

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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<b>In the Matter of:</b>	)	<b>EPA Docket No. CAA-03-2013-0109</b>
<b>Belden and Blake Corporation</b>	)	
<b>1001 Fannin Street, Suite 800</b>	)	
<b>Houston, Texas 77002,</b>	)	
	)	
<b>Respondent.</b>	)	<b>Proceedings Pursuant to Sections</b>
	)	<b>112(r) and 113 of the Clean Air Act,</b>
<b>BWA Stripping Plant</b>	)	<b>42 U.S.C. §§ 7412(r) and 7413</b>
<b>1950 West Washington Street</b>	)	
<b>Bradford Township, Pennsylvania 16701,</b>	)	
	)	
<b>Facility.</b>	)	

**CONSENT AGREEMENT**

**STATUTORY AUTHORITY**

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA" or the "Agency") by Section 113 of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413, and under the authority of 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. The Administrator has delegated these authorities to the Regional Administrator, who has, in turn, delegated them to the Director, Hazardous Site Cleanup Division.

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to entry of this CA/FO, agree to comply with the terms of this CA/FO.

### **JURISDICTION**

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(7) and 22.1(a)(8).

2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. §§ 22.4(b) and 22.18(b)(3).

3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.

4. With the exception of Paragraph 3, above, for purposes of this proceeding, Respondent neither admits nor denies factual allegations set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

### **FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 112(r)(7) OF THE CLEAN AIR ACT**

5. Belden and Blake Corporation ("Respondent") is the operator of the natural gas liquid extraction plant located on or near 1950 West Washington Street in Bradford Township, Pennsylvania and known as the "BWA Stripping Plant" (the "Facility").

6. Respondent is incorporated in the State of Ohio with its principal place of business located at 1001 Fannin Street, Suite 800 in Houston, Texas.

7. Respondent submitted to EPA a Risk Management Plan ("RMP") for the Facility dated June 9, 1999. Respondent subsequently submitted revised RMPs for the Facility on March 11, 2005 and January 5, 2010.

8. Respondent has been the operator of the Facility since at least 1999.

9. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

10. Section 112(r) to the CAA, 42 U.S.C. § 7412(r), requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7), 42 U.S.C. § 7412(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances, 42 U.S.C. § 7412(r)(7). The list of regulated substances and threshold levels can be found in 40 C.F.R. § 68.130.

11. On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program is described in a risk management plan that must be submitted to EPA. The risk management plan must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.

12. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its regulations at 40 C.F.R. §§ 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit a risk management plan to EPA no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

13. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 112(r) of the CAA that occurs before January 30, 1997. Section 113(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$32,500 per day for each violation of Section 112(r) of the CAA that occurs after March 15, 2004 through January 12, 2009, and \$37,500 per day for each violation of Section 112(r) of the CAA that occurs after January 12, 2009.

14. The regulations at 40 C.F.R. § 68.3 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.

15. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

16. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA in 40 C.F.R. § 68.130.

17. The regulations at 40 C.F.R. § 68.3 define “process” 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 purposes of this definition, any group of vessels that are 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.

18. The regulations at 40 C.F.R. § 68.3 define “natural gas processing plant” as any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both, classified as North American Industrial Classification System code 211112.

19. EPA conducted an inspection of the Facility on April 5, 2011, to determine Respondent’s compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68.

20. The Facility handles and/or stores and has handled and/or stored flammable mixtures, Chemical Abstracts Service (“CAS”) Number 00-11-11, since at least 1999, and at all times relevant to this Order. The predominant components of the flammable mixture are propane (CAS # 74-98-6) and butane (CAS # 106-97-8). Propane and butane are listed flammable substances at 40 C.F.R. § 68.130, and the mixture meets the National Fire Protection Administration Code 704, Degree of Flammability Hazard of 4.

21. The process at the Facility involves the separation of propane, butane, ethane and isobutane from the incoming natural gas using compressors and a process skid. The separated gases are stored together in a 10,000-gallon storage tank, which when full weighs 67,000 pounds, for transportation off-site.

22. The Standard Industrial Classification code for the Facility is 1321 (natural gas liquids) and the North American Industrial Classification System code for the Facility is 211112 (natural gas liquid extraction).

23. The National Fire Protection Administration’s Code 58, Liquefied Petroleum Gas Code, 2011 Edition, (“NFPA 58”) applies to the storage, handling, transportation, and use of liquefied petroleum gas at the Facility.

