UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of:	)	
	)	
AMRECO, LLC,	)	CWA-06-2007-4808
	)	
Respondent.	)	

INTIAL DECISION AND DEFAULT ORDER

This is a proceeding under Section 311 of the Clean Water Act ("CWA"), 33 U.S.C. § 1321, as amended, for violations of Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112. The proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("CROP") codified at 40 C.F.R. Part 22. Complainant, Chief of Response and Prevention Branch, Superfund Division, United States Environmental Protection Agency Region 6, filed a Motion for Default and Memorandum in Support of Motion for Default on January 23, 2008. The Presiding Officer issued an Order Finding Respondent in Default and for Further Proceedings ("Default Order") on August 3, 2009, in which Respondent was found to have violated regulations issued under Section 311(j) of the CWA, 33 U.S.C. § 1321(j). On August 31, 2009, Complainant filed a Motion for Assessment of Civil Penalty seeking a civil penalty in the amount of $32,500.00 against Respondent. Pursuant to the CROP and the record in this matter and for the reasons set forth below, the Complainant's Motion is hereby **GRANTED**.

BACKGROUND

The Complainant filed the Complaint against Respondent in this matter on August 1, 2007. An Answer to the Complaint by Respondent, AMRECO, L.L.C., dated August 24, 2007, was filed with the Regional Hearing Clerk on October 11, 2007. In its Answer, Respondent, among other things, contested the violations alleged in the Complaint and requested that EPA consider certain mitigating matters.

On November 1, 2007, the Presiding Officer filed a Scheduling Order which established the following deadlines in this case:

> November 20, 2007 – Parties to confer regarding settlement
>
> November 27, 2007 – Parties to report on the status of settlement negotiations
>
> December 21, 2007 – Parties to file prehearing exchanges
>
> January 8, 2008 – Parties to file responses to prehearing exchanges
>
> January 15, 2008 – 1:00 P.M. prehearing conference call with Presiding Officer

The Scheduling Order also included the following admonition:

> Failure of the Complainant or the Respondent to comply with the prehearing exchange requirements or to appear for the prehearing conference may result in that party being found in default. 40 C.F.R. § 22.17(a).

The Certificate of Service attached to the Scheduling Order shows that the Scheduling Order was served on the Respondent on November 1, 2007, by first class mail, return receipt requested. A U.S. Postal Service Domestic Return Receipt shows that Respondent received the Scheduling Order on November 8, 2007.

On November 27, 2007, as required by the Scheduling Order, the parties filed a Joint Status Report, signed by both parties, in which they reported that they had conferred regarding

settlement, that they believed that settlement of this matter was likely, and that a settlement in principle could be reached in 30 days.

On December 14, 2007, Complainant filed its Prehearing Exchange. The Certificate of Service attached to Complainant's Prehearing Exchange shows that the Prehearing Exchange was served on Respondent on December 14, 2007, by first class mail. Respondent did not file a Prehearing Exchange or a response to Complainant's Prehearing Exchange.

On January 15, 2008, as provided in the Scheduling Order, the Presiding Officer initiated the prehearing conference telephone call shortly before 1:00 P.M. central time. Mr. Edwin Quinones appeared by telephone on behalf of Complainant. The Presiding Officer and Counsel for Complainant remained on the phone until approximately 1:10 P.M. central time, when the Presiding Officer terminated the call due to Respondent's failure to appear.

On January 16, 2008, the Presiding Officer filed a Record of Prehearing Conference, which reported, among other things, that the Presiding Officer and Counsel for Complainant had appeared for the prehearing conference telephone call, but that the Presiding Officer had terminated the call when Respondent failed to appear. The Certificate of Service attached to the Record of Prehearing Conference shows that the Record of Prehearing Conference was served on the Respondent on January 16, 2008, by first class mail, return receipt requested. A U.S. Postal Service Domestic Return Receipt shows that Respondent received the Record of Prehearing Conference on January 22, 2008.

On January 23 2008, Complainant filed its Motion for Default and Memorandum in Support of Motion for Default ("Motion for Default") requesting that Respondent be found in default and liable for the violations alleged in the Complaint. The Certificate of Service attached to the Motion for Default shows that a copy of the Motion for Default was served on the

Respondent by certified mail, return receipt requested, on January 23, 2008. Respondent did not file a response to the Motion for Default within 15 days as provided for in 40 C.F.R. § 22.16(b), and had not filed a response as of August 3, 2009, when the Presiding Officer granted Complainant's Motion for Default.

