

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

In the matter of:	)	U.S. EPA Docket No.
	)	
	)	MM-09-2025-0061
	)	
Ultramar Inc., a Nevada corporation,	)	
dba Valero Wilmington	)	
Refinery	)	
	)	CONSENT AGREEMENT AND
	)	FINAL ORDER PURSUANT TO
Respondent.	)	40 C.F.R. SECTIONS 22.13 AND
	)	22.18
_____	)	



**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is a civil administrative enforcement action instituted pursuant to Sections 113(a)(3)(A) and (d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. §§ 7413(a)(3)(A), (d), Section 325(b) of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, as codified at 40 Code of Federal Regulations (C.F.R.) Part 22 (“Consolidated Rules”).
2. The Administrator has delegated enforcement authority under CAA Section 113(d), 42 U.S.C. § 7413(d), and EPCRA Section 325(b), 42 U.S.C. § 11045(b), to the Regional Administrator of the EPA Region 9, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, hereinafter, “Complainant.”
3. Respondent is Ultramar, Inc., a Nevada corporation, dba Valero Wilmington Refinery (“Respondent”).
4. This Consent Agreement and Final Order (CA/FO), which contains the elements of a complaint required by 40 C.F.R. § 22.14(a)(1)-(3) and (8), simultaneously commences

and concludes this penalty proceeding, as authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

5. Complainant and Respondent agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interest and in the public interest.

## **B. PARTIES BOUND**

6. This CA/FO shall apply to and be binding on Respondent, and its successors and assigns until such time as the civil penalty required under Section F has been paid, the conditions under the CA/FO have been completed, and any delays in performance and/or stipulated penalties have been resolved. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CA/FO.

## **C. STATUTORY AND REGULATORY FRAMEWORK**

7. Pursuant to CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), 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 release of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.
8. CAA Sections 111(a)(3) and 112(a)(3), 42 U.S.C. §§ 7411(a)(3) and 7412(a)(3), define "stationary source" as "any building, structure, facility, or installation which emits or may emit any air pollutant."
9. Under CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.10(i), the owner or operator of a covered stationary source with a process in an NAICS code listed in 40 C.F.R. § 68.10(l)(1) or subject to the OSHA process safety management standard set forth in 29 C.F.R. § 1910.119 is subject to the "Program 3" requirements set forth in 40 C.F.R. § 68.12(d).
10. Hydrofluoric Acid is a "regulated toxic substance" listed under CAA Section 112(r)(3), 42 U.S.C. § 7412(r)(3), with a TQ of 1,000 lbs. See 40 C.F.R. § 68.130, Tables 1 and 2.
11. Under CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.12(d), facilities subject to the Program 3 requirements are required to implement the prevention requirements set forth in 40 C.F.R. §§ 68.65 through 68.87 and the emergency response program requirements set forth in 40 C.F.R. §§ 68.90 through 68.96.

12. Section 304 of EPCRA, 42 U.S.C. § 11004, requires the owner or operator of a facility at which a hazardous chemical is produced, used, or stored to immediately notify the appropriate governmental entities of any release of an extremely hazardous substance that meets or exceeds the RQ listed pursuant to Section 302 of EPCRA, 42 U.S.C. § 11002. The notification must be given to the local emergency planning committee ("LEPC") and to the state emergency planning commission ("SERC") for each area and state likely to be affected by the release.
13. Sulfur Dioxide is an "extremely hazardous substance" as defined under Section 329(3) of EPCRA, 42 U.S.C. § 11049(3). The RQ for sulfur dioxide as listed in 40 C.F.R. Part 355, Appendix A, is 500 pounds.

#### **D. GENERAL ALLEGATIONS**

14. At all times relevant to this CA/FO, Respondent has been a "person" as defined in CAA Section 302(e), 42 U.S.C. § 7602(e), and EPCRA Section 329(7), 42 U.S.C. § 11049(7).
15. At all times relevant to this CA/FO, Respondent operated a facility (the "Facility") located at 2402 East Anaheim Street, Wilmington, California, that refines petroleum products using a hydrofluoric acid alkylation process.
16. On June 2-3, 2022, EPA performed an inspection of the Facility to evaluate compliance with the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") Section 103, 42 U.S.C. § 9603, EPCRA Sections 304-312, 42 U.S.C. §§ 11004-12, and CAA Section 112(r), 42 U.S.C. § 7412(r) (the "Inspection"). Based upon the information gathered during the Inspection and subsequent investigation, EPA asserts that Respondent violated certain provisions of the CAA and EPCRA.
17. At all times relevant to this CA/FO, Respondent has been the "owner or operator" of the Facility, which is a "stationary source" that has at least one regulated substance in an amount equal to or in excess of the applicable TQ in a "process" as defined by 40 C.F.R. § 68.3. The distance to a toxic or flammable endpoint for a worst-case release assessment includes public receptors, and the Facility's North American Industry Classification System code is 32411, therefore it is subject to the Program 3 requirements provided in 40 C.F.R §§ 68.65 to 68.87.
18. The Facility is also a "facility" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

