the Effective Date of this CA/FO at the current interest rate published by the U.S. Treasury, as described at 40 C.F.R. §13.11. In addition, a six percent (6%) per annum penalty that will be assessed monthly will be applied on any principal amount not paid within ninety (90) days of the due date.

77. The penalties specified in this CA/FO shall represent civil administrative penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

78. In the event that Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: FIVE HUNDRED DOLLARS (\$500) per day for each day of delay. Compliance by Respondent shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

79. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day until performance is complete. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of a written demand by EPA for such

penalties. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of penalties in Section H of the CA/FO.

80. If a stipulated penalty is not paid in full, interest shall begin to accrue on the unpaid balance at the end of the fifteen-day period at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11. EPA reserves the right to take any additional action, including but not limited to, the imposition of civil penalties, to enforce compliance with this CA/FO or with the CAA and its implementing regulations.

81. The payment of stipulated penalties specified in this Section shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

82. Notwithstanding any other provision of this section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.

J. RESERVATION OF RIGHTS

83. Except as addressed in this CA/FO, EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under the CAA or any other statutory, regulatory, or common law enforcement authority of the United States. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under the CAA, or any other statutory, regulatory, or common law enforcement authority in the United States.

84. Compliance by Respondent with the terms of this CAFO shall not relieve Respondent of its obligations to comply with the CAA, or any other applicable local, state, tribal, or federal laws

and regulations. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, state, tribal, or federal permits nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, tribal, state, or local permit.

85. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement action should EPA determine that such actions are warranted except as it relates to those matters resolved by this CA/FO. Full payment of the penalty proposed herein and compliance with the conditions stated in Paragraph 70 shall resolve Respondent's liability for federal civil penalties for the violations and facts alleged herein.

86. EPA reserves its right to seek reimbursement from Respondent for such additional costs as may be incurred by the United States in the event of delay of performance as provided by this CA/FO.

K. MISCELLANEOUS

87. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

88. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

89. Each party to this action shall bear its own costs and attorneys' fees.

90. Respondent consents to entry of this CA/FO without further notice.


L. EFFECTIVE DATE

91. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.


Respondent Par Hawaii Refining, LLC

DATE: 30 September 2020

BY: 
James Matthew Vaughn
Chief Administrative Officer and General Counsel

United States Environmental Protection Agency, Region 9

DATE: _____

BY: **AMY MILLER-**
BOWEN 
Amy C. Miller-Bowen
Director, Enforcement and Compliance Assurance
Division

Digitally signed by
AMY MILLER-BOWEN
Date: 2020.09.30
12:30:35 -07'00'

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. Sections 22.13 and 22.18 (Docket No. CAA (112r)-09-2020-0074) be entered and that Respondent pay as civil penalty ONE-HUNDRED TWENTY-THREE THOUSAND AND FOUR HUNDRED SIXTY-ONE DOLLARS (\$123,461.00) due within sixty (60) days from the Effective Date of this CA/FO, in accordance with all terms and conditions of this CA/FO.

Steven L. Jawgiel

Digitally signed by Steven L. Jawgiel

Date: 2020.09.30 13:47:10 -07'00'

Date

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

ATTACHMENT 1

INSTALLMENT PAYMENT AND INTEREST SCHEDULE

DOCKET NO. CAA-09-2020-0074

Principal	Days	Interest Payment	Principal Payment	Installment Payment
\$ 123,461.00	30	\$ 0	\$41,153.67	\$ 41,153.67
\$ 82,307.33	150	\$ 685.89	\$41,153.67	\$ 41,839.56
\$ 41,153.67	180	\$ 411.54	\$41,153.67	\$ 41,565.20
Totals	360	\$ 1,097.43	\$123,461.00	\$ 124,558.43

1st Installment: \$41,153.67 (Due within 30 days of the effective date of the CA/FO)

2nd Installment: \$41,839.56 (Due within 180 days of the effective date of the CA/FO)

3rd Installment: \$41,565.20 (Due within 360 days of the effective date of the CA/FO)

Total Payment: \$124,558.43

CERTIFICATE OF SERVICE

This is to certify that the fully executed Consent Agreement and Final Order in the matter of *Par Hawaii Refining LLC, CAA(112r)-09-2020-0074*, was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following parties:

FOR RESPONDENT: James Matthew Vaughn
Chief Administrative Officer and General Counsel
Par Pacific Holdings, Inc.
mvaughn@parpacific.com

Kevin Collins
Bracewell LLP
Kevin.Collins@bracewell.com

FOR COMPLAINANT: Ylan Nguyen
Assistant Regional Counsel
U.S. EPA, Region IX
Nguyen.Ylan@epa.gov

Steven Armsey
Regional Hearing Clerk

Date