

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 30, 2025

8:30 am

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:
	:
James River Petroleum, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0117
10487 Lakeridge Parkway Suite 100	:
Ashland, Virginia 23005	: Proceeding under Section 9006 of the Resource
	: Conservation and Recovery Act, 42 U.S.C. Section
Respondent.	: 6991e
	:
Ashland Exxon	:
105 S Carter Road	:
Ashland, Virginia 23005	:
	:
Facility.	:
	:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and James River Petroleum, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 9006 of the Solid Waste Disposal Act, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 9006 of RCRA, 42 U.S.C. § 6991e authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under RCRA Subtitle I (or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA has given the Commonwealth of Virginia Department of Environmental Quality (“VADEQ”) notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
12. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes the EPA to assess civil penalties against any owner and operator of an underground storage tank (“UST”) who fails to comply with, among other things, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, for the violations alleged herein.
15. Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, EPA approved the Commonwealth of Virginia to administer a state UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. An updated Virginia UST management program was approved by the EPA, and became effective on May 3, 2021. The provisions of the Virginia UST management program which EPA approved have become requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Virginia’s authorized UST management program regulations are set forth in the Virginia Code as “Underground Storage Tanks: Technical Standards and Corrective Action Requirements” (“VA UST Regulations”), 9 VAC § 25-580 *et seq.* and 9 VAC § 25-590 *et seq.*
16. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a Virginia corporation.
17. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a “person” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
18. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been the “owner” and/or “operator,” as those terms are defined by Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 9 VAC § 25-580-10, of “USTs” and “UST systems,” at the Ashland Exxon facility located at 105 S Carter Road, Ashland, Virginia 23005 (“the Facility”).
19. On August 10, 2022, under the authority of Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), an EPA inspector conducted a compliance evaluation inspection at the Facility (“CEI”).
20. At the time of the CEI, and at all times relevant to the applicable violations alleged herein, three (3) USTs, as described below, each of which contained a “regulated

substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10, were located at the Facility:

Table 1: UST & Piping Details for the Facility

Tank #	Material Stored	Capacity (gal.)	Installation Date	Tank Construction Material	Piping Construction Material
1	Regular	10,000	1/1/1982 (piping replaced 2017)	Coated Cathodically Protected/STI-P3	Double Walled Polyflexible
3	Premium	10,000	1/1/1982 (piping replaced 2017)	Coated Cathodically Protected/STI-P3	Double Walled Polyflexible
4	Diesel	4,000	1/1/1982	Composite (Steel Clad with Fiberglass)/ACT-100	Cathodically Protected Steel

21. On March 9, 2023, the EPA sent Respondent an Information Request Letter to request missing documentation.
22. On December 5, 2023, the EPA sent a Notice of intent to Prohibit Deliveries (“NIPD”). In December 2023 and January 2024 Respondent provided the EPA with the requested documentation, and the EPA did not prohibit delivery of regulated substances to the USTs at the Facility.
23. At all times relevant to the alleged violations in this Consent Agreement and Final Order, USTs 1-3 are “new tank systems,” as defined in 9 VAC 25-580-10, which states that a “new tank system” means a tank system used to contain an accumulation of regulated substances for which installation has commenced after December 22, 1988.
24. At all times relevant to the alleged violations in this Consent Agreement and Final Order, all the USTs at the Facility and the respective underground piping associated with each UST were a “petroleum UST system,” as the term is defined in 9 VAC § 25-580-10.

Count 1

Failure to Inspect Impressed Current Systems Every 60 Days

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. 9 VAC 25-580-90 requires owners and operators of metal UST systems with corrosion protection to comply with certain requirements to prevent releases due to corrosion. These requirements include that “UST systems with impressed current cathodic

protection systems must also be inspected every 60 days to ensure the equipment is running properly. These systems only provide the necessary corrosion protection when in continuous operation. Such equipment shall be installed so that it cannot be inadvertently shut off.” 9 VAC 25-580-90(3).