## **E. ALLEGED VIOLATIONS**

### **Count I**

#### **(Failure to Comply with Offsite Consequence Analysis Requirements)**

19. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
20. Under 40 C.F.R. § 68.25(a)(2), the owner or operator of a facility must analyze and report in the RMP one worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint from an accidental release of a regulated toxic substance. 40 C.F.R. § 68.25(b) and (c) specify criteria for determining the worst-case release quantity, and worst-case release rate to be used in modeling a toxic gas release scenario.
21. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent failed to use an appropriate release quantity and release rate in modeling its worst-case toxic gas release scenario.
22. Accordingly, EPA alleges that by failing to use appropriate modeling parameters in modeling its worst-case release of a toxic gas, Respondent violated the offsite consequence analysis requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.25.

### **Count 2**

#### **(Failure to Comply with Process Safety Information Requirements)**

23. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
24. Under 40 C.F.R. § 68.65(d)(1)(ii), the owner or operator of a facility is required to maintain piping and instrument diagrams (P&IDs) pertaining to the equipment in the process.
25. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent failed to maintain accurate P&IDs for process equipment depicted in two P&IDs.
26. Accordingly, EPA alleges that by failing to maintain accurate P&IDs, Respondent violated the process safety information requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.65.

**Count 3**

**(Failure to Comply with Process Hazard Analysis Requirements – Consequences of Failure Analysis)**

27. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
28. Under 40 C.F.R. § 68.67(c), the owner or operator of a facility must address the consequences of failure of engineering and administrative controls and must provide a qualitative evaluation of a range of the possible safety and health effects of failure of controls in its process hazard analysis.
29. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent did not adequately address the consequences of a loss of power to the entire unit on safety and mitigation systems and failed to analyze the safety and health effects from such power loss in its process hazard analysis.
30. Accordingly, EPA alleges that by failing to adequately address the consequences of a complete power loss in its process hazard analysis, Respondent violated the process hazard analysis requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.67(c).

**Count 4**

**(Failure to Comply with Process Hazard Analysis Requirements – Prompt Resolution of Recommendations)**

31. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
32. Under 40 C.F.R. § 68.67(e), the owner or operator of a facility must establish a system to promptly address findings and recommendations from the process hazard analysis and to assure that the recommendations are resolved in a timely manner.
33. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent failed to promptly address and resolve a recommendation from its 2009 Reduced Volatility Alkylation Process PHA revalidation, related to failure of the water drainage system to adequately handle acidic wastewater during an HF release.
34. Accordingly, EPA alleges that by failing to promptly address this recommendation from the 2009 PHA revalidation, Respondent violated the process hazard analysis requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.67(e).

**Count 5**

**(Failure to Comply with Operating Procedures Requirements)**

35. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
36. Under 40 C.F.R. § 68.69(a), the owner or operator of a facility must develop and implement written operating procedures that identify, among other things: operating limits and consequences of deviation from such limits; safety and health considerations, such as process chemical hazards, personal protective equipment required to prevent exposure, and control measures to be taken if exposure occurs; and safety systems and their functions.
37. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent failed to directly include information related to operating limits, safety and health considerations, and safety systems in the operating procedures and “Job Aids” reviewed by EPA inspectors.
38. Accordingly, EPA alleges that by failing to include required information in the Facility’s written operating procedures, Respondent violated the operating procedures requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.69(a).

**Count 6**

**(Failure to Comply with Incident Investigation Report Requirements)**

39. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
40. Under 40 C.F.R. § 68.81(d), the owner or operator of a facility must investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release, and prepare a report that includes certain information, including the dates on which incident investigations began.
41. Based upon the Inspection and subsequent investigation, EPA asserts that Respondent failed to include the dates on which incident investigations began in nineteen incident investigation reports between 2018 and 2021.
42. Accordingly, EPA alleges that by failing to include the dates on which incident investigations began in these reports Respondent violated the incident investigation report requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.81(d).