The Presiding Officer issued an Order Finding Respondent in Default and for Further Proceedings ("Default Order") on August 3, 2009, in which Respondent was found to have violated requirements of regulations issued under section 311(j) of the CWA, 33 U.S.C. § 1321(j) and, consequently, to be liable to be assessed a civil penalty under section 311(b)(6) of the CWA, 33 U.S.C. 1321(b)(6). The Default Order required Complainant to file a motion for the assessment of civil penalty and supporting documentary evidence on or before August 31, 2009, and gave Respondent 15 days from the service of Complainant's motion to file its response.

On August 27, 2009, Respondent filed a letter with the Regional Hearing Clerk responding to the Default Order. In the letter, Mr. Jon Tarver, Respondent's representative in this matter, requested reconsideration of the Default Order and the opportunity to confer and discuss settlement.

On August 31, 2009, Complainant filed its Motion for Assessment of Civil Penalty ("Motion for Assessment"). In its Motion for Assessment, Complainant requested that a civil penalty of $32,500 be assessed against Respondent.

Complainant did not respond directly to Respondent's letter in its Motion for Assessment and has not filed any other response to Respondent's letter. Respondent has not filed a response to Complainant's Motion for Assessment.

RESPONDENT'S REQUEST TO RECONSIDER DEFAULT ORDER

In its letter filed with the Regional Hearing Clerk on August 27, 2009, after the filing of the Order Finding Respondent in Default, Respondent expressed regret for missing the prehearing conference call and requested that I set aside the Order Finding Respondent in Default. The CROP provide, "For good cause shown, the Presiding Officer may set aside a default order." 40 C.F.R. § 22.17(c). The question, then, is whether there is good cause for setting aside the Default Order. In this case, Respondent failed to file a prehearing exchange, failed to file a response to Complainant's prehearing exchange, failed to appear for the prehearing conference call, failed to respond to the Record of Prehearing Conference, and failed to respond to Complainant's Motion for Default. Only after the Default Order did Respondent take action by filing his letter with the Regional Hearing Clerk and requesting that the Default Order be set aside. Under the circumstances, I find no good cause for setting aside the Default Order and Respondent's request is denied.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to sections 22.17(c) and 22.27(a) of the CROP, 40 C.F.R. §§ 22.17(c) and 22.27(a), and based on the entire record in this case, I make the following facts and conclusions of law:

1. The Complaint was filed with the Regional Hearing Clerk on August 1, 2007.
2. AMRECO, L.L.C., is the Respondent in this case.
3. Respondent filed its answer to the Complaint on October 11, 2007.
4. On November 1, 2007, the Presiding Officer issued the Scheduling Order in this case.

5. The Certificate of Service attached to the Scheduling Order shows that the Scheduling Order was served on Respondent on November 1, 2007, by first class mail, return receipt requested.
6. A U.S. Postal Service Domestic Return Receipt shows that Respondent received the Scheduling Order on November 8, 2007.
7. The Scheduling Order was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.
8. Among other things, the Scheduling Order required the parties to file a status report on or before November 27, 2007.
9. On November 27, 2007, as required by the Scheduling Order, the parties filed a Joint Status Report, signed by both parties, in which they reported, in pertinent part, that they had conferred regarding settlement and that they believed that settlement of this matter was likely and that a settlement in principle could be reached within 30 days.
10. Among other things, the Scheduling Order required the parties to file prehearing exchanges on or before December 21, 2007.
11. On December 14, 2007, Complainant filed its Prehearing Exchange.
12. The Certificate of Service attached to Complainant's Prehearing Exchange shows that Complainant's Prehearing Exchange was served on Respondent on December 14, 2007, by first class mail.
13. Complainant's Prehearing Exchange was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.
14. Respondent failed to file a prehearing exchange on or before December 21, 2007, and has not filed a prehearing exchange as of the date of this Order.

15. Among other things, the Scheduling Order required the parties to participate in a prehearing conference with the Presiding Officer by telephone at 1:00 P.M. central time on January 15, 2008.

16. On January 15, 2008, the Presiding Officer initiated the prehearing conference telephone call shortly before 1:00 P.M. central time. Mr. Edwin Quinones appeared on behalf of the Complainant. The Presiding Officer and Counsel for Complainant remained on the phone until approximately 1:10 P.M. central time, when the Presiding Officer terminated the call due to Respondent's failure to appear.

17. On January 16, 2008, the Presiding Officer filed a Record of Prehearing Conference, in which he reported that the Presiding Officer had initiated the call shortly before 1:00 P.M. central time on January 15, 2008, that Mr. Edwin Quinones had appeared on behalf of the Complainant, and that the Presiding Officer had terminated the call at approximately 1:10 P.M. due to Respondent's failure to appear.

