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HEARINGS CLERK
EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2015-0089
TWO RIVERS TERMINAL, LLC,)	CONSENT AGREEMENT
)	
Pasco, Washington,)	
)	
Respondent.)	

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 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045.

1.2. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and Two Rivers Terminal, LLC (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of EPCRA together with the specific provisions of EPCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Administration (“OSHA”) to prepare or have available a material safety data sheet (“MSDS”) for a hazardous chemical, to prepare and submit an Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II as described in 40 C.F.R. Part 370) to the Local Emergency Planning Committee (“LEPC”), the State Emergency Response Commission (“SERC”), and the fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1. The form must contain the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), covering all hazardous chemicals required by OSHA to have an MSDS that are present at the facility at any one time during the

preceding year in amounts equal to or exceeding 10,000 pounds or, in the case of an Extremely Hazardous Substance (“EHS”), in amounts equal to or exceeding 500 pounds or the chemical’s specific Threshold Planning Quantity (“TPQ”), whichever is lower.

3.2. Under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), “facility” means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled, or under common control with, such person).

3.3. Under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), “person” means, *inter alia*, any joint stock company, corporation, partnership, or association.

3.4. The OSHA Hazard Communication Standard (“OSHA Standard”), 29 C.F.R. § 1910.1200(b), requires employers to provide information to their employees about hazardous chemicals to which they are exposed by means of, *inter alia*, an MSDS. The OSHA Standard applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

3.5. The substances identified in paragraphs 3.13 through 3.82, 3.84 through 3.100, and 3.103 through 3.119 below are defined as hazardous chemicals under the OSHA Standard.

3.6. The OSHA Standard requires an MSDS to be prepared, or available, for the chemicals identified in paragraphs 3.13 through 3.82, 3.84 through 3.100, and 3.103 through 3.119 below.

3.7. Anhydrous ammonia, ethoprop, ethylene oxide, methomyl, nitric acid, and sulfuric acid are listed in Appendix A of 40 C.F.R. Part 355 and are therefore EHSs under 40 C.F.R. § 370.66, with reporting thresholds of 500 pounds.

3.8. Aldicarb, methamidophos, oxamyl, and parathion-methyl are listed in Appendix A of 40 C.F.R. Part 355 and are therefore EHSs under 40 C.F.R. § 370.66, with specific TPQs of 100 lbs.

3.9. Endosulfan, paraquat dichloride, and phorate are listed in Appendix A of 40 C.F.R. Part 355 and are therefore EHSs under 40 C.F.R. § 370.66, with specific TPQs of 10 lbs.

3.10. Respondent is a limited liability company established under the laws of the State of Washington and is therefore a person under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

3.11. Respondent is a wholesale warehouse company that distributes agricultural fertilizers and chemicals.

3.12. Respondent owns and operates three facilities located at 3300c North Glade Road, Pasco, WA 99301 (“North Glade”), 13583 Wheeler Road, Moses Lake, WA 98837 (“Moses Lake”), and 1910 Selph Landing Road, Pasco, WA 99301 (“Selph Landing”).

A. North Glade Facility

3.13. During calendar year 2012, Respondent stored more than ten times the 500-pound reporting threshold for ethylene oxide, an EHS, at North Glade.

3.14. During calendar year 2012, Respondent stored more than ten times the 500-pound reporting threshold for nitric acid, an EHS, at North Glade.

3.15. During calendar year 2012, Respondent stored more than ten times the 500-pound reporting threshold for sulfuric acid, an EHS, at North Glade.

3.16. During calendar year 2012, Respondent stored more than five times the 500-pound reporting threshold for methomyl, an EHS, at North Glade.

3.17. During calendar year 2012, Respondent stored more than the 500-pound reporting threshold for ethoprop, an EHS, at North Glade.

3.18. During calendar year 2012, Respondent stored more than ten times the 100-pound specific TPQ for aldicarb, an EHS, at North Glade.

3.19. During calendar year 2012, Respondent stored more than ten times the 100-pound specific TPQ for methamidophos, an EHS, at North Glade.

3.20. During calendar year 2012, Respondent stored more than ten times the 100-pound specific TPQ for oxamyl, an EHS, at North Glade.

3.21. During calendar year 2012, Respondent stored more than ten times the 100-pound specific TPQ for parathion-methyl, an EHS, at North Glade.

3.22. During calendar year 2012, Respondent stored more than ten times the 10-pound specific TPQ for endosulfan, an EHS, at North Glade.

3.23. During calendar year 2012, Respondent stored more than ten times the 10-pound specific TPQ for paraquat dichloride, an EHS, at North Glade.

3.24. During calendar year 2012, Respondent stored more than ten times the 10-pound specific TPQ for phorate, an EHS, at North Glade.

