

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED  
2017 JAN 12 AM 10:00  
REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF: )

TUBAL-CAIN GAS FREE SERVICES, INC. )  
PORT ARTHUR, TEXAS )

RESPONDENT )  
\_\_\_\_\_ )

DOCKET NO. RCRA-06-2017-0914

**CONSENT AGREEMENT AND FINAL ORDER**

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency ("EPA"), Region 6 ("Complainant") and Tubal-Cain Gas Free Services, Inc. ("Respondent") in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order ("CAFO").

**I. PRELIMINARY STATEMENT**

1. This proceeding for the assessment of a civil penalty is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), and is simultaneously commenced and concluded through the issuance of this CAFO pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2)-(3) and 22.37.
2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
3. For the purposes of this proceeding, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations contained in this CAFO.

4. Respondent explicitly waives any right to contest the allegations and its right to appeal the proposed Final Order set forth therein and waives all defenses that have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only Respondent's liability for civil penalties for those violations that are set forth herein.

6. Respondent consents to the issuance of the CAFO, to the assessment and payment of the civil penalty in the amount and by the method set forth in this CAFO, and to the conditions specified in the CAFO.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **A. PRELIMINARY ALLEGATIONS**

7. Respondent is a corporation incorporated under the laws of the State of Texas.

8. "Person" is defined in 30 T.A.C. § 3.2(25)<sup>1</sup> [40 C.F.R. §§ 260.10 and 270.2] as "an individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity."

9. Respondent is a "person" as that term is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2].

10. "Owner" is defined in 30 T.A.C. § 335.1(115) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

11. "Operator" is defined in 30 T.A.C. § 335.1(114) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility."

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<sup>1</sup> All citations to the EPA authorized Texas hazardous waste program refer to Title 30 of the Texas Administrative Code (T.A.C.) as amended, effective through December 31, 2009. 77 Fed. Reg. 71344, 71352 (November 30, 2012); 40 C.F.R. Part 272, Appendix A, Texas. The corresponding Code of Federal Regulation (C.F.R.) citations are also provided.

12. Owner or operator” is defined in 40 C.F.R. § 270.2 as “the owner or operator of any facility or activity subject to regulation under RCRA.”

13. “Facility” is defined in 30 T.A.C. § 335.1(61)(A) [40 C.F.R. § 260.10] as “all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste [...] A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).”

14. Respondent owns and/or operates a facility in Port Arthur, Texas (“facility”) that conducts barge cleaning and associated operations.

15. The facility identified in Paragraph 14 is a “facility” as that term is defined in 30 T.A.C. § 335.1(61)(A) [40 C.F.R. § 260.10].

16. Respondent is the “owner” and/or “operator” of the facility identified in Paragraph 14, as those terms are defined in 30 T.A.C. § 335.1(114)-(115) [40 C.F.R. §§ 260.10 and 270.2].

17. The facility is currently registered as a Large Quantity Generator (“LQG”) of hazardous waste in the State of Texas. Respondent’s initial notification of hazardous waste activity was submitted on November 30, 2009. In its most recent notification dated June 23, 2015, Respondent maintained its LQG status.

18. On or about September 30, 2014 through October 2, 2014, representatives of EPA inspected the facility pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. In its June 22, 2015 written response to the inspection report and in the September 21, 2016 meeting with EPA, Respondent affirmed that it had taken all actions necessary to correct the violations cited in this CAFO and to comply with the associated RCRA requirements.

**B. VIOLATIONS****Count One – Failure to Conduct a Hazardous Waste Determination**

19. A person who generates a solid waste must determine if that waste is hazardous. 30 T.A.C. § 335.62 [40 C.F.R. § 262.11].
20. Commercial chemical products listed in 40 C.F.R. § 261.33 are “solid wastes” when they are used to produce a fuel or are otherwise contained in fuels, when those commercial chemical products are not themselves fuels, in which cases the fuel itself remains a solid waste. 30 T.A.C. § 335.1(146)(D)(ii)(II) [40 C.F.R. § 261.2(c)(2)(B)].
21. Prior to September 24, 2014, Respondent removed virgin methyl ethyl ketone (“MEK”), a commercial chemical product listed in 40 C.F.R. § 261.33, from a barge(s) and placed the MEK in totes at the facility.
22. On September 24, 2014, Respondent blended 500 gallons of MEK referenced in paragraph 21 with petroleum products that was eventually used to produce a fuel.
23. Prior to December 10, 2013, Respondent removed virgin acetone, a commercial chemical product listed in 40 C.F.R. § 261.33, from a barge(s) and placed the acetone in totes at the facility.
24. On December 10, 2013, Respondent blended 300 gallons of acetone referenced in paragraph 23 with benzene and petroleum products that was eventually used to produce a fuel.
25. Solid waste MEK and solid waste acetone are both listed hazardous wastes. 40 C.F.R. § 261.33.
26. Respondent failed to make an accurate hazardous waste determination for the waste streams referenced in paragraphs 21 through 25.