27. The EPA requested copies of the Facility’s last three rectifier logs (that would list inspections of impressed current systems) on August 3, 2022 and August 9, 2022.
28. On March 9, 2023 and May 9, 2023 the EPA asked if impressed current inspections had been conducted at least every 60 days from March 1, 2019 through present.
29. On July 5, 2023 and August 8, 2023, the EPA again requested rectifier logs with impressed current cathodic protection system inspections.
30. On December 5, 2023, the EPA sent a Notice of Intent to Prohibit Deliveries (NIPD) to the Facility that included an action item to provide documentation of an inspection of the impressed current cathodic protection system within the past 60 days.
31. On December 6, 2023, the Facility provided to the EPA a copy of a 3-year corrosion protection testing report that showed rectifier readings dated September 15, 2022, and a rectifier reading log dated December 6, 2023.
32. Based on this information, Respondent failed to perform inspections of impressed current systems every 60 days per 9 VAC 25-580-90(3) for USTs 1, 3 and 4 from February 10, 2022 to September 14, 2022, and then from November 15, 2022 to December 5, 2023.
33. In failing to comply with 9 VAC 25-580-90(3), Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 2

Failure to Use Secondary Containment on Piping in Accordance with Applicable Regulations

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. 9 VAC 25-580-50 includes performance standards for new UST systems, and provides, in part, that, “Tanks and piping installed or replaced on or after September 15, 2010, must be secondarily contained and use interstitial monitoring in accordance with subdivision 7 of 9 VAC 25-580-160 [. . .] Secondary containment must be able to contain regulated substances leaked from the primary containment until they are detected and removed and prevent the release of regulated substances to the environment at any time during

the operation life of the UST system. [. . .]

36. 9 VAC 25-580-160(7) requires that “[i]nterstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product,” and meet other requirements.
37. During its August 10, 2022 inspection, the EPA observed that the piping for USTs 1 and 3 appeared non-metallic, and not steel as registered with VADEQ. A VADEQ representative told the EPA that the pipes were likely replaced in 2017, but the owner had not submitted an updated registration form to VADEQ reflecting the new material and installation date. On January 22, 2024, JRP emailed VADEQ indicating the piping for T1 and T3 was installed in May of 2017.
38. On August 8, 2022, Respondent provided the EPA with documentation showing the containment sumps/dispenser pans for dispensers #1/2 & #3/4 failed containment sump integrity testing on December 22, 2020. On March 9, 2023, May 9, 2023 and July 5, 2023 the EPA asked the Facility for evidence that the dispensers had been repaired and passed testing.
39. On December 5, 2023, the EPA sent an NIPD to the Facility that included an action item to provide documentation that dispenser pans #1/2 & #3/4 passed integrity testing after December 22, 2020.
40. On January 23, 2024, the Facility provided a copy of passing integrity testing for dispenser pan #1/2 & #3/4 conducted on December 20, 2023.
41. Based on the aforementioned information, Respondent failed to use secondary containment in accordance with 9 VAC 25-580-50 and 9 VAC 25-580-160(7) from December 22, 2020 to December 19, 2023.
42. In failing to comply with 9 VAC 25-580-50 and 9 VAC 25-580-160(7), Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 3

Failure to Properly Test or Inspect Overfill Prevention Equipment

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

44. Pursuant to 9 VAC 25-580-50, owners and operators of new UST systems must meet certain requirements to prevent releases due to structural failure, corrosion, or spills and overfills.
45. Pursuant to 9 VAC 25-580-50(3)(d), “Spill and overfill protection equipment must be periodically tested or inspected in accordance with 9 VAC 25-580-82. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in subdivision 3 of 9 VAC 25-580-50 and will activate when regulated substance reaches that level. Inspections must be conducted in accordance with one of the criteria in subdivisions 1 b (1), (2), or (3) of this subsection.”
46. Pursuant to 9 VAC 25-580-82(B)(1), UST systems in use before January 1, 2018 must conduct an initial spill prevention equipment test, containment sump test, and overfill prevention equipment inspection no later than January 1, 2021.
47. The Facility’s UST systems were in use before January 1, 2018.
48. On August 3, 2022, the EPA asked the Facility for overfill prevention equipment functionality testing conducted within the last three years. On August 8, 2022, the Facility provided a copy of an overfill equipment inspection dated December 22, 2020 that showed that UST 1 failed the overfill prevention functionality testing because the inspector was unable to remove the vapor adaptor with a pipe wrench/cheater and chain wrench with cheater.
49. On August 9, 2022, the EPA asked the Facility if UST 1 passed overfill protection since the failed test on December 22, 2020. On September 19, 2022, the Facility provided records showing that UST 1 passed the inspection on September 15, 2022. No other relevant testing for UST 1 was provided.
50. Based on the aforementioned information, Respondent failed to properly test or inspect overfill prevention equipment per 9 VAC 25-580-50(3)(d) from January 1, 2021 September 14, 2022.
51. In failing to comply with 9 VAC 25-580-50(3)(d), Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 4

