



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DOCKET NO.: CWA-08-2014-0036

IN THE MATTER OF:

BRAD HALL & ASSOCIATES, INC.

3875 American Way
Idaho Falls, ID 83402

Respondent

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FINAL ORDER

Pursuant to 40 C.F.R. § 22.13(b) and § 22.18, of the EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 30th Day of September, 2014.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 SEP 30 PM 12: 31

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)	COMBINED COMPLAINT AND
)	CONSENT AGREEMENT
Brad Hall & Associates, Inc.)	
3875 American Way)	Docket No. CWA-08-2014-0036
Idaho Falls, ID 83402,)	
)	Simultaneous Commencement and
)	Conclusion of Proceeding Pursuant to
Respondent)	Section 311(b)(6) of the Clean Water Act
)	and 40 C.F.R. § 22.13 (b)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Brad Hall & Associates Inc. (Respondent), by their undersigned representatives, hereby consent and agree as follows:

I. STATUTORY AUTHORITY

1. This Combined Complaint and Consent Agreement (Agreement) is entered into pursuant to section 311(b)(6) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6), and 40 C.F.R. § 22.13(b). Section 311(b)(6) of the Act, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of the United States Environmental Protection Agency (EPA) to assess civil penalties for failure or refusal to comply with any regulation issued under section 311(j) of the Act, 33 U.S.C. § 1321(j), to which an owner, operator, or person in charge of any vessel, onshore facility, or offshore facility is subject, which authority has been properly delegated to the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region 8. The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, govern such proceedings. 40 C.F.R. § 22.13(b) provides that a proceeding subject to the Consolidated Rules may be simultaneously commenced and concluded

by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

II. PARTIES BOUND

2. This Agreement shall apply to and be binding upon Complainant and shall be binding upon the Respondent, its officers, directors, agents, successors, and assigns. Any change in the ownership or legal status of Respondent, or the corporate organization, structure or status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter its responsibilities under this Agreement.

III. STATEMENT OF PARTIES

3. Respondent stipulates to EPA's jurisdiction and venue over the matters contained in this Agreement; however, Respondent neither admits nor denies the specific factual allegations contained herein.

4. Respondent waives its right to a hearing before any tribunal to contest any issue of law or fact set forth in this Agreement, and waives its right to appeal the Final Order.

5. The signatories to this Agreement certify that they are authorized to execute and legally bind the parties they represent to this Agreement.

6. This Agreement contains all terms of the settlement agreed to by the parties.

7. Complainant and Respondent agree that settlement of this matter is in the public interest, and that execution of this Agreement and issuance of a final order without further litigation and without adjudication of any issue of fact or law is the most appropriate means of resolving this matter.

IV. STATUTORY AND REGULATORY FRAMEWORK

8. The objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. 33 U.S.C. § 1251(a).

9. Section 311(j)(1)(C) of the Act, 33 U.S.C. § 1321(j)(1)(C), directs the President to issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharge of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges”

10. Pursuant to section 311(j)(1)(C) of the Act, EPA, acting through its delegated authority under Executive Order No. 11,735, 38 Fed. Reg. 21,243 (Aug. 7, 1973), and section 2(b)(1) of Executive Order No. 12,777, 56 Fed. Reg. 54,757 (Oct. 22, 1991), has issued Oil Pollution Prevention regulations which establish, among other things, procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore facilities into or upon the navigable waters of the United States or adjoining shorelines, as provided in 40 C.F.R. § 112.1(a)(1). These regulations are found at 40 C.F.R. Part 112.

11. 40 C.F.R. Part 112 applies to “any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in [40 C.F.R. Part 110], into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone” 40 C.F.R. § 112.1(b). Additionally, for Part 112 to apply, *inter alia*, the aggregate aboveground storage capacity of the facility must exceed 1,320 U.S. gallons of oil. 40 C.F.R. § 112.1(d)(2)(ii).

