

FILED

August 11, 2026

2:56PM

U.S. EPA REGION 7
HEARING CLERK

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

JACKSON & SON DISTRIBUTORS, INC.,
dba JACKSON & SON OIL

Seaside, Oregon

Respondent.

DOCKET NO. CWA-10-2025-0023

CONSENT AGREEMENT

Proceedings Under Section 311(b)(6) of the
Clean Water Act, 33 U.S.C. § 1321(b)(6)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 311(b)(6) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6).

1.2. Pursuant to CWA Section 311(b)(6)(A), the EPA is authorized to assess a civil penalty against any owner, operator, or person in charge of an onshore facility from which oil or a hazardous substance is discharged in violation of CWA Section 311(b)(3), 33 U.S.C. § 1321(b)(3), and/or who fails or refuses to comply with any regulation issued under CWA Section 311(j), 33 U.S.C. § 1321(j).

1.3. CWA Section 311(b)(6)(B), 33 U.S.C. § 1321(b)(6)(B), authorizes the administrative assessment of Class I civil penalties in an amount not to exceed \$10,000 per day for each day during which the violation continues, up to a maximum penalty of \$25,000. Pursuant to the 2015 amendments to the Federal Civil Penalty Inflation Adjustment Act, 28 U.S.C. § 2461, and 40 C.F.R. Part 19, the administrative assessment of Class I civil penalties may not exceed \$23,647 per day for each day during which the violation continues, up to a maximum penalty of \$59,114. *See also* 90 Fed. Reg. 1375 (January 8, 2025) (2025 Civil Monetary Penalty Inflation Adjustment Rule).

1.4. Pursuant to CWA Section 311(b)(6)(A) and (b)(6)(B), 33 U.S.C. § 1321(b)(6)(A)

and (B), and in accordance with Section 22.18 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, the EPA issues, and Jackson & Son Distributors Inc., with an assumed business name of (doing business as) Jackson and Son Oil (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement.

II. PRELIMINARY STATEMENT

2.1. The EPA initiated this proceeding for the assessment of a civil penalty pursuant to CWA Section 311(b)(6)(A) by issuing a Complaint against Respondent on December 19, 2024, following issuance of a Notice of Intent by EPA on November 15, 2022 to file a complaint against Respondent for alleged violations of the Clean Water Act based on an EPA September 21, 2021, inspection at its petroleum storage and distribution facility in Seaside, Oregon.

2.2. In response to the NOI, Respondent commenced negotiations with the EPA and performed work to address, correct, and resolve the EPA’s alleged violations, as set forth in the NOI. On December 19, 2024, Respondent transmitted a Professional Engineer certified, signed Spill, Prevention, Control, and Countermeasure Plan (“SPCC Plan”) that it had developed in accordance with 40 C.F.R. Part 112.

2.3. On October 7, 2025, the EPA filed an Amended Complaint against Jackson & Son Oil.

2.4. On December 17, 2025, the EPA filed a Second Amended Complaint that alleged that Respondent failed to prepare and implement an SPCC Plan, in violation of 40 C.F.R. § 112.3.

2.5. The complete factual and jurisdictional basis for proposing an assessment of a civil penalty is set forth in the Second Amended Complaint and is incorporated herein by reference.

2.6. The Administrator has delegated the authority to sign consent agreements between the EPA and the party against whom a penalty is proposed to be assessed pursuant to CWA Section 311(b)(6), 33 U.S.C. § 1321(b)(6), to the Regional Administrator of the EPA Region 10, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”).

III. TERMS OF SETTLEMENT

3.1. Respondent admits the jurisdictional allegations contained in the Second Amended Complaint and incorporated by reference in this Consent Agreement.

3.2. Respondent neither admits nor denies the specific factual allegations contained in the Second Amended Complaint and incorporated by reference in this Consent Agreement.

3.3. As required by CWA Section 311(b)(8), 33 U.S.C. § 1321(b)(8), the EPA has taken into account the seriousness of the alleged violation; Respondent’s economic benefit of noncompliance; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge; the economic impact of the penalty on the violator; and any other matters as justice may require. After considering all of these factors as they apply to this case, the EPA has determined that an appropriate penalty to settle this action is \$47,000 (“Assessed Penalty”).