**Count 2 – Failure to Use a Hazardous Waste Manifest and Failure to Designate a Facility Authorized to Handle the Waste**

27. “Generator” means any person whose act or process produces hazardous waste listed in 40 C.F.R. Part 261

28. A generator who offers to transport a hazardous waste for offsite treatment, storage or disposal must prepare a manifest in accordance with applicable regulations. 30 T.A.C. § 335.10(a) [40 C.F.R. § 262.20(a)(1).

29. A generator must designate on the manifest one facility that is permitted to handle the waste described on the manifest. 40 C.F.R. § 262.20(b).

30. “Treatment” means any method, technique or process designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste. 40 C.F.R. § 260.10.

31. Paragraphs 21 through 25 are re-alleged herein by reference.

32. On or after September 24, 2014, Respondent transferred the MEK to a third-party at an offsite location, and the MEK was used to produce a fuel.

33. On December 10, 2013, Respondent transferred the acetone to a third-party at an offsite location, and the acetone was used to produce a fuel.

34. Hazardous waste MEK and hazardous waste acetone were shipped off site for treatment without a hazardous waste manifest.

35. Respondent failed to use a hazardous waste manifest for the transport of hazardous waste referenced in paragraphs 31 through 34, and thus also failed to properly designate the facility authorized to handle the hazardous waste.

**Count 3 – Failure to Conduct a Hazardous Waste Determination**

36. Paragraph 19 is incorporated herein by reference.

37. “Spent” materials are solid waste. 30 T.A.C. § 335.1(146)(D)(iv) [40 C.F.R. § 261.2(c)(4)].

38. Respondent used water and/or water plus a cleaning agent to remove residual barge heel and accumulated the barge cleaning wash water on-site in tanks.

39. The barge cleaning wash water is “spent” material, thus it is solid waste.

40. On January 30, 2014 and February 11, 2014, Respondent shipped spent barge wash water to a third party on non-hazardous waste manifests; however, the third party determined the spent barge wash water was characteristically hazardous for ignitability and rejected the manifest.

41. Respondent failed to perform an adequate hazardous waste determination for the wastes referenced in paragraphs 38 through 40.

**Count 4 – Failure to Meet Requirements for Storage of Hazardous Waste**

42. A generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status if certain requirements are met, including that the hazardous waste is placed in containers and the generator complies with applicable regulations. 30 T.A.C. § 335.69(a)(1)(A) [40 C.F.R. § 262.34(a)(1)(i)].

43. “Tank” means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials that provide structural support. 30 T.A.C. § 335.1(155) [40 C.F.R. § 260.10].

44. “Tank system” means hazardous waste storage or processing tank and its associated ancillary equipment and containment system. 30 T.A.C. § 335.1(156) [40 C.F.R. § 260.10].

45. Tanks and/or tank systems must have secondary containment that meets the requirements of all applicable regulations, including the requirement that a secondary containment system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary. 30 T.A.C. § 335.69 [40 C.F.R. § 265.193(e)(1)(i)].

46. Paragraphs 38 through 40 are incorporated herein by reference.

47. At other times, Respondent identified the spent barge wash water as hazardous waste.

48. Respondent stored spent barge wash water on-site in tanks that meet the definition of "tank" and "tank system."

49. Secondary containment for the tanks and/or tank systems referenced in paragraphs 46 and 48 was not sufficient to contain 100 percent of the volume of the largest tank in the secondary containment system.

50. Respondent did not have a permit or interim status that would allow the activities referenced in paragraphs 46 through 49.

51. Respondent failed to meet storage requirements for hazardous waste.

#### **Count 5 – Failure to Meet Requirements for Storage of Hazardous Waste**

52. A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status if certain requirements are met, including that, while being accumulated on-site, each container and tank is labeled or marked clearly with the words "hazardous waste." 30 T.A.C. § 335.69(a)(3) [40 C.F.R. § 262.34(a)(3)].