**Count 7**

**(Failure to Immediately Notify the SERC/LEPC of a Release of a RQ of Sulfur Dioxide)**

43. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
44. On June 11, 2018, Respondent's Facility released a RQ of sulfur dioxide. Respondent had actual or constructive knowledge of the sulfur dioxide release at 1:01am, but Respondent failed to notify the California Office of Emergency Services ("CalOES") until 3:27am on June 11, 2018.
45. By failing to immediately notify CalOES as soon as it had knowledge of the release of a reportable quantity of sulfur dioxide on June 11, 2018, Respondent violated Section 304 of EPCRA, 42 U.S.C. §11004.

**Count 8**

**(Failure to Immediately Notify the SERC/LEPC of a Release of a RQ of Sulfur Dioxide)**

46. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
47. On June 1, 2020, Respondent released a RQ of sulfur dioxide from the Facility. Respondent had actual or constructive knowledge of the sulfur dioxide release at 11:19pm, but Respondent failed to notify the California Office of Emergency Services ("CalOES") until 12:17am on June 2, 2020.
48. By failing to immediately notify CalOES as soon as it had knowledge of the release of a reportable quantity of sulfur dioxide on June 1, 2020, Respondent violated Section 304 of EPCRA, 42 U.S.C. §11004.

**Count 9**

**(Failure to Immediately Notify the SERC/LEPC of a Release of a RQ of Sulfur Dioxide)**

49. Paragraphs 1 through 20, above, are incorporated herein by this reference as if they were set forth here in their entirety.
50. On May 28, 2021, Respondent released a RQ of sulfur dioxide from the Facility. Respondent had actual or constructive knowledge of the sulfur dioxide release at 3:05pm on May 28, 2021, but Respondent failed to notify CalOES until 10:59am on June 10, 2021.
51. By failing to immediately notify CalOES as soon as it had knowledge of the release of a reportable quantity of sulfur dioxide on May 28, 2021, Respondent violated Section 304 of EPCRA, 42 U.S.C. §11004.

## **F. CIVIL PENALTY**

52. Respondent agrees to pay a civil penalty in the amount of TWO HUNDRED AND SEVENTY THOUSAND, FOUR HUNDRED AND THIRTY-SEVEN DOLLARS (\$270,437) ("Assessed Penalty") within ninety (90) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO as defined in Section N, below, is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

53. Respondent shall pay the Assessed Penalty and any interest, fees, and other changes 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>.

54. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, MM-09-2025-0061.
- b. Concurrently with any payment or within 48 hours of any payment, Respondent shall serve proof of such payment to the following persons via electronic mail:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
[R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

Rick Sakow  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 9  
[sakow.rick@epa.gov](mailto:sakow.rick@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Department  
[CINWD\\_AcctsReceivable@epa.gov](mailto: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 Respondent's name.



55. 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 Respondent fails 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 Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails 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.

56. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails 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 Respondent's licenses or other privileges, or suspend or disqualify Respondent 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.
57. 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.
58. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

#### **G. ADMISSIONS AND WAIVERS OF RIGHTS**

59. In accordance with 40 CFR § 22.18(b), for the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of this CA/FO; (b) neither admits nor denies specific factual allegations contained in this CA/FO; (c) consents to the assessment of the civil penalty Set forth in Section F above and to any conditions specified in this CA/FO; and (d) waives any right to contest the allegations and its right to appeal the final order accompanying this consent agreement.
60. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

#### **H. CERTIFICATION OF COMPLIANCE**

61. In executing this CA/FO, Respondent certifies that under penalty of law to EPA that it has taken all steps necessary to return to full compliance with CAA Section 112(r), 42 U.S.C. § 7412(r), and its implementing regulations, that formed the basis for the violations alleged in this CA/FO.