Failure to Use a Spill Prevention System

52. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

53. Pursuant to 9 VAC 25-580-50(3) performance standards for new UST systems include requirements for functional spill and overfill prevention equipment, including “[s]pill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin)...”.
54. On August 8, 2022, the Facility sent the EPA records showing that the spill bucket for the premium UST (UST 3) failed due to an issue with the bucket or drain on December 22, 2020. The Facility later provided records on May 5, 2025 indicating that the spill bucket for the Premium UST had been replaced and passed an integrity test on October 18, 2021.
55. In addition, on September 19, 2022, the Facility provided the EPA with a passing test of the spill bucket conducted on September 15, 2022.
56. Based on this information, Respondent failed to use a functional overfill prevention system per 9 VAC 25-580-50(3) from December 22, 2020 through October 17, 2021.
57. In failing to comply with 9 VAC 25-580-50(3), Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 5
Failure to Comply with Financial Responsibility

58. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
59. Pursuant to 9 VAC 25-590-40, owners and operators of petroleum USTs “shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.” In addition, owners and operators who demonstrate financial responsibility “shall maintain copies of those records on which the determination is based.” 9 VAC 25-590-40(D).
60. An owner has 120 days from the end of the fiscal year to submit a demonstration of financial responsibility. The end of the fiscal year is September 30, and the demonstration of financial responsibility must be submitted by February 1.
61. A VADEQ representative stated on November 2, 2022 that VADEQ last received a complete submittal of financial responsibility for the fiscal year that ended on September 30, 2019.

62. Prior to the EPA's inspection, the EPA asked the Facility for a copy of the method being used to cover the financial responsibility requirements for the USTs. On August 16, 2022, the Facility sent the EPA inspector an e-mail saying that the storage tank pollution coverage is provided through the Virginia Superfund.
63. On August 17, 2022, the EPA e-mailed VADEQ, and VADEQ responded that it did not have an updated demonstration of financial responsibility on file from JRP. VADEQ sent a letter to JRP requesting that the Facility submit a copy of the mechanism currently in place to demonstrate financial responsibility for the USTs owned by Respondent.
64. On November 2, 2022, VADEQ indicated that the Facility submitted sufficient evidence of financial responsibility for the underground storage tanks in question.
65. Based on this information, Respondent failed to comply with the financial responsibility requirements in 9 VAC 25-590-40 from February 1, 2021 to November 2, 2022.
66. In failing to comply with 9 VAC 25-590-40, Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 6

Failure to Ensure that Cathodic Protection is Tested Every 3 Years

67. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
68. Pursuant to 9 VAC 25-580-90, owners and operators of metal UST systems with corrosion protection must comply with certain operation and maintenance requirements, including that "All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester . . . within six months of installation and at least every three years thereafter" 9 VAC 25-580-90(2)(a).
69. The material of the piping/line for the UST 4 is registered as being steel.
70. On August 3, 9 and 10, 2022, the EPA asked the Facility for copies of the last two tests of the cathodic protection for the steel piping.
71. On March 22, 2023, the Facility provided a copy of cathodic protection testing conducted on June 11, 2020, but the test did not include the diesel line/piping (in UST 4) in the test.

72. The EPA asked for evidence of cathodic protection on May 9, 2023, July 5, 2023, August 8, 2023, August 23, 2023, and December 5, 2023. The EPA asked for evidence of the type of material of the piping/line for the UST 4 on August 30, 2022, May 9, 2023, July 5, 2023, July 6, 2023, August 8, 2023, August 23, 2023 and December 5, 2023.
73. On December 5, 2023, the EPA sent an NIPD to the Facility that included an action item to provide documentation that the UST 4 diesel line/piping was cathodically protected. On December 6, 2023, the Facility provided a September 15, 2022 test showing that the diesel line/piping passed cathodic protection testing.
74. Based on this information, Respondent failed to ensure that the cathodic protection system for UST 4 was tested every three years from September 15, 2019 to September 14, 2022.
75. In failing to comply with 9 VAC 25-580-90, Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 7

Failure to Operate and Maintain Corrosion Protection System Continuously

76. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
77. Pursuant to 9 VAC 25-580-90, owners and operators of metal UST systems with corrosion protection must comply with certain operation and maintenance requirements, including: “All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.” 9 VAC 25-580-90(1).
78. On December 6, 2023, the Facility provided the EPA with a copy of a corrosion protection test conducted on September 15, 2022 that failed for UST 1 and UST 3. On January 23, 2024, the Facility provided a copy of a January 10, 2024 passing corrosion protection test showing all three UST systems passed.
79. Based on this information, Respondent failed to operate and maintain its corrosion protection system continuously per 9 VAC 25-580-90 from September 15, 2022 to January 9, 2024.
80. In failing to comply with 9 VAC 25-580-90, Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

