



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

19 JUL 2016

CERTIFIED MAIL- RETURN RECEIPT REQUESTED: 7009 2820 0004 2109 1571

Pumpco Energy Services, Inc.  
c/o Gerald J. Pels, Partner  
Locke Lord LLP  
2800 JP Morgan Chase Tower  
600 Travis  
Houston, TX 77002

Re: Pumpco Services, Inc.: RCRA 3008 Consent Agreement and Final Order USEPA Docket  
No. RCRA-06-2016-0911


Dear Mr. Pels:

Enclosed is the fully executed RCRA Consent Agreement and Final Order ("CAFO"), agreed upon by the parties to the above referenced matter. Among the sections of the CAFO are the Compliance Order seen in Section IV and the assessment of Civil Penalty seen in Section V, with the applicable times for performance. The CAFO becomes final upon filing with the Regional Hearing Clerk.

If you have questions please do not hesitate to contact me at (214) 665-7297 or by email: [clay.jeffrey@epa.gov](mailto:clay.jeffrey@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Clay".

 Jeffrey Clay  
Assistant Regional Counsel

Enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED  
2016 JUL 19 AM 10:32  
REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF:

Pumpco Energy Services, Inc.

RESPONDENT  
(No EPA ID Number)

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Consent Agreement and Final Order

EPA Docket No. RCRA-06-2016-0911

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**CONSENT AGREEMENT AND FINAL ORDER**

I.

PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Pumpco Energy Services, Inc. ("Pumpco" or "Respondent") and concerns five (5) facilities, each with different levels of noncompliance or alleged noncompliance and for different periods that will be specified in the claims for the respective facility. The facilities (collectively, the "Facilities") that are covered by this CAFO are:
  - A. the facility located at 117 Elm Grove Road, Valley View, Texas (the "Valley View Facility");
  - B. the facility located at 300 County Road 302, Barnhart, Texas (the "Barnhart Facility");
  - C. the facility located at 636 County Road 429, Pleasanton, Texas (the "Pleasanton Facility");

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- D. The former facility located at 131 FM 4, Jacksboro, Texas (the "Jacksboro Facility"); and
  - E. The former facility located at 2635 Highway 174, Cleburne, Texas (the "Cleburne Facility").
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).
  3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
  4. The Respondent explicitly waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.
  5. The CAFO resolves only those violations which are alleged herein.
  6. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order.

## II. JURISDICTION

7. This CAFO is issued by the EPA pursuant to Section 3008(a) of 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 under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).

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8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III.  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is a Delaware corporation, authorized to do business in the State of Texas on July 17, 2007, and its principal place of business is located at 117 Elm Grove Road, Valley View, Texas 76272.
10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); and 30 TEX.ADMIN.CODE § 3.2(25), [40 C.F.R. § 260.10].
11. Respondent's Registered Agent for service in the State of Texas is CT Corporation System.
12. Pumpco owns or operates and/or previously owned or operated the Facilities at the respective locations identified in Paragraph 1 above and at each Facility the Respondent engages or engaged in activities that support oil and gas operations of Respondent's clients.
13. During the period of February 20, 2015 through March 19, 2015, EPA conducted a RCRA investigation and record review ("Investigation") of Pumpco's performance as a generator of hazardous waste.
14. During the Investigation, EPA discovered that Pumpco, at a minimum, generated, and offered for transport and treatment, without an EPA identification number, hazardous wastes from 2011 through 2014 at the Valley View Facility. These hazardous wastes included: Mixed waste diesel fuel (D001) and Diesel fuel (D001).

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15. With additional investigation during 2015, EPA determined that Pumpeco had, during the period of 2011 to 2014, owned and operated a total of five (5) facilities in Texas (including the aforementioned Valley View Facility), which are listed in Paragraph 1 above.
16. Each of the Facilities listed in Paragraph 1 above is a "facility" within the meaning of 30 TEX.ADMIN.CODE § 335.1(59), [40 C.F.R. § 260.10].
17. EPA determined that the activities at all five (5) Facilities are similar.
18. The waste streams identified in Paragraph 14 are "hazardous waste" as defined in 30 TEX.ADMIN.CODE § 335.1 (69), [40 C.F.R. §§ 261.21, 261.22, and 261.33].
19. From the Investigation, EPA determined that Pumpco generated, at a minimum, the hazardous waste streams identified in Paragraph 14 in quantities that exceeded the threshold amount in some instances of 100 kg and in other instances 1000 kg of hazardous waste per month, which qualified Pumpco at the Facilities in question, at a minimum, for the small quantity generator status under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
20. Pumpco is a "generator" of "hazardous waste" as those terms are defined in Sections 30 TEX ADMIN.CODE §§ 335.1(65) & (69), [40 C.F.R. § 260.10].
21. As a generator of hazardous waste, Pumpco is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R Part 262].