18. The Certificate of Service attached to the Report of Prehearing Conference shows that the Record of Prehearing Conference was served on the Respondent on January 16, 2008, by first class mail, return receipt requested. A U.S. Postal Service Domestic Return Receipt shows that Respondent received the Record of Prehearing Conference on January 22, 2008.

19. The Record of Prehearing Conference was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.

20. On January 23, 2008, Complainant filed its Motion for Default requesting that Respondent be found in default and liable for the violations alleged in the Complaint.

21. The Certificate of Service attached to the Motion for Default shows that a copy of the Motion for Default was served on the Respondent by certified mail, return receipt requested, on January 23, 2008.

22. Complainant's Motion for Default was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.

23. Respondent was required to file any response to the Motion for Default within 15 days of service. 40 C.F.R. § 22.16(b).

24. Respondent did not file a response to the Motion for Default within 15 days of service of the Motion for Default and had not filed a response as of August 3, 2009, when the Default Order was filed.

25. Respondent's failure to respond to the Motion for Default is deemed to be a waiver of any objection to the granting of the Motion for Default. 40 C.F.R. § 22.16(b).

26. On August 3, 2009, the Presiding Officer issued the Default Order, which, among other things, found Respondent in default for failure to comply with the information exchange requirements of the Scheduling Order and for failure to appear at the prehearing conference as required by the Scheduling Order.

27. The Default Order found that Respondent violated requirements of regulations issued under section 311(j) of the CWA, 33 U.S.C. § 1321(j).

28. The Default Order found that Respondent was subject to the assessment of civil penalties under section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

29. The Default Order required Complainant to file a motion for assessment of civil penalty on or before August 31, 2009, and specifically stated that Respondent would have 15

days after service of Complainant's response to the Default Order to file its response, if any, to Complainant's filing.

30. The Certificate of Service attached to the Default Order shows that a copy of the Default Order was served on the Respondent by certified mail, return receipt requested, on August 3, 2009. A U.S. Postal Service Domestic Return Receipt shows that Respondent received the Default Order on August 12, 2009

31. The Default Order was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.

32. On August 27, 2009, Respondent filed a letter with the Regional Hearing Clerk responding to the Default Order. In the letter, Respondent requested reconsideration of the Default Order.

33. Complainant did not file a response to Respondent's letter.

34. For good cause shown, the Presiding Officer may set aside a default order. 40 C.F.R. § 22.17(c).

35. Based on a consideration of the entire record in this case, good cause for setting aside the Default Order has not been shown.

36. On August 31, 2009, Complainant filed its Motion for Assessment requesting that a civil penalty of $32,500.00 be assessed against Respondent.

37. The Certificate of Service attached to the Motion for Assessment shows that a copy of the Motion for Assessment was served on the Respondent by regular mail on August 31, 2009.

38. The Motion for Assessment was lawfully and properly served on Respondent. 40 C.F.R. § 22.6.

39. Respondent was required to file any response to the Motion for Assessment with 15 days of service.

40. Respondent did not file a response to Complainant's Motion for Assessment within 15 days and has not filed a response to the Motion for Assessment as of the date of this order.

41. Respondent is a corporation with a place of business located at P.O. Box 541, El Dorado, Arkansas 71371.

42. Respondent is a "person" within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.

43. Respondent is the owner, within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2, of an onshore oil production facility, the Stringfellow-Hughes Tank Battery, located in Section 26, Township 15S, Range 16W, Ouachita County, Arkansas ("Facility").

44. The Facility has an aggregate above-ground storage capacity greater than 1320 gallons of oil in containers each with a shell capacity of at least 55 gallons.

45. Respondent is engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products located at the Facility.

46. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2, Appendix A, as incorporated by reference within 40 C.F.R. § 112.2.

47. The Facility is an onshore facility within the meaning of section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

48. Drainage from the Facility flows into an adjacent unnamed tributary of Smackover Creek; then south approximately 3000 feet to Smackover Creek.

49. Smackover Creek is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

50. The Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity (hereinafter referred to as an "SPCC-regulated facility").

51. The Facility began operating prior to 2002.

52. Pursuant to Section 311(j)(1)(C) of the CWA, E.O. 12777, and 40 C.F.R. 112.1, Respondent, as the owner of an SPCC-regulated facility, is subject to the SPCC regulations at 40 C.F.R. Part 112.

53. The SPCC regulations at 40 C.F.R. Part 112 are regulations issued under Section 311(j) of the CWA, 33 U.S.C. § 1321(j).

54. 40 C.F.R. § 112.3 requires that the owner or operator of an SPCC-regulated facility must prepare a written SPCC plan in accordance with 40 C.F.R. § 112.7 and any other applicable provision of 40 C.F.R. Part 112.

