



**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re Pacific Gas and Electric Company

)
)
) Docket No. CAA112r-HQ-2024-5012
)
)

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: July 9, 2025



Mary Kay Lynch
Environmental Appeals Judge

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Aaron P. Avila, Wendy L. Blake, and Mary Kay Lynch.

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:)	
)	
Pacific Gas and Electric Company,)	Docket No. CAA112r-HQ-2024-5012
)	
Respondent.)	
)	

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, (“EPA” or “Agency”), and Respondent, Pacific Gas and Electric Company (“PG&E”) (collectively, “the Parties”), having consented to the entry of this Consent Agreement and the attached proposed Final Order without the taking of any testimony and without adjudication of any issues of law or fact, consent to the terms of this Consent Agreement and attached Final Order (“CAFO”).

I. PRELIMINARY STATEMENT

1. This proceeding is an administrative action for the assessment of civil penalties under Section 113(a)(3)(A) and (d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(a)(3)(A) and (d).

2. The EPA and PG&E have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2)–(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)–(3).

3. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, in which the first date of alleged violation occurred more than 12 months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

4. This Consent Agreement serves as notice that the EPA has reason to believe that Respondent has violated the requirements of the Accidental Release Reporting Rule, 40 C.F.R.

Part 1604, issued under the U.S. Chemical Safety and Hazard Investigation Board's ("CSB") enabling statute, 42 U.S.C. § 7412(r)(6)(C)(iii).

5. Furthermore, this Consent Agreement serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA's intent to issue an order assessing penalties for this violation.

6. The Environmental Appeals Board is authorized to ratify this Consent Agreement that memorializes a settlement between Complainant and Respondent.

II. PARTIES

7. Complainant is the United States Environmental Protection Agency. On Complainant's behalf, the Director of the Waste and Chemical Enforcement Division is authorized by lawful delegation from the Administrator to institute and settle civil administrative penalty proceedings under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

8. Respondent, Pacific Gas and Electric Company, is headquartered at 300 Lakeside Drive, Oakland, California 94612. Respondent owns and operates a facility located in San Jose, California among other locations.

III. STATUTORY AND REGULATORY BACKGROUND

Section 112(r)(6) of the Clean Air Act and 40 C.F.R. Part 1604

9. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which, among other things, established the CSB. Pursuant to Section 112(r)(6)(C)(i) of the CAA, 42 U.S.C. § 7412(r)(6)(C)(i), the CSB shall investigate, (or cause to be investigated), determine and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental release resulting in a fatality, serious injury or substantial property damages. Additionally, Section 112(r)(6)(C)(iii) of the CAA, 42 U.S.C. § 7412(r)(6)(C)(iii), requires that the CSB establish by regulation requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigatory jurisdiction.

10. On February 21, 2020, the CSB published the Accidental Release Reporting Rule, 40 C.F.R. Part 1604, which establishes the rule required under 42 U.S.C. § 7412(r)(6)(C)(iii), stating that it is unlawful to fail to report an accidental release to the CSB.

11. Under the Accidental Release Reporting Rule, the CSB requires that owners and operators of stationary sources report accidental releases into the ambient air that results in death, serious injury, or substantial property damage in accordance with 40 C.F.R. § 1604.3(b) or (c). 40 C.F.R. § 1604.3(a).

12. Under 40 C.F.R. § 1604.3(b), if the owner or operator has submitted a report to the National Response Center ("NRC") pursuant to 40 C.F.R. § 302.6, the CSB reporting

requirement may be satisfied by submitting the NRC identification number to the CSB within 30 minutes of submitting a report to the NRC.

13. If an owner or operator does not submit a report to the NRC pursuant to 40 C.F.R. § 302.6, then the owner/operator must submit a report directly to the CSB within eight (8) hours of the accidental release. 40 C.F.R. § 1604.3(c).