**Valley View Facility**  
**(During the Period of 2011 to 2014)**

**Claim i. Notification Requirements**

22. The allegations in Paragraphs 1-21 are re-alleged and incorporated herein by reference.

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23. Pursuant to 30 TEX.ADMIN.CODE §§ 335.78(a) and (b), [40 C.F.R. §§ 261.5(a) and (b)], a generator is a conditionally exempt small quantity generator ("CESQG") in a calendar month if he generates no more than 100 kg of hazardous waste and complies with 30 TEX.ADMIN.CODE §§ 335.78(f), (g), and (j), [40 C.F.R. §§ 261.5 (e), (g), and (j)].
24. The exemptions set forth at 30 TEX.ADMIN.CODE § 335.78(c), [40 C.F.R. § 261.5(c)], are not applicable to Pumpco.
25. During the Investigation, EPA determined that Pumpco periodically did not operate as a CESQG.
26. During the Investigation, EPA determined that Pumpco at some periods operated as a small quantity generator ("SQG") and at others operated as a large quantity generator ("LQG").
27. Within the meaning of 30 TEX.ADMIN.CODE § 335.1(65), [40 C.F.R. § 260.10], Pumpco is a "generator".
28. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator or authorized State a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person. No identified or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
29. Pumpco did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Valley View Facility for at least the period of 2011 through 2014 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

**Claim ii. Managing Hazardous Waste without a Generator Identification Number**

30. The allegations in Paragraphs 1-29 are re-alleged and incorporated herein by reference.

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31. Pursuant to 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)], a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.
32. During the Investigation, EPA determined that Pumpco did not apply to the Administrator and receive an EPA identification number.
33. During the Period of 2011 to 2014, Pumpco treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

**Claim iii. Failure to Operate with Its Stated Generator Status**

34. The allegations in Paragraphs 1-33 are re-alleged and incorporated herein by reference.
35. During the Investigation, EPA determined that Pumpco declared its generator status as a CESQG.
36. Pursuant to 30 TEX.ADMIN.CODE § 335.78(b) and 40 C.F.R. § 261.5(b), as long as a CESQG complies with the applicable requirements under 30 TEX.ADMIN.CODE §§ 335.78(e), (f), (g) and (j) and 40 C.F.R. §§ 261.5 (e), (f), (g) and (j) the generator's hazardous waste is not subject to regulation under 30 TEX.ADMIN.CODE, Chapter 335, Subchapters C-H and 0; 40 C.F.R. Parts 262 through 268; 40 C.F.R. Parts 270 and 124; and the requirements of Section 3010 of RCRA, 42 U.S.C. § 6930.
37. During the period of at least 2011 through 2014, Pumpco exceeded or may have exceeded its declared CESQG status and for the months such hazardous waste remained onsite, operated in some instances as a SQG and in other instances as a LQG in violation of one

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or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

**Claim iv. Failure to Keep Required Records**

38. The allegations in Paragraphs 1-37 are realleged and incorporated herein by reference.
39. Pursuant to 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)] a generator must keep records of any test results, waste analyses, or other determinations made in accordance with 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11] for at least three years from the date the waste was last sent to on-site or off-site for treatment, storage, or disposal.
40. During the Period of 2011 to 2014, Respondent did not create and keep the requisite hazardous waste determination records made in accordance with its hazardous waste determination in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

**Claim v. Failure to File Biennial Reports**

41. The allegations in Paragraphs 1-40 are realleged and incorporated herein by reference.
42. Pursuant to 30 TEX.ADMIN.CODE § 335.71, [40 C.F.R. § 262.41] a generator who ships any hazardous waste off-site for treatment, storage and/or disposal, must prepare and submit a Biennial Report to EPA's Regional Administrator, and to the TCEQ, by March 1 of each even-numbered year in addition to the annual reporting, which is required under 30 TEX.ADMIN.CODE § 335.9.
43. During the Period of 2011 to 2014, the EPA and/or the TCEQ did not receive the requisite number of Biennial Reports that Pumpco was required to file in violation of 30 TEX.ADMIN.CODE §§ 335.9 and 335.71, [40 C.F.R. § 262.41].