55. On March 26, 2007, EPA inspected the Facility.

56. At the time of the EPA inspection, Respondent had failed to prepare an SPCC plan for the Facility that was certified by a professional engineer in accordance with the requirements of 40 C.F.R. § 112.3(d).

57. At the time of the EPA inspection, Respondent had failed to document a five-year review of the SPCC plan for the Facility in accordance with the requirements of 40 C.F.R. § 112.5(b).

58. At the time of the EPA inspection, Respondent had failed to prepare an SPCC plan for the Facility that included a discussion of the Facility's conformance with SPCC requirements in accordance with 40 C.F.R. § 112.7(a)(1).

59. At the time of the EPA inspection, Respondent had failed to prepare an SPCC plan for the Facility containing adequate information and procedures for reporting a discharge as required under 40 C.F.R. § 112.7(a)(4).

60. At the time of the EPA inspection, Respondent had failed to prepare an SPCC plan for the Facility containing adequate descriptions of procedures to use when a discharge occurs as required under 40 C.F.R. § 112.7(a)(5).

61. At the time of the EPA inspection, Respondent had failed to implement an SPCC plan for the Facility that met the requirements of 40 C.F.R. § 112.9(b) by failing to remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

62. At the time of the EPA inspection, Respondent had failed to implement an SPCC plan for the Facility that met the requirements of 40 C.F.R. § 112.9(b) by failing to regularly inspect field drainage systems and/or promptly remove oil in accordance with 40 C.F.R. § 112.9(b).

63. At the time of the EPA inspection, Respondent had failed to implement an SPCC plan for the Facility that met the requirements of 40 C.F.R. § 112.9(c) by failing to provide adequate secondary containment for tank battery, separation and treating facilities due to excessive vegetation which affects the integrity of the secondary containment and results in eroded containment walls.

64. At the time of the EPA inspection, Respondent had failed to implement an SPCC plan for the Facility that met the requirements of 40 C.F.R. § 112.7(e) by failing to perform inspections and tests required by 40 C.F.R. § 112.7(e) in accordance with written procedures developed for the Facility and failing to maintain records of inspections and tests for three years in accordance with 40 C.F.R. § 112.7(e).

65. At the time of the EPA inspection, Respondent had failed to implement an SPCC plan for the Facility that met the requirements of 40 C.F.R. § 112.7(f) by failing to train oil-handling personnel in accordance with 40 C.F.R. § 112.7(f).

66. Respondent's violations of the SPCC Regulations described above constitute violations of regulations issued under section 311(j) of the CWA, 33 U.S.C. § 1321(j).

67. Section 311(b)(6)(A)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(A)(ii), authorizes EPA to assess a Class I civil penalty for violations of any regulations issued under Section 311(j) of the CWA, 33 U.S.C. § 1321(j).

68. Respondent may be assessed a Class I civil penalty under Section 311(b)(6)(A), 33 U.S.C. § 1321(b)(6)(A), up to $11,000 per violation up to a maximum Class I penalty of $32,500 pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

69. The CROP provide, with respect to penalty assessment where a Respondent has been found in default, that the relief proposed in the Complaint shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act. 40 C.F.R. § 22.17(c).

70. The civil penalty of $32,500.00 requested in the Complaint and the Motion for Assessment is not inconsistent with sections 311(b) of the CWA, 33 U.S.C. § 1321(b), and the record in this proceeding.

DISCUSSION OF PENALTY

The relief requested in the Motion for Assessment includes the assessment of a total civil penalty of $32,500.00 for the alleged violations. With respect to penalty, the CROP provide that the Presiding Officer shall determine the amount of the civil penalty

> . . . based on the evidence in the record and in accordance with any penalty criteria set forth in the Act. The Presiding Officer shall consider any civil penalty guidelines issued under the Act.

40 C.F.R. § 22.27(b).

The statutory factors I am required to consider in determining the amount of the civil penalty are

> . . . the seriousness of the violation or violations, the economic benefit to the violator, if any resulting from the violation, 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.

Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8).

In considering this case in light of the statutory factors, I have considered the findings of fact and conclusions of law above, the narrative summary explaining the reasoning behind the penalty requested set forth in the Declaration of Bryant Smalley attached to Complainant's Motion for Assessment (Exhibit 11), and the entire record in this case.

In his calculation of the proposed penalty, Mr. Smalley, using the Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act ("Penalty Policy") and the

Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule as guidance, considered the statutory factors enumerated above.