12. An owner or operator of a facility subject to 40 C.F.R Part 112 “must prepare in writing and implement a Spill Prevention Control and Countermeasure Plan (hereinafter ‘SPCC Plan’ or ‘Plan’), in accordance with § 112.7 and any other applicable section of [Part 112].” 40 C.F.R. § 112.3. The Plan must include a discussion of the facility's conformance with the

requirements listed in Part 112. 40 C.F.R. § 112.7(a)(1). An owner or operator of a facility that was in operation on or before August 16, 2002, must maintain its Plan, amend it if necessary, and implement the amended Plan no later than November 10, 2011. 40 C.F.R. § 112.3(a)(1). An owner or operator of a facility that became operational after August 16, 2002 through November 10, 2011, must also prepare and implement a Plan on or before November 10, 2011. *Id.*

13. An owner or operator of a facility subject to 40 C.F.R Part 112 is required to include a discussion in the Plan of the facility's conformance with the requirements in 40 C.F.R. Part 112 and to comply with all applicable requirements listed in 40 C.F.R. Part 112. 40 C.F.R. § 112.7(a).

14. An owner or operator of a facility subject to 40 C.F.R Part 112 is required "to provide information and procedures in [the] Plan to enable a person reporting a discharge as described in § 112.1(b) to relate information on . . . estimates of the quantity discharged as described in § 112.1(b)" 40 C.F.R. § 112.7(a)(4).

15. An owner or operator of a facility subject to 40 C.F.R Part 112 is required to "[c]onstruct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) [to] provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation." 40 C.F.R. § 112.8(c)(2). An owner or operator must also "ensure that diked areas are sufficiently impervious to contain discharged oil." *Id.*

16. An owner or operator of a facility subject to 40 C.F.R Part 112 is required to "[t]est or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs" and to "determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, [and] the frequency and type of testing and inspections, which take into account container size, configuration, and

design” 40 C.F.R. § 112.8(c)(6). An owner or operator is also required to “keep comparison records and . . . inspect the container’s supports and foundations” as well as “frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.” *Id.*

17. An owner or operator of a facility subject to 40 C.F.R Part 112 is required “to complete and maintain at the facility the certification form contained in Appendix C” of Part 112 (Substantial Harm Criteria form) if the owner or operator determines “that the facility could not, because of its location, reasonably be expected to cause *substantial* harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines” 40 C.F.R. § 112.20(e) (emphasis added). The certification form in Appendix C of Part 112 (Attachment C-II) requires the signature of the owner or operator.

18. 40 C.F.R. § 112.7 requires the SPCC Plan to have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan.

19. The term “owner or operator” is defined in section 311(a)(6) of the Act, in pertinent part, to mean, “in the case of an onshore facility, . . . any person owning or operating such onshore facility” 33 U.S.C. § 1321(a)(6).

20. The term “onshore facility” is defined in section 311(a)(10) of the Act as “any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.” 33 U.S.C. § 1321(a)(10).

21. Pursuant to 40 C.F.R. § 112.2, the term “non-transportation-related, as applied to an onshore or offshore facility, [is] defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency,

dated November 24, 1971, (Appendix A of this part).” Appendix A of 40 C.F.R. Part 112 defines “non-transportation-related onshore . . . facilities” to include: “(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil”

22. The term “oil” is defined in section 311(a)(1) of the Act, in pertinent part, as “oil of any kind or in any form, including, but not limited to, petroleum” 33 U.S.C. § 1321(a)(1).

23. The term “discharge” is defined in section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), to include, in pertinent part, “any spilling, leaking, pumping, pouring, emitting, emptying or dumping”

24. The term “navigable waters” is defined in section 502(7) of the Act as “waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

25. The term “Navigable waters of the United States,” as defined in 40 C.F.R. § 112.2, “means ‘navigable waters’ as defined in section 502(7) of the FWPCA and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.”

26. In accordance with section 311(b)(4) of the Act, 33 U.S.C. § 1321(b)(4), the President, through a delegation to EPA, has determined, by regulation, those quantities of oil the discharge of which may be harmful to the public health or welfare or the environment of the United States. Exec. Order No. 11735, 38 Fed. Reg. 21243 (Aug. 3, 1973), and Executive Order 12777, 56 Fed. Reg. 54757 (October 22, 1991). 40 C.F.R. § 110.3 defines discharges of oil in such quantities as may be harmful to include discharges of oil that: “(a) Violate applicable water

quality standards; or (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.”