#### **I. DELAY IN PERFORMANCE/STIPULATED PENALTIES**

62. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: ONE THOUSAND DOLLARS (\$1,000) per day for the first to fifteenth day of delay, TWO THOUSAND DOLLARS (\$2,000) per day for the sixteenth to thirtieth day of delay, and FIVE THOUSAND DOLLARS (\$5,000) per day for each day of delay thereafter. For the purposes of this Section, Respondent's

obligation to meet any and all requirements set for this in this CA/FO shall include completion of any and all activities required under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

63. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
64. 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. All stipulated penalties owed to EPA shall be due within thirty (30) days of receipt by Respondent of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due.
65. In addition to any stipulated penalties assessed, interest and penalties shall accrue in accordance with 40 C.F.R. § 13.11.
66. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of penalties in Section E of this CA/FO.
67. The payment of stipulated penalties specified in this Section shall not be deducted by Respondent or any other person or entity for federal taxation purposes.
68. 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.

**K. RESERVATION OF RIGHTS**

69. In accordance with 40 C.F.R. § 22.18(c), full compliance with this CA/FO shall only resolve Respondent's liability for federal civil penalties for the violations specifically alleged herein and does not in any case affect the right of the EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
70. This CA/FO will not be construed to create rights in, or grant any cause of action to, any third party not party to this CA/FO.
71. This CA/FO is not a permit or modification of any existing permit issued pursuant to any federal, state, or local laws or regulations. This CA/FO shall in no way relieve or affect Respondent's obligations under any applicable federal, state or local laws, regulations, or permits.

**L. OTHER CLAIMS**

72. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

**M. MISCELLANEOUS**

73. This CA/FO can be signed in counterparts.

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

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

76. EPA and Respondent consent to entry of this CA/FO without further notice.

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

78. 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 Respondent 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 Respondent herein agrees, that:

- a. Respondent 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. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

- c. Respondent shall email its completed Form W-9 to Dana Sherrer in EPA's Cincinnati Finance Department at sherrer.dana@epa.gov, within 30 days after the Effective Date of this CA/FO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date of this CA/FO, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify EPA's Cincinnati Finance Department of this fact, via email, within 30 days after the 30 days after the Effective Date of this CA/FO; and
  - ii. provide Dana Sherrer of EPA's Cincinnati Finance Department with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

**N. EFFECTIVE DATE**

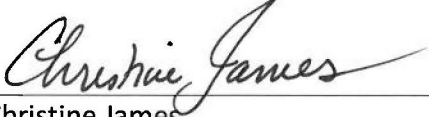
79. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the effective date of this CA/FO (Effective Date) shall be the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

In the Matter of Ultramar, Inc., a Nevada corporation, dba Valero Wilmington Refinery  
Consent Agreement and Final Order

IT IS SO AGREED.

FOR RESPONDENT ULTRAMAR, INC., A NEVADA CORPORATION, DBA VALERO  
WILMINGTON REFINERY:

4/17/25  
Date

  
\_\_\_\_\_  
Christine James  
Vice President and General Manager  
Ultramar Inc., dba Valero Wilmington Refinery

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

AMY MILLER-  
BOWEN

Digitally signed by AMY  
MILLER-BOWEN  
Date: 2025.04.30  
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Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

**FINAL ORDER**

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. MM-09-2025-0061) be entered and that Respondent pay a civil penalty of TWO HUNDRED AND SEVENTY THOUSAND, FOUR HUNDRED THIRTY-SEVEN DOLLARS (\$270,437), due within ninety (90) days from the Effective Date of this Consent Agreement and Final Order, in accordance with all terms and conditions of this Consent Agreement and Final Order.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

BEATRICE  
WONG

Digitally signed by  
BEATRICE WONG  
Date: 2025.05.07  
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Beatrice Wong  
Regional Judicial Officer  
United States Environmental Protection Agency,  
Region IX



### **CERTIFICATE OF SERVICE**

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of Ultramar, Inc. d/b/a Valero Wilmington Refinery (Docket No. , MM-09-2025-0061) was filed with Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

**RESPONDENT:** Christine James  
Vice President & General Manager  
Ultramar, Inc. d/b/a Valero Wilmington Refinery  
2402 East Anaheim Street  
Wilmington, CA 90744  
James.Christine@valero.com

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**COMPLAINANTS:** Tessa Allen  
Assistant Regional Counsel  
U.S. EPA – Region IX  
Hazardous Waste Section I (ORC-3-2)  
75 Hawthorne Street  
San Francisco, CA 94105  
Allen.Tessa@epa.gov

Matthew Trawick  
Assistant Regional Counsel  
U.S. EPA – Region IX  
Hazardous Waste Section I (ORC-3-1)  
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San Francisco, CA 94105  
Trawick.Matthew@epa.gov

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Regional Hearing Clerk  
U.S. EPA – Region IX