In assessing the seriousness of the violation, Mr. Smalley considered that the storage capacity of the Facility is approximately 23,394 gallons and that it is approximately 2500 feet from an unnamed creek that flows into Smackover Creek and about 5,000 feet away from Smackover Creek, a navigable water of the United States. He also considered that the Facility had an inadequate, improperly prepared SPCC plan, inadequate secondary containment, including eroded walls and oil on the ground. Mr. Smalley also considered the potential environmental impact of a worst case discharge from the facility, including the significant impact that a discharge of the total capacity of the facility would have on Smackover Creek. He also noted that the Facility is in a rural area, and it is unknown if an actual or potential drinking water source is near the Facility. Finally, Mr. Smalley considered the length of the violation. After considering all of this information, Mr. Smalley concluded that a penalty of over $34,582.00 would be appropriate given the seriousness of the violation.

Mr. Smalley considered Respondent's time in the business and that Respondent knew or should have know the regulatory requirements based upon that time in business warranted a 60 percent upward adjustment based upon Respondent's degree of culpability.

Mr. Smalley, using the BEN computer model and relying on his experience in SPCC cases to help develop appropriate inputs, calculated the economic benefit to the Respondent resulting from the violation to be approximately $2,228.00.

There is no evidence in the record that Respondent has paid any other penalty to EPA or other government agencies for the violation alleged in this case, and Mr. Smalley made no adjustment in his penalty calculation for this factor.

Mr. Smalley made no adjustment in his penalty calculations based on a history of prior violations of the SPCC violations by the Respondent.

Citing Respondent's failure to submit documentation supporting its assertions that it has corrected the violations, Mr. Smalley made no adjustments in his penalty calculation based on efforts by the Respondent to mitigate the effects of the violation or any potential discharge from the Facility or to come into compliance with the SPCC regulations.

Citing Respondent's failure to submit documentation supporting its assertions that it is unable to pay the penalty, Mr. Smalley made no adjustments in his penalty calculations based on the economic impact of the penalty on the Respondent.

Mr. Smalley made no adjustments in his penalty calculation for any other matters as justice may require.

Mr. Smalley calculated a total penalty amount of $57,560.56, however he reduced the penalty amount for the case to $32,500.00, the statutory maximum for the case.

Pursuant to 40 C.F.R. § 22.17(c), "[t]he relief proposed in the complaint or the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act." The Complainant proposes to assess a total civil penalty of $32,500.00 for the violations alleged in the Complaint. After considering the statutory factors and the entire record in this case, I find the civil penalty proposed is consistent with the record of this proceeding and the CWA.

DEFAULT ORDER

Respondent is hereby **ORDERED** as follows:

1. Respondent is assessed a civil penalty in the amount of $32,500.00.

a. Payment of the full amount of the civil penalty assessed shall be made within 30 days after this Default Order becomes final under 40 C.F.R. § 22.27(c) by submitting a certified check or cashier's check payable to "**Environmental Protection Agency**," and noting on the check "**OSTLF-311**" and docket number "**CWA-06-2007-4808**."

If you send your check by U.S. Postal Service, address the payment to:

U.S. Environmental Protection Agency
Fines & Penalties
P.O. Box 979077
St. Louis, MO 63197-9000

If you send your check by private delivery service, address the payment to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

b. Respondent shall mail a copy of the check to:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Edwin Quinones
Senior Assistant Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

2. This Default Order constitutes and Initial Decision, as provided in 40 C.F.R. § 22.17(c). This Initial Decision shall become a final order unless (1) an appeal to the Environmental Appeals Board is taken from it by any party to the proceeding within 30 days from the date of service provided in the certificate of service

accompanying this Order; (2) a party moves to set aside the Default Order, or (3) the Environmental Appeals Board elects, *sua sponte*, to review the Initial Decision within 45 days after its service upon the parties.

IT IS SO ORDERED.

Dated this 10th day of March 2011.

MICHAEL C. BARRA
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk, do hereby certify that a true and correct copy of the foregoing Initial Decision and Default Order for Docket No. Class I - CWA 06-2007-4808 was provided to the following persons on the date and in the manner stated below:

Mr. Jon Tarver
AMRECO LLC
P.O. Box 541
El Dorado, AR 71731

CERTIFIED MAIL

Edwin Quinones
U.S. Environmental Protection Agency
Office of Regional Counsel
1445 Ross Avenue
Dallas, Texas 75202-2733

HAND DELIVERED

Eurika Durr
Environmental Appeals Board
U.S. Environmental Protection Agency
607 14th Street, NW
Suite 500
Washington, D.C. 20005

Lorena S. Vaughn
Regional Hearing Clerk

3/10/11
Date