14. A report submitted pursuant to 40 C.F.R. § 1604.3(c) must include the information specified in 40 C.F.R. § 1604.4.

15. It is unlawful for any person to fail to report an accidental release to the CSB. 40 C.F.R. § 1604.5(a).

16. Under Section 112(r)(6)(O) of the CAA, 42 U.S.C. § 7412(r)(6)(O), EPA is authorized to enforce any regulations or requirements established by the Board pursuant to Section 112(r)(6)(C)(iii) of the CAA, 42 U.S.C. § 7412(r)(6)(C)(iii), using the authorities of 42 U.S.C §§ 7413 and 7414. The EPA has authority to pursue enforcement action for suspected violations for failures to report an accidental release, including for administrative penalties. 40 C.F.R. § 1604.5(b).

IV. DEFINITIONS

17. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

18. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and 40 C.F.R. § 1604.2 define “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

19. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(c), and 40 C.F.R. § 1604.2 define “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

20. Under 40 C.F.R. § 1604.2, “owner or operator” is defined as any person or entity who owns, leases, operates, controls, or supervises a stationary source.

21. Under 40 C.F.R. § 1604.2, “extremely hazardous substance” is defined as any substance which may cause death, serious injury, or substantial property damage, including but not limited to, any “regulated substance” at or below any threshold quantity set by the EPA under 42 U.S.C. § 7412(r)(5).

22. Under 40 C.F.R. § 1604.2, “serious injury” is defined as any injury or illness that results in death or inpatient hospitalization.

23. Under 40 C.F.R. § 1604.2, “inpatient hospitalization” is defined as a formal admission to the inpatient service of a hospital or clinic for care.

24. Under 40 C.F.R. § 68.3, “process” is defined as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that is interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

V. EPA’S SPECIFIC FINDINGS OF FACT AND LAW

25. Complainant hereby states and alleges that Respondent has violated the CAA and the Accidental Release Reporting Rule as follows:

Count 1 – Reportable Accidental Release

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Respondent owns and operates a stationary source that distributes natural gas at 15630 Alum Rock Ave, San Jose, California 95127 (the “Facility”).

28. On June 8, 2023, an accidental release of natural gas occurred from a natural gas pipeline at the Facility.

29. One employee was admitted to the hospital for an overnight stay to address an injury sustained during the June 8, 2023 accidental release.

30. The June 8, 2023 accidental release thus seriously injured one employee of the Facility.

31. Respondent filed a report concerning the June 8, 2023 accidental release with the NRC on June 8, 2023 and a follow up report on June 10, 2023. Respondent filed an Incident Report -Gas Distribution System with the Pipeline Hazardous Materials Safety Administration on July 3, 2023 and a final revision of this report on December 14, 2023.

32. Respondent did not submit a report directly to CSB within eight hours of the accidental release under 40 C.F.R. § 1604.3(c).

33. Respondent violated 40 C.F.R. § 1604.3(a) by failing to report the June 8, 2023 accidental release in accordance with 40 C.F.R. § 1604.3(b) or (c).

34. Respondent’s failure to report the June 8, 2023 accidental release in accordance with 40 C.F.R. § 1604.3(b) or (c) violated 40 C.F.R. § 1604.5.

35. Respondent subsequently filed a report with CSB concerning the June 8, 2023 accidental release consistent with the requirements of 40 C.F.R. § 1604.4 on April 2, 2025.¹

VI. TERMS OF SETTLEMENT

36. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits the jurisdictional allegations in this CAFO;
- b. neither admits nor denies the other allegations set forth herein;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to the conditions specified in this Consent Agreement;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this Consent Agreement.

37. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
- d. consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of District of Columbia; and
- e. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an

¹ There is no compliance or corrective action order that has been issued in relation to this matter.

additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

VII. CIVIL PENALTY

38. Pursuant to Section 113(d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(d)(2)(B) and (e), 40 C.F.R. § 1604.5, and taking into account the relevant statutory penalty criteria, the applicable penalty policy, and Respondent's cooperation and other relevant factors, Respondent agrees to pay a civil penalty in the amount of FORTY-FIVE THOUSAND AND TWO HUNDRED SEVENTY-THREE DOLLARS (\$45,273) ("Assessed Penalty"), for the violation alleged in this matter within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Clerk of the Environmental Appeals Board ("Effective Date").