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**Barnhart Facility**  
**(During the Period of 2011 to 2014)**

**Claim i. Notification Requirements**

44. The allegations in Paragraphs 1-21, and 23-28 are re-alleged and incorporated herein by reference.
45. Pumpco did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Barnhart Facility for at least the year 2014 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

**Claim ii. Managing Hazardous Waste without a Generator Identification Number**

46. The allegations in Paragraphs 1-21, and 31-32 are re-alleged and incorporated herein by reference.
47. During the Period of 2011 to 2014, Pumpco treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

**Claim iii. Failure to Operate with Its Stated Generator Status**

48. The allegations in Paragraphs 1-21, and 35-36 are re-alleged and incorporated herein by reference.
49. During at least the year 2014, Pumpco exceeded its declared CESQG status and for the months such hazardous waste remained onsite, operated as a LQG in violation of one or more of the requirements for LQGs under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

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**Claim iv. Failure to Keep Required Records**

50. The allegations in Paragraphs 1-22 and 39 are realleged and incorporated herein by reference.
51. During the Period of 2011 to 2014, Pumpco did not create and keep the requisite hazardous waste determination records for the Barnhart Facility, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

**Pleasanton Facility**  
**(During the Period of 2011 to 2014)**

**Claim i. Notification Requirements**

52. The allegations in Paragraphs 1-21 and 23-28 are re-alleged and incorporated herein by reference.
53. Pumpco did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Pleasanton Facility for at least the period of 2011 through 2014 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

**Claim ii. Managing Hazardous Waste without a Generator Identification Number**

54. The allegations in Paragraphs 1-21, and 31-32 are re-alleged and incorporated herein by reference.
55. During the Period of 2011 to 2014, Pumpco treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator for the Pleasanton Facility in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

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**Claim iii. Failure to Operate within Its Stated Generator Status**

56. The allegations in Paragraphs 1-21, and 35-36 are re-alleged and incorporated herein by reference.
57. During at least the period of 2011 through 2014, Pumpco exceeded its declared CESQG status and for, the months such hazardous waste remained onsite, operated in some instances as a SQG and in other instances as a LQG at the Pleasanton Facility in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

**Claim iv. Failure to Keep Required Records**

58. The allegations in Paragraphs 1-22 and 39 are realleged and incorporated herein by reference.
59. During at least the period of 2011 through 2014, Pumpco did not create and keep the requisite hazardous waste determination records for the Pleasanton Facility, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

**Jacksboro Facility**  
**(During the Period of 2011 to 2014)**

**Claim i. Notification Requirements**

60. The allegations contained in Paragraphs 1-21 and 23-28 are re-alleged and incorporated herein by reference.
61. Pumpco did not file with the Administrator or authorized State a notification of hazardous waste activities for the Jacksboro Facility to the extent necessary during the years of 2011-2014.

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**Claim ii. Managing Hazardous Waste without a Generator Identification Number**

62. The allegations contained in Paragraphs 1-21 and 31-32 are re-alleged and incorporated herein by reference.
63. During the years of 2011-2014, Pumpco did not or may not have operated as a CESQG and in some instances may have operated as a SQG or LQG.
64. During the years of 2011-2014, Pumpco did not or may not have applied to the Administrator and receive an EPA identification number.
65. During the years of 2011-2014, Pumpco did or may have treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 232.12(a)].

**Claim iii. Failure to Operate within Its Stated Generator Status**

66. The allegations contained in Paragraphs 1-21 and 35-36 are re-alleged and incorporated herein by reference.
67. During the years of 2011-2014, Pumpco did or may have exceeded CESQG status and for any month's where CESQG status was inapplicable, during such month's where such hazardous waste remained on-site, Pumpco did or may have operated in some instances as a SQG and in other instances may have operated as a LQG in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

**Claim iv. Failure to Keep Required Records**

68. The allegations in Paragraphs 1-22 and 39 are realleged and incorporated herein by reference.

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69. At all times relevant to this CAFO, Pumpco did not create and keep the requisite hazardous waste determination records for the Jacksboro Facility, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

**Cleburne Facility**  
**(During the Period of 2011 to 2014)**

**Claim i. Notification Requirements**

70. The allegations contained in Paragraphs 1-21 and 23-28 are re-alleged and incorporated herein by reference.
71. Pumpco did not file with the Administrator or authorized State a notification of hazardous waste activities for the Cleburne Facility to the extent necessary during the period of 2011 through 2014.