3.25. During calendar year 2012, Respondent stored more than ten times the reporting threshold for 15-0-0-16 (S) urea sulfuric acid solution at North Glade.

3.26. During calendar year 2012, Respondent stored more than ten times the reporting threshold for 25-0-0-3 custom fertilizer blend at North Glade.

3.27. During calendar year 2012, Respondent stored more than ten times the reporting threshold for 9-0-0-11 calcium nitrate solution at North Glade.

3.28. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonia thiosulphate at North Glade.

3.29. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium hydroxide at North Glade.

3.30. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium nitrate at North Glade.

3.31. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium polyphosphate at North Glade.

3.32. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium sulfate at North Glade.

3.33. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium sulfate solution, 9-0-0-10 at North Glade.

3.34. During calendar year 2012, Respondent stored more than ten times the reporting threshold for calcium oxide, 96% at North Glade.

3.35. During calendar year 2012, Respondent stored more than ten times the reporting threshold for calcium sulfate at North Glade.

3.36. During calendar year 2012, Respondent stored more than ten times the reporting threshold for magnesium nitrate at North Glade.

3.37. During calendar year 2012, Respondent stored more than ten times the reporting threshold for magnesium sulfate solution, 25% at North Glade.

3.38. During calendar year 2012, Respondent stored more than ten times the reporting threshold for mono ammonium phosphate at North Glade.

3.39. During calendar year 2012, Respondent stored more than ten times the reporting threshold for phosphoric acid, white 0-55-0 at North Glade.

3.40. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium chloride at North Glade.

3.41. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium hydroxide at North Glade.

3.42. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium magnesium sulfate at North Glade.

3.43. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium sulfate at North Glade.

3.44. During calendar year 2012, Respondent stored more than ten times the reporting threshold for sodium hydroxide solution at North Glade.

3.45. During calendar year 2012, Respondent stored more than ten times the reporting threshold for sulfur at North Glade.

3.46. During calendar year 2012, Respondent stored more than ten times the reporting threshold for urea at North Glade.

3.47. During calendar year 2012, Respondent stored more than ten times the reporting threshold for urea ammonium nitrate solution at North Glade.

3.48. During calendar year 2012, Respondent stored more than five times the reporting threshold for 20-0-0 urea solution at North Glade.

3.49. During calendar year 2012, Respondent stored more than five times the reporting threshold for ammonium nitrate solution at North Glade.

3.50. During calendar year 2012, Respondent stored more than five times the reporting threshold for manzate 75 DF at North Glade.

3.51. During calendar year 2012, Respondent stored more than five times the reporting threshold for prowl 3.3 at North Glade.

3.52. During calendar year 2012, Respondent stored more than five times the reporting threshold for liquid polyacrylamide at North Glade.

3.53. During calendar year 2012, Respondent stored more than five times the reporting threshold for surf-90 at North Glade.

3.54. During calendar year 2012, Respondent stored more than five times the reporting threshold for zinc sulfate at North Glade.

3.55. During calendar year 2012, Respondent stored more than the reporting threshold for 16-16-16 dry fertilizer blend at North Glade.

3.56. During calendar year 2012, Respondent stored more than the reporting threshold for 2,4 dichlorophenoxyacetic acid at North Glade.

3.57. During calendar year 2012, Respondent stored more than the reporting threshold for 21-7-14 dry fertilizer blend at North Glade.

3.58. During calendar year 2012, Respondent stored more than the reporting threshold for acetic acid at North Glade.

3.59. During calendar year 2012, Respondent stored more than the reporting threshold for alecto 41HL at North Glade.

3.60. During calendar year 2012, Respondent stored more than the reporting threshold for ammoniated zinc sulfate solution at North Glade.

3.61. During calendar year 2012, Respondent stored more than the reporting threshold for boric acid at North Glade.

3.62. During calendar year 2012, Respondent stored more than the reporting threshold for botran 5F at North Glade.

3.63. During calendar year 2012, Respondent stored more than the reporting threshold for chlorothalonil at North Glade.

3.64. During calendar year 2012, Respondent stored more than the reporting threshold for copper sulfate solution, 8% copper at North Glade.

3.65. During calendar year 2012, Respondent stored more than the reporting threshold for diuron at North Glade.

3.66. During calendar year 2012, Respondent stored more than the reporting threshold for gasoline at North Glade.

3.67. During calendar year 2012, Respondent stored more than the reporting threshold for humic acid, 6% Solution at North Glade.

3.68. During calendar year 2012, Respondent stored more than the reporting threshold for kumulus DF at North Glade.

3.69. During calendar year 2012, Respondent stored more than the reporting threshold for maestro 2EC at North Glade.

3.70. During calendar year 2012, Respondent stored more than the reporting threshold for manganese citrate, 5% MN at North Glade.