53. A solid waste that displays the characteristic of toxicity is a hazardous waste. 30 T.A.C. § 335.504(3) [40 C.F.R. § 261.20(a)].

54. A solid waste that exhibits the characteristic of ignitability is a hazardous waste. 30 T.A.C. § 335.504(3) [40 C.F.R. § 261.21].

55. A solid waste containing trichloroethylene (D040) is a hazardous waste due to toxicity if the waste contains a concentration equal to or greater than 0.5 mg/L of trichloroethylene.

40 C.F.R. § 261.24.

56. A solid waste containing benzene (D018) is a hazardous waste due to toxicity if the waste contains a concentration equal to or greater than 0.5 mg/L of benzene. 40 C.F.R. § 261.24.

57. Respondent accumulated two totes of waste wash water containing trichloroethylene from washing barge heels, and the trichloroethylene concentrations in the totes exceeded the limit referenced in paragraph 55.

58. The totes referenced in paragraph 57 were not labeled "hazardous waste."

59. Paragraphs 46 through 47 are incorporated herein by reference.

60. Respondent accumulated a mixture of spent wash water in tanks referenced in paragraph 46 through 47 that contained benzene, and the benzene concentrations in the tanks exceeded the limit referenced in paragraph 56.

61. The tanks referenced in paragraph 60 were not labeled "hazardous waste."

62. Respondent failed to properly label containers containing hazardous wastes characteristic for ignitability and toxicity.

#### **Count 6 – Failure to Meet Recordkeeping Requirements**

63. A generator must keep copies of manifests, biennial reports, exception reports, test results, waste analyses, and other determinations for at least three years from the date the waste was last sent to on-site or off-site treatment, storage or disposal. 30 T.A.C. § 335.70 [40 C.F.R. § 262.40].



64. Respondent maintains records electronically. Respondent stated that, due to a computer failure, records were lost. At the time of inspection, Respondent had records for only the previous two years.

65. Respondent failed to meet recordkeeping requirements by failing to maintain records for at least three years.

### **Count 7 – Denial of Access to Facility in Violation of Section 3007(a) of RCRA**

66. Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), provides that, for the purposes of enforcing the provisions of RCRA, EPA representatives are authorized to enter at reasonable time any establishment or other place where hazardous wastes are or have been generated, stored, treated or disposed of, or transported from, and to inspect and obtain samples from any person of any such wastes and samples of any containers or labeling for such wastes.

67. EPA representatives presented appropriate credentials and entered the facility on September 30, 2014. Shortly thereafter, Respondent's on-site representative asked EPA representatives to leave the facility. EPA representatives left the facility for approximately 40 minutes but were subsequently allowed to continue the inspection after an internal discussion of representatives of Respondent.

68. By ordering EPA representatives to leave the facility, Respondent denied Complainant access to the facility to which Complainant was entitled under Section 3007 of RCRA.

## **III. TERMS OF SETTLEMENT**

### **A. CIVIL PENALTY**

69. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the seriousness of

the alleged violations, Respondent's good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that Respondent be assessed a civil penalty of **one hundred ninety two thousand dollars (\$192,000)**. That number includes \$17,485 in economic benefit. Respondent shall pay the assessed civil penalty according to the schedule set below. The first payment is due within thirty (30) days of the effective date of this CAFO, and each subsequent payment is due one month later until the penalty is paid in full. Payment amounts, including a one percent (1%) interest charge, are laid out in the table below:

Payment No.	Due Date (from the effective date of CAFO)	Payment	Interest Accrued	Principal Balance
				\$ 192,000.00
1	30 days	\$8,084.80	\$0.00	\$183,915.20
2	2 months	\$8,084.80	\$158.37	\$175,988.77
3	3 months	\$8,084.80	\$151.55	\$168,055.52
4	4 months	\$8,084.80	\$130.71	\$160,101.43
5	5 months	\$8,084.80	\$137.87	\$152,154.50
6	6 months	\$8,084.80	\$126.80	\$144,196.50
7	7 months	\$8,084.80	\$124.17	\$136,235.87
8	8 months	\$8,084.80	\$113.53	\$128,264.60
9	9 months	\$8,084.80	\$110.45	\$120,290.25
10	10 months	\$8,084.80	\$103.58	\$112,309.03
11	11 months	\$8,084.80	\$93.59	\$104,317.82
12	1 year	\$8,084.80	\$89.83	\$96,322.85
13	13 months	\$8,084.80	\$80.27	\$88,318.32
14	14 months	\$8,084.80	\$76.05	\$80,309.57
15	15 months	\$8,084.80	\$69.16	\$72,293.93
16	16 months	\$8,084.80	\$56.23	\$64,265.36
17	17 months	\$8,084.80	\$55.34	\$56,235.90
18	18 months	\$8,084.80	\$46.86	\$48,197.96
19	19 months	\$8,084.80	\$41.50	\$40,154.66
20	20 months	\$8,084.80	\$33.46	\$32,103.32
21	21 months	\$8,084.80	\$27.64	\$24,046.16
22	22 months	\$8,084.80	\$20.71	\$15,982.07
23	23 months	\$8,084.80	\$13.32	\$7,910.59
24	2 years	\$7,917.40	\$6.81	\$0.00

70. Respondent shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted 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"

**PLEASE NOTE: Docket number RCRA-06-2017-0914 shall be clearly typed on the respective checks to ensure proper credit.** If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire

transfer instructions shall reference Respondent's name and address, the case name, and docket number of the CAFO. Respondent shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Waste Compliance I Section (6EN-H1)  
Waste Enforcement Branch  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Respondent's adherence to this request will ensure proper credit is given when penalties are received in the Region.

71. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

72. If Respondent fails to submit payment of the civil penalty according to the schedule set forth above, Respondent may be subject to a civil action to collect any unpaid portion of the assessed penalty, together with interest, handling charges, and nonpayment penalties, as set forth below.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will 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. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. 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). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b).

74. EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

#### **B. PARTIES BOUND**

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action and their successors and assigns. Respondent shall advise its officers and directors and those employees and agents involved in carrying out the obligations under this CAFO of the terms of this CAFO. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

#### **C. RETENTION OF RIGHTS**

76. EPA does not waive any rights or remedies available to EPA for any other violations by Respondent of Federal or State laws, regulations, or permitting conditions.

77. Nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants,

contaminants, hazardous substances on, at or from Respondent's facility. Furthermore, nothing in this CAFO shall be construed or to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

78. Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. In any such action to enforce the provisions of this CAFO, Respondent shall not assert, and may not maintain, any defense of laches, statute of limitations, or any other equitable defense based on the passage of time. This CAFO shall not be construed to limit the rights of the EPA or United States to obtain penalties or injunctive relief under RCRA or its implementing regulations, or under other federal or state laws, regulations, or permit conditions.

79. In any subsequent administrative or judicial proceeding initiated by Complainant or the United States for injunctive relief, civil penalties, to enforce the provisions of this CAFO, or other appropriate relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims for civil penalties that have been specifically resolved pursuant to this CAFO.

80. Respondent waives any right it may possess at law or in equity to challenge the authority of the EPA or the United States to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and

agrees that federal law shall govern in any such civil action. Respondent also consents to personal jurisdiction in any action to enforce this CAFO in the appropriate Federal District Court.

81. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. Respondent is responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. Respondent's compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. Complainant does not warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

#### **D. COSTS**

82. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.


#### **E. EFFECTIVE DATE**

83. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

**FOR THE RESPONDENT:**

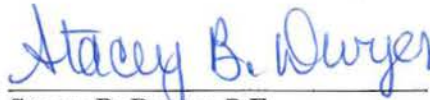
Date: 12/12/2016



Randy Cooper, Operations Manager  
Tubal-Cain Gas Free Services, Inc.

**FOR THE COMPLAINANT:**

Date: 01/09/2017

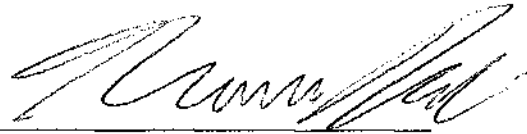


Stacey B. Dwyer, P.E.  
Acting Director  
Compliance Assurance and  
Enforcement Division



**FINAL ORDER**

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 11/11/17

~~Renea Ryland~~  
Regional Judicial Officer

THOMAS RYCK:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12 day of January, 2019, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was were placed in the United States Mail, certified mail, return receipt requested 7014015000024545309, addressed to the following:

Randy Cooper, Operations Manager  
Tubal Cain Gas Free Services, Inc.  
8737 Old Yacht Club Road  
Port Arthur, Texas 77642

Keri Jackson