24. The inspection revealed a number of concerns at the Facility:

- a. Inspectors noted that piping to the liquefied petroleum gas (“LPG”) storage tank in the outside process area at the Facility was partially buried. The piping was not protected or coated in accordance with subsection 6.16.1 of NFPA 58, which requires that “[a]ll metallic equipment and components that are buried or mounded shall be coated or protected and maintained to minimize corrosion.”
- b. Inspectors noted that piping to the LPG storage tank in the outside process area was partially aboveground and was not protected against corrosion. Subsection 6.9.3.11 of NFPA 58 requires that “the portion of aboveground piping in contact with a support or a corrosion-causing substance shall be protected against corrosion.”
- c. Inspectors noted excessive vibration of the refrigeration compressor skid and its associated piping. Inspectors determined that the vibration was caused by

the improper support of the skid. Subsection 6.17.3.1 of NFPA 58 requires that compressors be installed in accordance with manufacturer's installation instructions. Subsection 6.17.3.2 of NFPA 58 requires that the "Installation shall be made so that the compressor housing is not subjected to excessive stresses transmitted to it by the suction and discharge piping." Subsection 6.9.3.9 of NFPA 58 requires that "Piping systems, including the interconnection of permanently installed containers, shall compensate for expansion, contraction, jarring, vibration, and settling."

- d. During the inspection, Respondent provided process safety information for the storage tank, but did not provide process safety information for all of the process equipment or associated piping.
- e. The most recent Process Hazard Review ("PHR"), which was presented to inspectors during the inspection, was conducted on June 29, 2005 for the storage tank only and did not review all of the process equipment at the Facility, including the process equipment skid, compressor skids, piping, etc.
- f. As of the date of the inspection, Respondent had not updated or revalidated the PHR (dated June 29, 2005) every five years.
- g. During the inspection, Respondent did not provide operating procedures for all of the process equipment at the Facility, which are required to be prepared by 40 C.F.R. § 68.52. Respondent provided operating procedures for the storage tank, but not for the process skid, piping or the compressors or for activities related to the process equipment.
- h. During the inspection, Respondent did not provide any evidence of training and/or refresher training of employees in the operating procedures required by 40 C.F.R. § 68.54, which states that employees must be trained in all of the operating procedures that pertain to their duties.
- i. As of the time of the inspection, periodic maintenance of compressors at the Facility was performed by contractors; day-to-day maintenance of compressors and other equipment was performed by Facility personnel. During the inspection, Respondent did not provide documentation of maintenance procedures, maintenance training and process equipment inspections, required to be undertaken in accordance with 40 C.F.R. § 68.56.
- j. During the inspection, Respondent provided no documents demonstrating that compliance audits were conducted on all process equipment at the Facility. Compliance audits are required by 40 C.F.R. § 68.58 to be conducted every three years.

25. On September 27, 2011, EPA issued an Administrative Order, EPA Docket No. CAA-03-2011-0309DA ("Order"), to Respondent pursuant to the authority of Section

113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B). The Order required Respondent to address the conditions identified in the Order pursuant to a submitted schedule, and to submit a final report upon completion.

26. Pursuant to the Order, Respondent has submitted reports to EPA indicating that Respondent has corrected the identified conditions. Respondent completed the work under the Order to the satisfaction of EPA and, on October 25, 2012, EPA terminated the Order.

27. EPA's investigation indicates that, prior to Respondent's compliance with the Order, the company failed to satisfy the requirements of 40 C.F.R. Part 68 to fully implement a Program 2 Risk Management Program for the Facility. Respondent failed to comply with the following requirements of Subpart C and Subpart H of 40 C.F.R. Part 68:

- a. Compile and maintain up-to-date safety information related to all of the process equipment and the piping for the LPG storage tank, in violation of 40 C.F.R. § 68.48(a)(3).
- b. Ensure that process is designed in accordance with recognized and generally accepted good engineering practice, in violation of 40 C.F.R. § 68.48(b). The Facility's piping was partially buried and not protected against corrosion and there was excessive vibration of the refrigeration compressor skid and its associated piping because the skid was not properly supported.
- c. Conduct a complete process hazard review, in violation of 40 C.F.R. § 68.50(a). The process hazard review did not assess all of the process equipment at the Facility.
- d. Update the PHR every five years, in violation of 40 C.F.R. § 68.50(d). The required update was not completed by June 29, 2010.
- e. Provide operating procedures for all process equipment, in violation of 40 C.F.R. § 68.52(a) and (b). Operating procedures were not prepared for the process skid, piping or the compressors.
- f. Demonstrate that compliance audits were conducted every three years, in violation of 40 C.F.R. § 68.58(a).
- g. Maintain documentation of initial training or refresher training, as required by 40 C.F.R. § 68.54(a) and (b), in violation of 40 C.F.R. § 68.200.
- h. Maintain documentation of maintenance procedures, maintenance training and process equipment inspections, as required by 40 C.F.R. § 68.56(a), (b) and (d), in violation of 40 C.F.R. § 68.200.

**CONCLUSIONS OF LAW RELATED TO THE  
VIOLATION OF SECTION 112(r)(7) OF THE CLEAN AIR ACT**

28. The findings of fact contained in Paragraphs 5 through 27 of this CA/FO are incorporated by reference herein as though fully set forth at length.

29. Propane, butane, ethane and isobutane are regulated substances pursuant to Section 112(r)(2) and (3) of the Clean Air Act, and are listed at 40 C.F.R. § 68.130, with a threshold quantity of 10,000 pounds each.

