

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**TO BE FILLED OUT BY ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Benjamin Fields  
Name of Contact person  
Date 3/31/09in the ORC, Region III  
Office  
at 215-814-2629  
Phone number Non-SF Jud. Order/Consent  
Decree. DOJ COLLECTS Administrative Order/  
Consent Agreement  
FMD COLLECTS PAYMENT SF Jud. Order/Consent  
Decree. FMD COLLECTS This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment

Hess CorporationThe Total Dollar Amount of Receivable \$49,000

(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-07-2009-0104

The Site-Specific Superfund Acct. Number \_\_\_\_\_

The Designated Regional/HQ Program Office RCRA-UST**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call:

Name of Contact \_\_\_\_\_ Date \_\_\_\_\_

in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:**

- |   |                              |
|---|------------------------------|
| 1. U.S. Environmental Protection Agency<br>Cincinnati Finance Center<br>26 W. Martin Luther King Drive (MS-002)<br>Cincinnati, OH 45268<br><br>Attn: Lori Weidner | 2. Originating Office (ORC)  |
|   | 3. Designated Program Office |

**ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:**

- |                           |                              |
|---------------------------|------------------------------|
| 1. Originating Office     | 2. Designated Program Office |
| 3. Regional Hearing Clerk | 3. Regional Counsel          |

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

In the Matter of: )

Hess Corporation )

1 Hess Plaza )

Woodbridge, NJ 07095 )

**RESPONDENT** )

Hess Station # 51501 )

1801 New York Avenue, N.E. )

Washington, D.C. 20002 )

**FACILITY** )

U.S. EPA Docket Number

RCRA-03-2009-0104

Consent Agreement

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement is filed pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), and 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. The Complainant is the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III ("Complainant").

2. Pursuant to Section 22.13(b) of the Consolidated Rules, this Consent Agreement and the attached Final Order (“CAFO”) both commence and conclude an administrative proceeding against Hess Corporation (“Respondent”), brought under Section 9006 of RCRA, 42 U.S.C. § 6991e, to resolve alleged violations of Subtitle I of RCRA at Respondent’s facility located at 1801 New York Avenue, N.E., Washington, D.C. (the “Facility”).
3. Effective May 4, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the District of Columbia was granted final authorization to administer a state underground storage tank management program (“District of Columbia Authorized UST Management Program”) *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. Through this final authorization the provisions of the District of Columbia Authorized UST Management Program became requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e.
4. The factual allegations and legal conclusions in this Consent Agreement are based upon the provisions of the District of Columbia Authorized UST Management Program, set forth in District of Columbia Municipal Regulations, Title 20, Chapters 55 *et seq.* These provisions will be cited hereinafter as 20 DCMR §§ 5500 *et seq.*
5. EPA has given the District of Columbia, through the District of Columbia Department of the Environment (“DCDOE”), prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

6. This Consent Agreement is entered into by Complainant and Respondent to resolve EPA's claims for civil penalties based upon the violations alleged in the Findings of Fact, as set forth below.
7. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this Consent Agreement.
8. Respondent neither admits nor denies the Findings of Fact contained in this Consent Agreement, except as provided in Paragraph 7, above.
9. Respondent neither admits nor denies the Conclusions of Law contained in this Consent Agreement, except as provided in Paragraph 7, above.
10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in the Findings of Fact and Conclusions of Law, and any right to appeal the accompanying Final Order.
11. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without continued litigation.
12. Respondent consents to the issuance of this Consent Agreement and to the attached Final Order and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement thereof.
13. This Consent Agreement and Final Order resolve only EPA's claims for civil penalties for the specific violations alleged in the Findings of Fact and Conclusions of Law, below. EPA reserves the right to commence action against any person, including Respondent, in response to

any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice.

14. EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement and Final Order, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

15. Nothing in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.

16. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.

Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.

17. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

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

18. This section represents the Findings of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 8 and 9 above, Respondent neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 11, above.