27. The term “sheen” is defined in 40 C.F.R. § 110.1 as an “iridescent appearance on the surface of the water.”

28. The term “sludge” is defined in 40 C.F.R. § 110.1 as “an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.”

29. According to section 311(a)(7) of the Act, “‘person’ includes an individual, firm, corporation, association, and a partnership.” 33 U.S.C. § 1321(a)(7).

30. The term “bulk storage container” is defined in 40 C.F.R. § 112.2, in pertinent part, as “any container used to store oil.”

31. The term “mobile refueler” is defined in 40 C.F.R. § 112.2 as “a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.”

32. Pursuant to section 311(b)(6)(A) of the Act, 33 U.S.C. § 1321(b)(6)(A), “[a]ny owner, operator, or person in charge of any . . . onshore facility . . . (ii) who fails or refuses to comply with any regulation issued under [Section 311(j) of the Act] to which that owner, operator, or person in charge is subject, may be assessed a class I or class II civil penalty by the . . . Administrator.”

V. GENERAL ALLEGATIONS

33. Respondent is and was at all relevant times a corporation organized under the laws of Idaho. Respondent's office is located at 3875 American Way, Idaho Falls, Idaho 83402. Respondent's mailing address is P.O. Box 50620, Idaho Falls, Idaho 83405.

34. Respondent is authorized to and conducts business in Wyoming.

35. Respondent's president is Logan Hall. Respondent's registered agent in Wyoming is C T Corporation System. The address of Respondent's registered agent is 1712 Pioneer Ave 120, Cheyenne, Wyoming 82001.

36. Respondent is and was at all times relevant to the Agreement a "person" within the meaning of section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7).

37. Respondent owns Cody Bulk Plant located at 53 County Road 2AB, Cody, Wyoming 82414 ("Facility"). Respondent purchased the Facility from Red Eagle Oil, Inc. on December 12, 2012. Respondent is and was at all times relevant to the Agreement an "owner or operator" as defined in section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6).

38. Respondent is and was at all times relevant to the Agreement engaged in storing, transferring, and distributing oil and oil products.

39. The Facility is and was at all times relevant to the Agreement a "non-transportation-related" "onshore facility" within the meaning of section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), 40 C.F.R. § 112.2, and 40 C.F.R. Part 112, Appendix A.

40. The Facility has and had at all times relevant to the Agreement an aggregate aboveground storage capacity that exceeds 1,320 U.S. gallons of oil. The facility has at least 381,720 gallons of aboveground storage capacity for gasoline, diesel fuel, condensate, and other oils.

41. The Facility is located 1,200 feet from the Shoshone River. The Shoshone River is 100 miles long, runs through northern Wyoming, is perennial, and is used for fishing and rafting. The Shoshone River is and was at all relevant times “Navigable waters of the United States” within the meaning of 40 C.F.R. § 112.2, and a “navigable water” within the meaning of section 502(7) of the Act, 33 U.S.C. § 1362(7).

42. Due to its location, a spill from the Facility could reasonably be expected to discharge oil in quantities “as may be harmful,” as defined in 40 C.F.R. § 110.3, into a navigable water of the United States.

43. At all relevant times, Respondent’s Facility has been subject to the SPCC requirements of 40 C.F.R. Part 112.

VI. SPECIFIC ALLEGATIONS

44. On June 15, 2010, the EPA inspected the Facility and determined that Red Eagle Oil, Inc., the former owner and operator of the Facility, failed to prepare or implement a facility SPCC Plan, in violation of 40 C.F.R. § 112.3.

45. On November 13, 2012, Red Eagle Oil, Inc. submitted its revised SPCC Plan, and the EPA identified remaining deficiencies in the SPCC Plan, including violations of 40 C.F.R. § 112.7(a)(4), 40 C.F.R. § 112(8)(c), and 40 C.F.R. § 112.20(e), and deficiencies in the Facility’s compliance with specified requirements of 40 C.F.R. Part 112. Those deficiencies continued after Respondent became the owner of the Facility.

46. After Respondent purchased the Facility, there were numerous communications between the EPA and Respondent regarding the ongoing violations of Part 112 for failing to prepare and implement an adequate SPCC Plan and comply with specified requirements of 40 C.F.R. Part 112.