39. 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 EPA websites: <https://www.epa.gov/financial/makepayment> and <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

40. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, CAA112r-HQ-2024-5012.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Tommie Madison
Acting Clerk of the Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

and

Sadaf Raza, Attorney-Advisor
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Raza.Sadaf@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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

41. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. 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 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 EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed each subsequent 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, and other charges, that remain delinquent more than ninety (90) days.

42. 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 Agreement, EPA may take additional actions. Such actions 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 EPA or engaging in programs

EPA sponsors or funds, per 40 C.F.R. § 13.17.

SR DG d. Per 42 U.S.C. § 7413(d)(5), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

43. 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.

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

VIII. EFFECT OF SETTLEMENT AND RESERVATION OF RIGHTS

45. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO shall only resolve Respondent's liability for Federal civil penalties for the violation and facts specifically alleged above.

46. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. 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.

47. The terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Environmental Appeals Board.

48. This settlement is conditioned upon the thoroughness and accuracy of Respondent's representations to the EPA in this matter, and upon the certification memorialized in the Paragraph directly below.

49. Respondent certifies that, to its knowledge, it is currently operating the Facility in compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

50. Full payment of the penalty proposed in this Consent Agreement 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 law. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and regulations promulgated thereunder.

51. Any violation of this Consent Agreement may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b)(2) of the CAA, 42 U.S.C.

§ 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Consent Agreement in an administrative, civil judicial, or criminal action.

52. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes. Nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

53. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

54. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

IX. OTHER MATTERS

55. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

56. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by e-mail to Darrin Gambelin, at: DDGI@pge.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

57. This Consent Agreement shall not dispose of the proceeding without a final order from the Environmental Appeals Board ratifying the terms of this Consent Agreement. This Consent Agreement shall be effective upon the filing of the Final Order by EPA's Environmental Appeals Board. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

58. The penalty specified herein shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of Federal, State, and local taxes.

59. This Consent Agreement shall apply to, and be binding upon, Respondent and Respondent's agents, successors, and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement.

60. Respondent and Complainant agree to settle this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

The foregoing Consent Agreement in the Matter of Pacific Gas and Electric Company, Docket No. CAA112r-HQ-2024-5012, is hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

PACIFIC GAS AND ELECTRIC COMPANY

Darrin Gambelin

Date: 7/8/2025

Darrin Gambelin
Counsel for Respondent
300 Lakeside Drive
Oakland, CA 94612
Respondent's Federal Tax Identification Number 94-0742640

The foregoing Consent Agreement in the Matter of Pacific Gas and Electric Company, Docket No. CAA112r-HQ-2024-5012, is hereby Stipulated, Agreed and Approved for Entry.

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 7/9/2025

**GREGORY
SULLIVAN**

Digitally signed by
GREGORY SULLIVAN
Date: 2025.07.09
10:37:57 -04'00'

Gregory Sullivan
Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Date: 07/07/2025

Sadaf Raza

Sadaf Raza
Attorney-Advisor
Office of Civil Enforcement
U.S. Environmental Protection Agency

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Consent Agreement" and "Final Order," in the matter of Pacific Gas and Electric Company, Docket No. CAA112r-HQ-2024-5012, were sent to the following persons in the manner indicated:

By E-mail:

Sadaf Raza
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
E-mail: Raza.Sadaf@epa.gov

Darrin Gambelin
Counsel for Respondent
Pacific Gas and Electric Company
300 Lakeside Drive
Oakland, CA 94612
E-mail: DDGI@pge.com

Dated: Jul 09, 2025

Tommie Madison

Tommie Madison
Clerk of the Board