19. Respondent is a "person" as defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 20 DCMR § 6899.1.

20. Respondent is, and was, at all times relevant to the violations alleged in this Consent Agreement, an "owner" and/or "operator," as those terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 20 DCMR § 6899.1 of "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 20 DCMR § 6899.1, located at the Facility, including the specific USTs at issue in this matter, consisting of the following:

- a. Two 10,000-gallon USTs ("Tanks 1 and 2) containing regular gasoline;
- b. A 10,000-gallon UST ("Tank 3) containing premium gasoline;
- c. A 10,000-gallon UST ("Tank 4") containing diesel fuel; and
- d. A 10,000-gallon UST ("Tank 5") containing kerosene.

21. At all times relevant to the violations set forth in this Complaint, Tanks 1, 2, 3, 4 and 5 were each used to store gasoline, diesel fuel or kerosene, each of which is a petroleum product and is a "regulated substance" as that term is defined in Section 9001 of RCRA, 42 U.S.C. § 6991 and 20 DCMR § 6899.1.

22. At all times relevant to the violations set forth in this Count, Tanks 1, 2, 3, 4 and 5 were each part of a "petroleum UST system" as that term is defined in 20 DCMR § 6899.1.

**COUNT 1**

23. Pursuant to 20 DCMR §§ 6000.1 through 6000.12, owners and operators of new and existing USTs and UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described in those sections. Release detection is required unless the UST system is "empty," which is defined in 20 DCMR § 6100.7(a) as when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters or one inch of residue, or 0.3 percent by weight of the total capacity remains in the system.

24. At all times relevant to the violations set forth in this Count, Tanks 1, 2, 3, 4 and 5 routinely contained greater than 1 inch of regulated substances and 0.3 percent by weight of the total capacity, and thus were not "empty" as defined in 20 DCMR § 6100.7(a).

25. Pursuant to 20 DCMR § 6003.2, tanks which are part of a petroleum UST system must be monitored at least every 30 days for releases using one of the methods listed in 20 DCMR §§ 6008 through 6012, except in certain circumstances not here relevant.

26. From September 1, 2005 until the date of this Consent Agreement, Tanks 1, 2, 3, 4 and 5 were not monitored in compliance with any of the methods set forth in 20 DCMR §§ 6008 through 6010 or 6012.

27. An interstitial tank monitoring system has been present at the Facility during the time period relevant to this Complaint. This interstitial tank monitoring system, when properly

maintained and operated, may at times have been capable of complying with the requirements of 20 DCMR § 6011. However, at various times between September 1, 2005 and April 13, 2007, as specified below, this interstitial tank monitoring system was not maintained and operated such that it generated valid tank release detection monitoring results at least every 30 days.

28. From September 1, 2005 through February 20, 2006; and from April 20, 2006 through April 13, 2007, Respondent failed to perform valid interstitial tank monitoring for Tank 1.

29. From September 1, 2005 through February 20, 2006; and from April 20, 2006 through March 15, 2007, Respondent failed to perform valid interstitial tank monitoring for Tank 3.

30. From September 1, 2005 through February 20, 2006; from April 20, 2006 through May 22, 2006; and from September 15, 2006 through October 19, 2006, Respondent failed to perform valid interstitial tank monitoring for Tank 4.

31. From September 1, 2005 through February 20, 2006; and from August 7, 2006 through October 19, 2006, Respondent failed to perform valid interstitial tank monitoring for Tank 5.

32. From September 1, 2005 through February 20, 2006; and from April 20, 2006 through April 13, 2007, Respondent violated 20 DCMR §§ 6000 and 6003 by failing to provide a method or methods of tank release detection for the UST system designated as Tank 1 at the Facility which meets the requirements referenced in such regulations.

33. From September 1, 2005 through February 20, 2006; and from April 20, 2006 through March 15, 2007, Respondent violated 20 DCMR §§ 6000 and 6003 by failing to provide a method or methods of tank release detection for the UST system designated as Tank 3 at the Facility which meets the requirements referenced in such regulations.