3.71. During calendar year 2012, Respondent stored more than the reporting threshold for manganese sulfate monohydrate at North Glade.

3.72. During calendar year 2012, Respondent stored more than the reporting threshold for maxim MZ (nubark) at North Glade.

3.73. During calendar year 2012, Respondent stored more than the reporting threshold for olympus flex at North Glade.

3.74. During calendar year 2012, Respondent stored more than the reporting threshold for outlook at North Glade.

3.75. During calendar year 2012, Respondent stored more than the reporting threshold for potassium carbonate at North Glade.

3.76. During calendar year 2012, Respondent stored more than the reporting threshold for potassium thiosulfate solution at North Glade.

3.77. During calendar year 2012, Respondent stored more than the reporting threshold for prowl H20 at North Glade.

3.78. During calendar year 2012, Respondent stored more than the reporting threshold for quality max at North Glade.

3.79. During calendar year 2012, Respondent stored more than the reporting threshold for royal MH-30 XTRA at North Glade.

3.80. During calendar year 2012, Respondent stored more than the reporting threshold for sodium borate at North Glade.

3.81. During calendar year 2012, Respondent stored more than the reporting threshold for tricor DF at North Glade.

3.82. During calendar year 2012, Respondent stored more than the reporting threshold for widematch at North Glade.

3.83. Respondent violated 42 U.S.C. § 11022 and 40 C.F.R. § 370.40 by failing to timely submit Emergency and Hazardous Chemical Inventory Forms for the EHSs and hazardous chemicals identified in paragraphs 3.13 through 3.82 located at North Glade to the SERC, LEPC, and the fire department for calendar year 2012 by March 1, 2013.

B. Moses Lake Facility

3.84. During calendar year 2011, Respondent stored more than ten times the 500-pound reporting threshold for anhydrous ammonia, an EHS, at Moses Lake.

3.85. During calendar year 2012, Respondent stored more than ten times the 500-pound reporting threshold for anhydrous ammonia, an EHS, at Moses Lake.

3.86. During calendar year 2012, Respondent stored more than ten times the reporting threshold for 16-16-16 dry fertilizer blend at Moses Lake.

3.87. During calendar year 2012, Respondent stored more than ten times the reporting threshold for 25-0-0-3 custom fertilizer blend at Moses Lake.

3.88. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium nitrate at Moses Lake.

3.89. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium nitrate solution at Moses Lake.

3.90. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium polyphosphate at Moses Lake.

3.91. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium sulfate at Moses Lake.

3.92. During calendar year 2012, Respondent stored more than ten times the reporting threshold for ammonium thiosulfate solution at Moses Lake.

3.93. During calendar year 2012, Respondent stored more than ten times the reporting threshold for mono ammonium phosphate at Moses Lake.

3.94. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium chloride at Moses Lake.

3.95. During calendar year 2012, Respondent stored more than ten times the reporting threshold for sulfur coated urea at Moses Lake.

3.96. During calendar year 2012, Respondent stored more than ten times the reporting threshold for urea at Moses Lake.

3.97. During calendar year 2012, Respondent stored more than ten times the reporting threshold for urea ammonium nitrate solution at Moses Lake.

3.98. During calendar year 2012, Respondent stored more than five times the reporting threshold for calcium sulfate at Moses Lake.

3.99. During calendar year 2012, Respondent stored more than five times the reporting threshold for sulfur at Moses Lake.

3.100. During calendar year 2012, Respondent stored more than the reporting threshold for potassium sulfate at Moses Lake.

3.101. Respondent violated 42 U.S.C. § 11022 and 40 C.F.R. § 370.40 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form for the anhydrous ammonia located at Moses Lake to the SERC, LEPC, and the fire department for calendar year 2011 by March 1, 2012.

3.102. Respondent violated 42 U.S.C. § 11022 and 40 C.F.R. § 370.40 by failing to timely submit Emergency and Hazardous Chemical Inventory Forms for the EHS and hazardous chemicals identified in paragraphs 3.85 through 3.100 located at Moses Lake to the SERC, LEPC, and the fire department for calendar year 2012 by March 1, 2013.

C. Selph Landing Facility

3.103. During calendar year 2011, Respondent stored more than ten times the 500-pound reporting threshold for anhydrous ammonia, an EHS, at Selph Landing.

3.104. During calendar year 2012, Respondent stored more than ten times the 500-pound reporting threshold for anhydrous ammonia, an EHS, at Selph Landing.

3.105. During calendar year 2012, Respondent stored more than ten times the reporting threshold for potassium hydroxide at Selph Landing.

3.106. During calendar year 2012, Respondent stored more than ten times the reporting threshold for sodium metabisulfate at Selph Landing.

3.107. During calendar year 2012, Respondent stored more than five times the reporting threshold for boric acid at Selph Landing.

