



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2013 OCT 29 AM 11:35

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2014-0002

IN THE MATTER OF:

JORE CORPORATION

34837 Innovation Drive
Ronan, MT 59864

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 29th DAY OF October, 2013.



Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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In the Matter of:

Jore Corporation
34837 Innovation Drive
Ronan, Montana 59864

Respondent.

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EXPEDITED CONSENT AGREEMENT

DOCKET NO. : CWA-08-2014-0002

1. Pursuant to 40 C.F.R. § 22.13(b), Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Jore Corporation, by their undersigned representatives to this Expedited Consent Agreement (Agreement), hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) regulations, and agree as follows:
2. The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of the EPA to assess administrative penalties against any person who violates the SPCC regulations, promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.
3. Respondent owns and/or operates Jore Corporation (Facility) located at 34837 Innovation Drive, Ronan, Lake County, Montana.
4. The Facility is located adjacent to an irrigation canal that discharges into Crow Creek approximately one mile southwest of the Facility. Crow Creek is a tributary of the Flathead River, which is a tributary of the Clark Fork River, which is a tributary of the Pend Oreille River, an international water. Discharges of harmful quantities of oil from the Facility

could reasonably be expected to reach navigable waters of the United States or adjoining shorelines.

5. The Facility has a total storage capacity of approximately 50,489 gallons of oil and is subject to the SPCC regulations.
6. Respondent admits its Facility is subject to the SPCC regulations.
7. On August 30, 2012, an EPA inspector conducted a RCRA Compliance Evaluation inspection at the Facility. At the time of the inspection, there was no SPCC Plan in place for the Facility.
8. In a subsequent phone conversation on November 2, 2012, Respondent's representative confirmed that the Facility had not prepared or implemented an SPCC Plan.
9. On August 21, 2013, Respondent submitted an SPCC Plan for the Facility dated August 14, 2013, which was compliant with the SPCC regulations.
10. Respondent admits that from the date of the inspection on August 30, 2012, until August 14, 2013, the Facility did not have an SPCC Plan in compliance with the SPCC regulations found at 40 C.F.R. § 112.3. Therefore, Respondent violated 40 C.F.R. § 112.3.
11. Respondent admits that the EPA has jurisdiction in this proceeding.
12. Respondent waives its right to a hearing before any civil tribunal to contest any issue of law or fact set forth in this Agreement.
13. This Agreement, upon incorporation into a final order, applies to and is binding upon the EPA and upon Respondent and Respondent's successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this Agreement.
14. This Agreement contains all terms of the settlement agreed to by the parties.

15. Respondent consents and agrees to the assessment of a civil penalty of \$1,500.00 for violations of Section 311(j) of the Act, which shall be paid no later than thirty (30) days after the effective date of the Final Order by means of a cashier's or certified check, or by wire transfer. If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency" and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

If the Respondent sends payment by overnight mail, the payment shall be sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Wire transfers shall be directed to:

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."

16. The Respondent shall submit copies of the check (or, in the case of a wire transfer, copies of the confirmation) to the following persons:

**Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129**

and

**Cynthia Peterson
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129**

17. Respondent will implement and maintain an SPCC plan for the Facility in accordance with 40 C.F.R. § 112.
18. Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this Agreement once incorporated into the Final Order, this Agreement is null and void, and the EPA may pursue any applicable enforcement options.
19. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Agreement and to bind Respondent to the terms and conditions of this Agreement.
20. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
21. Each party shall bear its own costs and attorneys fees in connection with this matter.
22. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in paragraph 10 of this Agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By:  Date: 10/24/13
Darcy O'Connor, Director
UIC/FIFRA/OPA Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Jore Corporation, Respondent.

By: Mick Cheff Date: 10-3-13
Name: Mick Cheff
Title: President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT and FINAL ORDER** in the matter **JORE CORPORATION; DOCKET NO.: CWA-08-2014-0002**, was filed with the Regional Hearing Clerk on October 29, 2013.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Brenda Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were resent and placed in the United States mail certified/return receipt on October 29, 2013 to:

Mick Cheff, President
Jore Corporation
34837 Innovation Drive
Ronan, MT 59864

And emailed to:

Kim White
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

October 29, 2013


Tina Artemis
Paralegal/Regional Hearing Clerk