34. From September 1, 2005 through February 20, 2006; from April 20, 2006 through May 22, 2006; and from September 15, 2006 through October 19, 2006, Respondent violated 20 DCMR §§ 6000 and 6003 by failing to provide a method or methods of tank release detection for the UST system designated as Tank 4 at the Facility which meets the requirements referenced in such regulations.

35. From September 1, 2005 through February 20, 2006; and from August 7, 2006 through October 19, 2006, Respondent violated 20 DCMR §§ 6000 and 6003 by failing to provide a method or methods of tank release detection for the UST system designated as Tank 5 at the Facility which meets the requirements referenced in such regulations.

### COUNT 2

36. Pursuant to 20 DCMR § 6004.3, underground piping which is part of a petroleum UST system and routinely conveys regulated substances under pressure must have an annual line tightness test conducted in accordance with 20 DCMR § 6013.3, or have monthly monitoring conducted in accordance with 20 DCMR § 6013.4, which in turn allows the use of the monthly monitoring methods set forth in 20 DCMR §§ 6009 through 6012, so long as the method used is designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

37. At all times relevant to the violations set forth in this Count the underground piping associated with Tanks 1, 2, 3, 4 and 5, designated as Lines L-7, L-8, L-9, L-10 and L-11, respectively, routinely contained regulated substances and conveyed regulated substances under pressure.

38. From July 28, 2005 until September 21, 2007, a line tightness test, conducted in accordance with 20 DCMR § 6013.3, was not performed on Line L-9, associated with Tank 3.

39. From at least September 1, 2005 until the date of this Consent Agreement, Line L-9 was not monitored in compliance with any of the methods set forth in 20 DCMR §§ 6008 through 6010 or 6012.

40. An interstitial line monitoring system has been present at the Facility during the time period relevant to this Complaint. This interstitial line monitoring system, when properly maintained and operated, may at times have been capable of complying with the requirements of 20 DCMR § 6011. However, at various times between August 7, 2006 and August 27, 2007, as specified below, this interstitial tank monitoring system was not maintained and operated such that it generated valid line release detection monitoring results at least every 30 days.

41. From August 7, 2006 through August 15, 2006; from November 13, 2006 through January 15, 2007; and from July 18, 2007 through August 27, 2007, Respondent failed to perform valid interstitial line monitoring for Line L-9.

42. From August 7, 2006 through August 15, 2006; from November 13, 2006 through January 15, 2007; and from July 18, 2007 through August 27, 2007, Respondent violated 20 DCMR §§ 6000 and 6004 by failing to provide a method or methods of release detection for the piping designated as Line L-9, associated with the UST system designated as Tank 3 at the Facility, which meets the requirements referenced in such regulations.

**COUNT 3**

43. Pursuant to 20 DCMR § 6004.2, underground piping which is part of a petroleum UST system and conveys regulated substances under pressure must be equipped with an automatic line leak detector, in accordance with 20 DCMR § 6013.2. Pursuant to 20 DCMR § 6013.2, the operation of the automatic line leak detector must be tested annually in accordance with the manufacturer's instructions.

44. Testing of the line leak detector for Line L-7, the underground piping associated with Tank 1, was not conducted from at least March 6, 2005 until August 20, 2007.

45. The line leak detector for Line L-8, the underground piping associated with Tank 2, failed a line leak detector test on March 6, 2007, but was not replaced until August 20, 2007.

46. From March 6, 2006 until August 20, 2007, Respondent violated 20 DCMR §§ 6004.2, and 6013.2 by failing to test the line leak detector for Line L-7, associated with the UST system designated as Tank 1 at the Facility.

47. From at least March 6, 2007 until August 20, 2007, Respondent violated 20 DCMR §§ 6004.2 by failing to provide a properly working line leak detector for Line L-8, associated with the UST system designated as Tank 2 at the Facility.