47. Those communications included Respondent's failure, with respect to a group of aboveground containers (tanks B1, B2, B4, and E15), to test or inspect each of those containers for integrity on a regular schedule, and Respondent's failure to construct all bulk storage tank installations at the Facility to provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

48. On December 2, 2013, the EPA issued a Notice of Potential Violation (NOPV) to Respondent, outlining in writing the deficiencies in Respondent's SPCC Plan. The deficiencies included:

- a) The Plan's failure to provide information and procedures to enable a person reporting a discharge as described in section 112.1(b) to relate information on estimates of the total quantity of oil discharged. 40 C.F.R. § 112.7(a)(4).
- b) The Facility's failure to construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) to provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation, and the Plan's failure to adequately discuss secondary containment for oil storage containers. 40 C.F.R. § 112.8(c)(2).
- c) The Plan's failure to adequately discuss the Facility's integrity testing program for all aboveground containers. 40 C.F.R. § 112.8(c)(6).
- d) The Plan's failure to include a signed Substantial Harm Certification. 40 C.F.R. § 112.20(e).
- e) The Plan's failure to have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan due to the lack of signature on the management approval portion of the Plan. 40 C.F.R. § 112.7.

49. On December 20, 2013, the EPA issued a second NOPV to Respondent, outlining in writing the remaining deficiencies in Respondent's SPCC Plan due to the Plan's failure to adequately discuss the Facility's integrity testing program for all aboveground containers as required by 40 C.F.R. § 112.8(c)(6), and the Plan's failure to have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan due to the lack of a signature on the management approval portion of the Plan. 40 C.F.R. § 112.7.

50. In early 2014, Respondent permanently closed and disposed of the group of aboveground containers referenced in Paragraph 47, obviating the need to test or inspect each of those containers for integrity on a regular schedule.

51. On April 15, 2014, the EPA notified Respondent that its revised SPCC Plan still lacked the required signatures demonstrating management approval. Respondent subsequently updated its SPCC Plan to include this required information.

VII. VIOLATIONS

Count 1 – Failure to Prepare a SPCC Plan in Accordance with 40 C.F.R. Part 112

52. Paragraphs 1 through 51 of this Agreement are re-alleged and incorporated herein by reference.

53. Respondent failed to prepare and maintain an SPCC Plan in accordance with 40 C.F.R. Part 112, as required by 40 C.F.R. § 112.3, because the SPCC Plan failed to include several of the requirements of 40 C.F.R. Part 112, as noted in Paragraph 48.

54. Pursuant to section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by EPA's 2004 Civil Monetary Penalty Inflation Adjustment Rule, any owner, operator, or person in charge of any onshore facility who fails or refuses to comply with any regulation issued under section 311(j) may be assessed a class I civil penalty not to exceed \$16,000 per violation, up to a total civil penalty of \$37,500, for violations occurring after January 12, 2009. 40 C.F.R. § 19.4; Fed. Reg. 75340-45 (Dec. 11, 2008), as corrected at 74 Fed. Reg. 626-27, (Jan. 7, 2009), 78 Fed. Reg. 66646, (Nov. 6, 2013).

Count 2 – Failure to Implement a SPCC Plan in Accordance with 40 C.F.R. Part 112

55. Paragraphs 1 through 54 of this Agreement are re-alleged and incorporated herein by reference.

56. Respondent failed to implement its SPCC Plan in accordance with 40 C.F.R. Part 112, as required by 40 C.F.R. § 112.3, because Respondent failed to implement all of the requirements of 40 C.F.R. Part 112, as noted in Paragraph 47.

57. Pursuant to section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by EPA's 2004 Civil Monetary Penalty Inflation Adjustment Rule, any owner, operator, or person in charge of any onshore facility who fails or refuses to comply with any regulation issued under section 311(j) may be assessed a class I civil penalty not to exceed \$16,000 per violation, up to a total civil penalty of \$37,500, for violations occurring after January 12, 2009. 40 C.F.R. § 19.4; Fed. Reg. 75340-45 (Dec. 11, 2008), as corrected at 74 Fed. Reg. 626-27, (Jan. 7, 2009), 78 Fed. Reg. 66646, (Nov. 6, 2013).

VIII. PAYMENT OF CIVIL PENALTY

58. Respondent consents and agrees to pay a civil penalty in the amount of \$26,140 in the manner described below in this Section.