81. In settlement of the EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **One Hundred Six Thousand Four Hundred Forty-One Dollars (\$106,441)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
82. In determining the amount of the civil penalty to be assessed, EPA has taken into account the factors specified in Sections 9006(c) and (e) of RCRA, 42 U.S.C. §§ 6991e(c) and (e). After considering these factors, EPA has determined that an appropriate penalty to settle this action is \$106,441.
83. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges 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>. Any checks should be made payable to “Treasurer, United States of America.” However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America’s Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA’s How to Make a Payment website](#) and will not pay with a paper check.
84. When making a payment, Respondent shall:
- a. Identify every payment with Respondent’s name and the docket number of this Consent Agreement, **EPA Docket No. RCRA-03-2025-0117**.
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Aviva H. Reinfeld, Esq.
Assistant Regional Counsel
reinfeld.aviva@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@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 the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

85. 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 Consent Agreement, the 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 Effective Date of this Consent Agreement. 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 Internal Revenue Service (“IRS”) standard 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 the EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective 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 Effective Date.

86. 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.

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 the EPA or engaging in programs the 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.
87. 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.
88. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
89. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
90. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: reinfeld.aviva@epa.gov (for Complainant), and ssullivan@williamsmullen.com (for Respondent).
91. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 the EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order; and
 - ii. provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

92. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
93. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA

regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

94. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

95. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

96. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under RCRA Subtitle I, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

97. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally

bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

98. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator’s designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

99. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: James River Petroleum, Inc.

Date:

9/26/25

By

Lloyd T. Little
CEO

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **ANDREA BAIN** Digitally signed by ANDREA BAIN
Date: 2025.09.29 12:25:50 -04'00'

[Digital Signature and Date]
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **AVIVA REINFELD** Digitally signed by AVIVA
REINFELD
Date: 2025.09.26 16:31:34 -04'00'

[Digital Signature and Date]
Aviva Reinfeld
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 30, 2025

8:31 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:
	:
James River Petroleum, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0117
10487 Lakeridge Parkway Suite 100	:
Ashland, Virginia 23005	: Proceeding under Section 9006 of the Resource
	: Conservation and Recovery Act, 42 U.S.C.
Respondent.	: Section 6991e
	:
Ashland Exxon	:
105 S Carter Road	:
Ashland, Virginia 23005	:
	:
Facility.	:
	:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, James River Petroleum, Inc. have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to [Sections 22.13(b) and 22.18(b)(2) and (3) *(for Super Consent Agreement/Final Orders)* or Sections 22.18(b)(2) and (3) *(for Consent Agreement/Final Orders)*]. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, PURSUANT TO Section 9006 of the RCRA, 42 U.S.C. Section § 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **ONE HUNDRED SIX THOUSAND FOUR HUNDRED FORTY-ONE DOLLARS (\$106,441.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order

resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **DONZETTA
THOMAS**

Regionally signed by DONZETTA
THOMAS
Date: 2025.09.29 15:29:52
-04'00'

Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
James River Petroleum, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0117
10487 Lakeridge Parkway Suite 100	:
Ashland, Virginia 23005	: Proceeding under Section 9006 of the Resource
	: Conservation and Recovery Act, 42 U.S.C. Section
Respondent.	: 6991e
	:
Ashland Exxon	:
105 S Carter Road	:
Ashland, Virginia 23005	:
	:
Facility.	:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Lloyd T. Little, CEO
c/o Legal Department
James River Petroleum, Inc.
legal@jrpenenergy.com
10487 Lakeridge Parkway Suite 100
Ashland, Virginia 23005

Sean Sullivan
Williams Mullen
ssullivan@williamsmullen.com
301 Fayetteville Street, Suite 1700
Raleigh, NC 27601

Aviva Reinfeld
Assistant Regional Counsel
U.S. EPA, Region 3
reinfeld.aviva@epa.gov

Caitlin Stormont
Compliance Officer
U.S. EPA, Region 3
stormont.caitlin@epa.gov

BEVIN ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2025.09.30 08:32:21 -04'00'

[Digital Signature and Date]
Regional Hearing Clerk