**COUNT 4**

48. Pursuant to 20 DCMR § 6202.3, in relevant part, any "responsible party" shall follow the procedures in 20 DCMR § 6203 if a release from an UST system is suspected. Pursuant to 20 DCMR § 6899.1, the term "responsible party" includes, in relevant part, the owner or operator of an UST. Pursuant to 20 DCMR § 6202.4, a responsible party shall suspect a release upon the

occurrence of any of the circumstances listed in such section, including, in relevant part, when “monitoring results from a release detection method required under [20 DCMR] §§ 6002 through 6015 indicate a release may have occurred, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.” 20 DCMR § 6202.4(c). Pursuant to 20 DCMR § 6203.1, unless correction action is initiated in accordance with 20 DCMR § 6204 through 6215, the responsible party must immediately investigate and confirm each suspected releases of a regulated substance within seven days or other time frame required by the District of Columbia Department of the Environment (“DCDOE”). Pursuant to 20 DCMR § 6203.3, such investigation must include tightness testing pursuant to 20 DCMR §§ 6007 and/or 6013.3, as applicable.

49. As the owner and/or operator of the USTs at the Facility, Respondent is and was a “responsible party,” as that term is defined in 20 DCMR § 6899.1.

50. On a number of occasions, Respondent learned of alarms from its interstitial tank and/or line monitoring systems which indicated suspected releases of regulated substances, including the following dates:

- a. November 28, 2005 (alarms indicating suspected releases from Tanks 1, 3, 4 and 5, and Line L-9);
- b. March 20, 2006 (alarms indicating suspected releases from Tanks 1, 3 and 4);
- c. June 25, 2006 (alarm indicating suspected release from Tank 5);
- d. July 7, 2006 (alarms indicating suspected release from Lines L-7, L-9, L-10 and L-11);
- e. August 15, 2006 (alarm indicating suspected release from Tank 4);

- f. October 13, 2006 (alarm indicating suspected release from Line L-9);
- g. April 23, 2007 (alarm indicating suspected release from Tank 1);
- h. July 16, 2007 (alarm indicating suspected release from Line L-10);
- i. August 6, 2007 (alarm indicating suspected release from Tank 5);
- j. October 15, 2007 (alarm indicating suspected release from Line L-10).

51. On each of the occasions listed in Paragraph 50, above, Respondent did not, within seven days, find and correct a defect in the monitoring system and/or obtain a valid additional monitoring result showing that no release was occurring.

52. On each of the occasions listed in Paragraph 50, above, Respondent neither initiated corrective action nor initiated an investigation pursuant to 20 DCMR § 6203.1 and 6203.3 within seven days after learning of the interstitial monitoring alarm.

53. Respondent violated 20 DCMR § 6203.1 and 6203.3 by failing to either initiate corrective action or initiate an investigation within seven days after learning of suspected releases on November 28, 2005; March 20, June 25, July 7, August 15 and October 13, 2006; and April 23, July 16, August 6 and October 15, 2007.

### **III. CERTIFICATION OF COMPLIANCE**

54. As to all relevant provisions of Subtitle I of RCRA and the District of Columbia Authorized UST Management Program allegedly violated as set forth in the Findings of Fact and Conclusions of Law, above, Respondent certifies to EPA that, upon investigation, to the best of Respondent's knowledge and belief, Respondent is presently in compliance with all such relevant provisions and regulations.

**IV. CIVIL PENALTY**

55. Respondent agrees to pay a civil penalty in the amount of forty thousand dollars (\$40,000.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO fully executed by all parties. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.

56. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e), which include the seriousness of the violation, any good faith efforts to comply with the applicable requirements, the compliance history of the owner and operator, and any other appropriate factors, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), for the violations alleged in this Consent Agreement and Final Order.

57. Respondent shall remit the full penalty, and/or any interest, administrative fees and late payment penalties, in accordance with Paragraph 55, above, and Paragraphs 61 through 64, below, via one of the following methods:

- a. Via U.S. Postal Service regular mail of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

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

- b. Via overnight delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

US Environmental Protection Agency  
Fines and Penalties  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

*The U.S. Bank customer service contact for both regular mail and overnight delivery is Natalie Pearson, who may be reached at 314-418-4087.*

- c. Via electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York  
ABA No. 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"

*The Federal Reserve customer service contact may be reached at 212-720-5000.*

- d. Via automatic clearinghouse ("ACH"), also known as Remittance Express ("REX"), to the following account:

PNC Bank  
ABA No. 05136706  
Environmental Protection Agency  
Account 310006  
CTX Format  
Transaction Code 22 - checking  
808 17th Street NW  
Washington, D.C. 20074.