59. Payment is due within 30 calendar days from the date written on the Final Order issued by the Regional Judicial Officer that adopts this Agreement. If the due date falls on a weekend or legal federal holiday, the due date is the next business day. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

60. The payment shall be made by any of the methods set forth in Appendix 1 to this Agreement.

61. At the same time that payment is made, notice that payment has been made shall be provided to:

Donna K. Inman
Environmental Scientist
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

If payment is made by cashiers or certified check, the notice shall include a copy of the check. If payment is made in any other manner, the notice shall include documentation demonstrating that the payment was made.

62. In the event payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received (i.e., on the 1st late day, 30 days of interest accrues).

63. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the Final Order, and each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the Final Order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount. Further, Respondent shall be subject to the fees, costs, and nonpayment penalty set forth in section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H).

64. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

65. The civil penalty set forth in paragraph 58 of this Agreement was determined by Complainant after taking into account all factors identified in section 311(b)(8) of the Act, 33 U.S.C. § 1321(b)(8), i.e., 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.

IX. OTHER TERMS AND CONDITIONS

66. Failure by Respondent to comply with any of the terms of this Agreement shall constitute a breach of the agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this agreement and for such other relief as may be appropriate, or to the United States Treasury for collection procedures.

67. Nothing in this Agreement shall be construed as a waiver by Complainant or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.


68. This Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall resolve Respondent's liability for civil penalties for the violations alleged in this Agreement.

69. This Agreement shall not in any case affect Complainant's right to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law whether or not alleged in this Agreement. This Agreement shall not affect Respondent's right to assert any defense in any action by Complainant to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

70. Each party shall bear its own costs and attorneys fees in connection with all issues associated with this Agreement.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**
Complainant

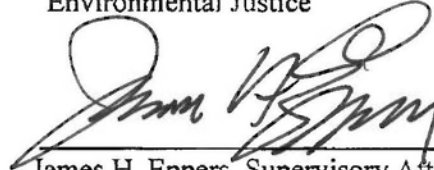
09/20/14
Date



Gwenette C. Campbell, Supervisor
Water Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

SEP 29 2014


Date



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

BRAD HALL & ASSOCIATES INC.
Respondent

9/20/14
Date



Logan Hall
President

Combined Complaint and Consent Agreement - Appendix 1

The following are acceptable payment methods for the civil penalty required to be paid pursuant to the Agreement.

1. If payment is being made by check (e.g., personal, business, cashier's, certified), submit the check, including the name and docket number of this case, payable to "Oil Spill Liability Trust Fund – 311," to:

Regular Mail:

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

Federal Express, Airborne, or other commercial carrier:

US Bank
Cincinnati Finance Center Box 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Craig Steffen
513-487-2091, steffen.craig@epa.gov

2. Wire Transfers:

Wire transfers must indicate the name and docket number of this case and be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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"

3. ACH (also known as REX or remittance express):

Automated Clearinghouse payments to EPA must indicate the name and docket number of this case and can be made through the US Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737

US Treasury Contact Information:
John Schmid (202-874-7026)
Remittance Express (REX): 1-866-234-5681

4. On-line Payment:

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below. Visa, Mastercard, American Express & Discover are accepted. You may also pay with banking information for direct debit from your account.

www.pay.gov

Enter "sfo 1.1" (without the quotation marks) in the "Search Public Forms" field.

Click on the first link to open the form, complete required fields, and then click on "Submit Data" button at bottom of form.

**IN THE MATTER OF: BRAD HALL & ASSOCIATES, INC.
DOCKET NO.: CWA-08-2014-0036**

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **NOTICE OF FILING PDF SIGNATURE PAGE** in the matter of **BRAD HALL & ASSOCIATES, INC., DOCKET NO. CWA-08-2014-0036** was filed with the Regional Hearing Clerk on September 30, 2014.

Further, the undersigned certifies that a true and correct copy of the document was placed in the United States mail, and emailed, on September 30, 2014 to:

Shawn D. Boyle
General Counsel
Brad Hall & Assoc. Inc.
3875 American Way
Idaho Falls, ID | 83402
208-528-9111 | Office
sboyle@bradhallfuel.com

September 30, 2014



Dayle Aldinger