3.4. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 3.3. Respondent must pay the \$47,000 penalty in three installments with interest, at the current Internal Revenue Service underpayment interest rate of 7 percent, as follows: 1) within 30 days of the effective date of the Final Order, Respondent must pay \$15,667; 2) within 105 days of the effective date of the Final Order, Respondent must pay \$15,667; 3) within 180 days of the effective date of the Final Order, Respondent must pay \$15,666.

Should Respondent choose to pay any remaining portion of the entire proposed civil

settlement penalty prior to the dates outlined in this paragraph, Respondent may do so as long as the civil penalty payment also includes the payment of all of the per annum interest on the remaining balance.

3.5. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, to the “Oil Spill Liability Trust Fund,” as provided on the EPA How to Make a Payment website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>. When making a payment, Respondent shall:

3.5.1. Identify every payment with Respondent’s name and the docket number of this Agreement, CWA-10-2025-0023,

3.5.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Kate Spaulding
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Spaulding.Kate@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, 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 the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

3.6. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1321(b)(6)(H), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any installment payment as set forth in Paragraph 3.4, the entire unpaid balance of the civil penalty, and any other amount required by Paragraph 3.4 shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

3.6.1. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is not paid as set forth in Paragraph 3.4, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1321(b)(6)(H). The rate of interest is the IRS standard underpayment rate.

3.6.2. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.

3.6.3. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

3.7. 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 Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

3.7.1. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

3.7.2. 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.

3.7.3. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

3.7.4. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1321(b)(6)(H). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

3.8. 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.

3.9. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

3.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

3.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation alleged in the Second Amended Complaint.

3.12. Except as described in Subparagraph 3.6.2, above, each party shall bear its own fees and costs in bringing or defending this action.

3.13. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Second Amended Complaint and to appeal the Final Order. 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.

3.14. In accordance with 40 C.F.R. § 22.18(c), Respondent's compliance with the terms of this Consent Agreement resolves Respondent's liability for civil penalties for the violation and facts alleged in the EPA's Second Amended Complaint.

3.15. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

3.16. The above provisions are STIPULATED AND AGREED upon by Respondent and the EPA Region 10.

DATED:

FOR RESPONDENT:



Casey Jackson (Aug 7, 2026 16:32:38 PDT)

Casey Jackson, Owner
Jackson & Son Distributors, Inc.

FOR COMPLAINANT:

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
EPA Region 10

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In the Matter of:

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dba JACKSON AND SON OIL

Seaside, Oregon

Respondent.

DOCKET NO. CWA-10-2025-0023

FINAL ORDER

Proceedings Under Section 311(b)(6) of the
Clean Water Act, 33 U.S.C. § 1321(b)(6)

1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.

2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

3. The Consent Agreement and this Final Order constitute a settlement by the EPA of all claims for civil penalties pursuant to the Clean Water Act (CWA) for the violation alleged in the Second Amended Complaint. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

4. This Final Order shall become effective upon filing.

IT IS SO ORDERED.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

CWA_Jackson-and-Son-Oil_CAFO

Final Audit Report

2026-08-07

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By:	Allan Bakalian (allan@bakalianlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyuHlcZDjoJQ2FWomC5xVxmymgtTLLCVv-

"CWA_Jackson-and-Son-Oil_CAFO" History

-  Document created by Allan Bakalian (allan@bakalianlaw.com)
2026-08-07 - 10:05:38 PM GMT
-  Document emailed to jacksonandsonoil@yahoo.com for signature
2026-08-07 - 10:06:10 PM GMT
-  Email viewed by jacksonandsonoil@yahoo.com
2026-08-07 - 11:31:19 PM GMT
-  Signer jacksonandsonoil@yahoo.com entered name at signing as Casey Jackson
2026-08-07 - 11:32:36 PM GMT
-  Document e-signed by Casey Jackson (jacksonandsonoil@yahoo.com)
Signature Date: 2026-08-07 - 11:32:38 PM GMT - Time Source: server - Signature Appearance Selected: MOBILE_DRAW
-  Agreement completed.
2026-08-07 - 11:32:38 PM GMT