*The PNC Bank customer service contact, Jesse White, may be reached at 301-887-6548.*

- e. Via on-line payment (from bank account, credit card, debit card), access "www.pay.gov" and enter "sfo 1.1" in the search field. Open the form and complete the required fields.

58. All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (RCRA-03-2009-0104).

59. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Benjamin D. Fields  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029



60. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.

61. 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 as specified in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

62. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. 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).

63. 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). Pursuant to Appendix 2 of EPA's *Resources 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 payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

64. 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. 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. 31 C.F.R. § 901.9(d).

#### **V. PARTIES BOUND**

65. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacities) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

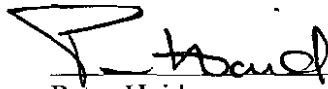
#### **VI. EFFECTIVE DATE**

66. The effective date of this Consent Agreement and Final Order is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent Hess Corporation:

Date: 3/26/09

By:




Peter Haid  
Director, Refining and Marketing,  
Regulatory and Environmental Compliance

For Complainant United States Environmental Protection Agency, Region III:

Date: 3/27/09

By:

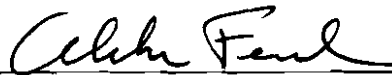


Benjamin D. Fields  
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

3/30/09  
Date

By:



Abraham Ferdas, Director  
Land and Chemicals Division

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

In the Matter of:	)	
	)	
Hess Corporation	)	
1 Hess Plaza	)	
Woodbridge, NJ 07095	)	
	)	U.S. EPA Docket Number
<b>RESPONDENT</b>	)	RCRA-03-2009-0104
	)	
Hess Station # 51501	)	Final Order
1801 New York Avenue, N.E.	)	
Washington, D.C. 20002	)	
	)	
<b>FACILITY</b>	)	
	)	

RECEIVED  
 REGION III  
 PHILADELPHIA  
 03/10/09 10:00 AM

**FINAL ORDER**


The Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III ("Complainant") and Hess Corporation ("Respondent"), have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with 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 terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

**NOW THEREFORE,** pursuant to Section 9006(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6991e(a), and based on representations in the Consent Agreement that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e), Respondent Hess

Corporation is hereby ordered to pay a civil penalty of forty thousand dollars (\$40,000.00), as set forth in Section IV of the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

The effective date of this document is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Administrator or Regional Judicial Officer.

Date: 3/31/09

  
Renée Sarajian  
Regional Judicial Officer  
U.S. EPA, Region III


CERTIFICATE OF SERVICE

I hereby certify that, on the date noted below, I hand-delivered to the Regional Hearing Clerk, EPA Region III the original CONSENT AGREEMENT AND FINAL ORDER (CAFO) in *In the Matter of: Hess Corporation*, Docket No. RCRA-03-2009-0104, and the original memo from Mr. William C. Early and Mr. Abraham Ferdas transmitting the CAFO to the Regional Judicial Officer (RJO). In addition, I sent, to the following individuals via the manner specified below, true and correct copies of the CAFO and the transmittal memo to the RJO:

Via FED EX: Peter Haid, Director  
Refining and Marketing, Regulatory and Environmental Compliance  
Hess Corporation  
One Hess Plaza  
Woodbridge, NJ 07095

Scott Clearwater, Associate General Counsel  
Environmental Affairs  
Hess Corporation  
1185 Avenue of the Americas  
New York, NY 10036

March 31, 2009  
Date

  
John Ruggero  
Senior Assistant Regional Counsel  
EPA Region III (3RC30)  
1650 Arch St.  
Philadelphia, PA 19103-2029  
215-814-2142

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