**Claim ii. Managing Hazardous Waste without a Generator Identification Number**

72. The allegations contained in Paragraphs 1-21 and 31-32 are re-alleged and incorporated herein by reference.
73. During the period of 2011 through 2014, Pumpco did not or may not have operated as a CESQG and in some instances may have operated as a SQG or LQG.
74. During the period of 2011 through 2014, Pumpco did not or may not have applied to the Administrator and receive an EPA identification number.
75. During the period of 2011 through 2014, Pumpco did or may have treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 232.12(a)].

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**Claim iii. Failure to Operate within Its Stated Generator Status**

76. The allegations contained in Paragraphs 1-21 and 35-36 are re-alleged and incorporated herein by reference.
77. During the period of 2011 through 2014, Pumpco did or may have exceeded CESQG status and for any month's where CESQG status was inapplicable, during such month's where such hazardous waste remained onsite, Pumpco did or may have operated in some instances as a SQG and in other instances may have operated as a LQG in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

**Claim iv. Failure to Keep Required Records**

78. The allegations in Paragraphs 1-22 and 39 are realleged and incorporated herein by reference.
79. During the period of 2011 through 2014, Pumpco did not create and keep the requisite hazardous waste determination records for the Cleburne Facility, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

IV.  
COMPLIANCE ORDER

80. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered, upon the effective date of this Order, not to treat, store, dispose of, transport, and/or offer for transportation, hazardous waste without first receiving an EPA identification number

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from the State of Texas for each Facility currently owned and/or operated that is listed in Paragraph 1 above.

81. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within one hundred and twenty (120) calendar days of the effective date of this Order, Respondent shall provide in writing the following with regard to the Valley View, Barnhart, and Pleasanton Facilities (collectively, the "Currently Owned/Operated Facilities"):

- A. Respondent shall certify that it has assessed all of its solid waste streams at the Currently Owned/Operated Facilities to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOP") for each Currently Owned/Operated Facility to ensure that Pumpco is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal requirements;
- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification and the requirements of Paragraph 80 above for the Currently Owned/Operated Facilities and within the prescribed time period; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

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D. Respondent shall provide a reasonable estimate of the funds expended to bring the facility into compliance with the ordering provisions hereof and an estimate of any reduction of waste (if any), if applicable, as a result of such compliance..

82. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Pumpco and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency  
Compliance Assurance and Enforcement Division  
Hazardous Waste Enforcement Branch  
Compliance Enforcement Section (6EN-HC)  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Attn: Debra Pandak

V.  
TERMS OF SETTLEMENT

**i. Penalty Provisions**

83. 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 above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Two



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Hundred Thirty-Seven Thousand, Nine Hundred Eighty Dollars (\$237,980.00). The Respondent has requested the fullest release from violations possible and the parties have included violations that may be void due to the running of the statute of limitations; however, the parties have agreed that this penalty does not encompass any violations identified above that may have terminated due to the running of the statute of limitations.

84. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

85. The following are Respondent's options for transmitting the penalties:

Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

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

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfer:

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

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The case name and docket number (In the Matter of Pumpco Energy Services, Inc., Docket No. RCRA-06-2016-0911) shall be clearly documented on or within your chosen method of payment to ensure proper credit.

86. The Respondent shall send a simultaneous notice of such payment to the following:

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

Mark Potts, Chief  
Waste Enforcement Branch (6EN-II)  
Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733  
Attention: Debra Pandak

Your adherence to this request will ensure proper credit is given when penalties are received by EPA.

87. 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 cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and 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 overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative

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costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period 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(b). 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.

**ii. Cost**

88. 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 the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**iii. Termination and Satisfaction**

89. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil\* penalty, Respondent shall so certify in writing and in accordance with the certification language set forth in Section IV (Compliance Order), Paragraph 82. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**iv. Effective Date of Settlement**

90. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

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

FOR THE RESPONDENT:

Date: 7/6/2016

  
\_\_\_\_\_  
Pumpco Energy Services, Inc.  
Brian Moore  
President

FOR THE COMPLAINT:

Date: 7/14/16

  
\_\_\_\_\_  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

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RCRA-06-2016-0911

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 CFR Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or 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. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 CFR § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 7/19/16



Thomas Rucki  
Regional Judicial Officer

Re: PUMPCO ENERGY SERVICES, INC.  
RCRA-06-2016-0911

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of July, 2016, the original of the foregoing Consent Agreement and Final Order 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 sent to the following by the method identified below:

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED** 70092820 000421091571

Pumpco Energy Services, Inc.  
c/o Gerald J. Pels  
Partner  
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2800 JP Morgan Chase Tower  
600 Travis  
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*for* Ms. Lori Jackson  
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*Sandra Hardy*