3.108. During calendar year 2012, Respondent stored more than five times the reporting threshold for zinc sulfate at Selph Landing.

3.109. During calendar year 2012, Respondent stored more than the reporting threshold for 16-16-16 dry fertilizer blend at Selph Landing.

3.110. During calendar year 2012, Respondent stored more than the reporting threshold for 21-7-14 dry fertilizer blend at Selph Landing.

3.111. During calendar year 2012, Respondent stored more than the reporting threshold for 25-5-15 blended fertilizer at Selph Landing.

3.112. During calendar year 2012, Respondent stored more than the reporting threshold for ammonium sulfate at Selph Landing.

3.113. During calendar year 2012, Respondent stored more than the reporting threshold for citric acid at Selph Landing.

3.114. During calendar year 2012, Respondent stored more than the reporting threshold for dry leonardite- humates at Selph Landing.

3.115. During calendar year 2012, Respondent stored more than the reporting threshold for magnesium sulfate heptahydrate at Selph Landing.

3.116. During calendar year 2012, Respondent stored more than the reporting threshold for manganese sulfate monohydrate at Selph Landing.

3.117. During calendar year 2012, Respondent stored more than the reporting threshold for polyacrylamide, dry crystal at Selph Landing.

3.118. During calendar year 2012, Respondent stored more than the reporting threshold for sodium hydroxide at Selph Landing.

3.119. During calendar year 2012, Respondent stored more than the reporting threshold for urea at Selph Landing.

3.120. Respondent violated 42 U.S.C. § 11022 and 40 C.F.R. § 370.40 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form for the anhydrous ammonia located at Selph Landing to the SERC, LEPC, and the fire department for calendar year 2011 by March 1, 2012.

3.121. Respondent violated 42 U.S.C. § 11022 and 40 C.F.R. § 370.40 by failing to timely submit Emergency and Hazardous Chemical Inventory Forms for the EHSs and hazardous chemicals identified in paragraphs 3.104 through 3.119 located at Selph Landing to the SERC, LEPC, and the fire department for calendar year 2012 by March 1, 2013.

3.122. Under Section 325 of EPCRA, 42 U.S.C. § 11045, and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$37,500 for each such violation where the chemical exceeded ten times its reporting threshold, \$26,560 for each such violation where the chemical exceeded five times but less than or equal to ten times its reporting threshold, and \$17,710 for each such violation where the chemical exceeded its reporting threshold but was less than or equal to five times its reporting threshold.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the other factual allegations and legal conclusions contained in this Consent Agreement.

4.3. EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$200,000 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check

or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve proof of the payment method of the Assessed Penalty on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Smith.candace@epa.gov

Suzanne E. Powers
U.S. Environmental Protection Agency
Region 10, Mail Stop WOO
300 Desmond Drive, SE, Suite 102
Lacey, Washington 98503
Powers.suzanne@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, provided, however,

that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. 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.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has submitted Emergency and Hazardous Chemical Inventory Forms for the North Glade, Moses Lake, and Selph Landing facilities to the SERC, LEPC, and the fire department for calendar years 2013 and 2014.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorney's fees in bringing or defending this action.

4.13. Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

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

4.15. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

4/10/15

FOR RESPONDENT:

Steve Peot

STEVE PEOT, General Manager
Two Rivers Terminal, LLC

DATED:

4/15/2015

FOR COMPLAINANT:

Edward J. Kowalski

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2015-0089
)	
TWO RIVERS TERMINAL, LLC,)	FINAL ORDER
)	
Pasco, Washington,)	
)	
Respondent.)	

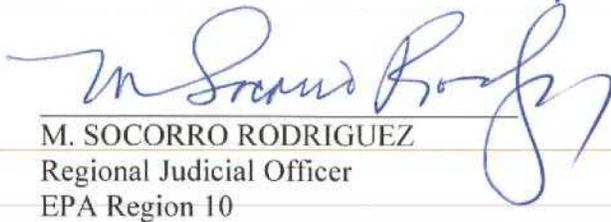
1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. 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.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under EPCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order resolves only those causes of action alleged in Part III above. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 22nd day of April, 2015.


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Two Rivers Terminal, LLC, Docket No.: EPCRA-10-2015-0089**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

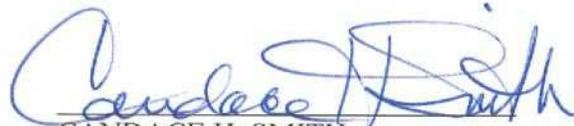
The undersigned certifies that a true and correct copy of the document was delivered to:

Grace Hwang
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Steve Peot
General Manager
Two Rivers Terminal, LLC
P.O. Box 2327
Pasco, WA 99302

DATED this 23rd day of April, 2015.


CANDACE H. SMITH
Regional Hearing Clerk
EPA Region 10