30. The entire weight of the flammable mixture in the storage tank, 67,000 pounds, constitutes a regulated substance under Part 68, pursuant to 40 C.F.R. § 68.115(b). Regulated substances in the storage tank meet the minimum threshold, concentration and/or fire rating requirements of a regulated flammable substance as defined in 40 C.F.R. § 68.115.

31. At all times relevant to this Consent Agreement, propane, butane, ethane and isobutene have been present in a process at the Facility.

32. Respondent is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

33. Respondent has been the operator of a "stationary source," as the term is defined at 40 C.F.R. § 68.3, since approximately 1999.

34. Respondent is subject to the requirements of Section 112(r) of the CAA, 40 U.S.C. § 7412(r), and 40 C.F.R. Part 68, because it is the owner and/or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.

35. The Facility is a Program 2 Facility under the Chemical Accident Prevention Provisions, in accordance with 40 C.F.R. § 68.10(c).

36. The Facility is a "natural gas processing plant," within the meaning of 40 C.F.R. § 68.3.

37. Respondent has violated Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its regulations at 40 C.F.R. Part 68, by failing to meet the requirements of Subparts C and H of the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68, as set forth in Paragraph 27 above. Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

**SETTLEMENT**

38. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondent consents to the

assessment of a civil penalty for the violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), as set forth above, in the amount of **\$42,504**.

39. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph.

**PAYMENT TERMS**

40. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the civil penalty of \$42,504, no later than thirty (30) days after the effective date of the Final Order (the "final due date") by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2013-0109;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000  
Contact: Heather Russell, 513-487-2044

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001



- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account No. = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:  
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737  
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

[WWW.PAY.GOV/PAYGOV](http://WWW.PAY.GOV/PAYGOV)  
Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

45. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Cynthia T. Weiss  
Senior Assistant Regional Counsel (3RC42)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

46. The CAA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section

113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions of this CA/FO shall result in the assessment of late payment charges, including interest beyond that required by this CA/FO, penalties and/or administrative costs of handling delinquent debts.

48. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

49. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix B of EPA's *Resource Management Directives – Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

50. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

51. Failure of Respondent to pay the penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

#### **GENERAL PROVISIONS**

52. By entering into this CA/FO, Respondent does not admit any liability for the civil claims alleged herein.

53. For purposes of this proceeding, Respondent expressly waives its right to hearing and to appeal the Final Order pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

54. Respondent certifies by the signing of this CA/FO that, to the best of its knowledge, the Facility is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.

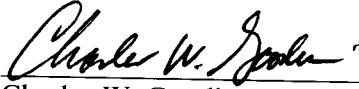
55. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind said Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

56. This CA/FO does not constitute a waiver, suspension or modification of the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or any regulations promulgated thereunder.

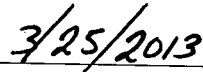
57. This CA/FO is a complete and final settlement of all civil and administrative claims and causes of action set forth in this CA/FO for alleged violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

58. Each party to this action shall bear its own costs and attorney's fees.

FOR BELDEN AND BLAKE CORPORATION

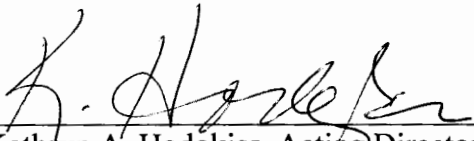


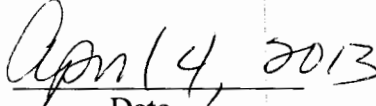
Charles W. Goodin  
Vice President, Legal  
EnerVest Operating, L.L.C.



Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

  
\_\_\_\_\_  
Kathryn A. Hodgkiss, Acting Director  
Hazardous Site Cleanup Division

  
\_\_\_\_\_  
Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

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<b>Houston, Texas 77002</b>	)	
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<b>Respondent.</b>	)	<b>Proceedings Pursuant to Sections</b>
	)	<b>112(r) and 113 of the Clean Air Act,</b>
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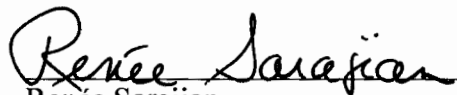
**FINAL ORDER**

Pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” codified at 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ORDERED to pay \$42,504 and otherwise comply with the terms of the referenced Consent Agreement.

**Effective Date**

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

Date: 4/9/13

  
Renée Sarajian  
Regional Judicial Officer/Presiding Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
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1950 West Washington Street ) 42 U.S.C. §§ 7412(r) and 7413  
Bradford Township, Pennsylvania 16701, )  
Facility. )

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent to:

Via certified mail, return receipt requested

Kathy Milenkovski, Esquire  
Steptoe & Johnson PLLC  
Huntington Center, Suite 2200  
41 South High Street  
Columbus, Ohio 43215

4/9/2013  
Date

Cynthia T. Weiss  
Cynthia T. Weiss (3RC42)  
Senior Assistant Regional Counsel