

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

**\*\* FILED \*\***  
**08 JAN 2021**  
**U.S. EPA - REGION IX**

In the matter of:	)	U.S. EPA Docket No.
	)	
	)	RCRA-09-2021-0018
Par Hawaii Refining, LLC	)	
91-325 Komohana Street	)	CONSENT AGREEMENT AND
Kapolei, HI 96707	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. SECTIONS 22.13 AND
	)	22.18
<u>Respondent.</u>	)	

**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, as codified at 40 Code of Federal Regulations (C.F.R.) Part 22 (“Consolidated Rules”).
2. Complainant is the United States Environmental Protection Agency, Region IX (“EPA”).
3. Respondent is Par Hawaii Refining, LLC (a wholly owned subsidiary of Par Pacific Holdings, Inc.), headquartered at 91-325 Komohana Street, Kapolei, Hawaii 96707.
4. This Consent Agreement and Final Order (“CA/FO”), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated state regulations adopted pursuant to the approved Hawaii hazardous waste management program.
5. The Parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interests and in the public interest.

**B. STATUTORY AND REGULATORY FRAMEWORK**

6. Subtitle C of RCRA requires the EPA Administrator to promulgate regulations establishing a hazardous waste management program. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste management programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of

law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

7. The State of Hawaii (“State”) received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271, on November 13, 2001. The authorized hazardous waste program is established pursuant to the Hawaii Revised Statutes (“H.R.S.”), Chapter 342, and the regulations promulgated thereunder at Hawaii Administrative Rules (“H.A.R.”), Title 11, Chapters 11-260 through 11-279. The State has been authorized for all the hazardous waste management regulations referenced in this CA/FO.
8. A violation of Hawaii’s authorized hazardous waste program constitutes a violation of Subtitle C of RCRA, and, therefore, a person who violates Hawaii’s authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.

**C. EPA’S GENERAL ALLEGATIONS**

9. Respondent owns and operates a facility located at 91-325 Komohana Street, Kapolei, Hawaii (the “Facility”), with an EPA identification number of HID 056 786 395. Respondent’s primary operations at the Facility include onshore oil refining. The Facility has the capacity to process a maximum of 95,000 barrels of crude oil per day and is a large quantity generator.
10. On September 28, 2018, EPA performed a compliance evaluation inspection (“CEI”) of the Facility. The purpose of the inspection was to evaluate the refinery’s compliance with the RCRA’s hazardous waste management requirements, 42 U.S.C. §§ 6921-6939, and Chapter 342J of the H.R.S.; and the H.A.R., Title 11, Chapters 260-265, 268, 270, 273, and 279. Based upon the findings EPA made during the inspection, and additional information subsequent to the inspection, EPA determined that Respondent violated Hawaii state law and the regulations adopted pursuant thereto, as authorized by the United States.
11. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty and/or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
12. The Administrator has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrators, with delegation 8-9-A, last revised February 4, 2016. The Regional Administrator, EPA Region IX, in turn, re delegated that authority to the Director of the Enforcement Division, Region IX, with delegation R9-120 TN 111, dated January 22, 2016. On April 28, 2019, Region 9 implemented an organizational realignment, which created two new divisions, transferred responsibility and resources for several functions across divisions, and renamed existing divisions, including the Enforcement Division, which became the Enforcement and Compliance

Assurance Division. To address the necessary redelegations of authority, the Regional Administrator issued a General Temporary Redelegation of Authority Due to Organizational Realignment (Realignment Delegation) on May 15, 2019, redelegating the remaining authorities to the successor division director or office director. On May 5, 2020, the Regional Administrator issued EPA Region 9 Organizational Realignment General Redelegation of Authority and made the May 15, 2019 Realignment Delegation permanent unless otherwise superseded by the execution of updated regional delegations of authority, including the Enforcement and Compliance Assurance Division as the successor to the Enforcement Division.

13. Respondent is a “person” as defined in H.A.R. 11-260-10 [*see also* 40 C.F.R. § 260.10].<sup>1</sup>
14. Respondent is the “owner” of a facility as defined in H.A.R. 11-260-10 [*see also* 40 C.F.R. § 260.10].
15. Respondent is the “operator” of a facility as defined in H.A.R. 11-260-10 [*see also* 40 C.F.R. § 260.10].
16. Respondent is a “generator” of hazardous waste as defined in H.A.R. 11-260-10 [*see also* 40 C.F.R. § 260.10].
17. At the Facility, Respondent generates and accumulates, or has generated and accumulated, “hazardous waste,” as defined in H.A.R. 11-260-10 and 11-261-3 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include but are not limited to sludge from cleaning crude tank bottoms (K169), sludge generated from heat exchange bundle cleaning (K050), paint waste (D001 and D004), carbon disulfide (D001 and P022), corrosives (D002), mercury waste (D009), waste paint (D001, D004, D005, D006, D008, and D035), tetrachloroethylene (U210), wastewater containing benzene (D018), petroleum refinery primary separation sludge (F037), spent chemical oxygen demand vials from waste water testing (D009, D011, and D002), spent process filters (D001 and D018), surplus resin hardeners (D002), spent carbon from vapor abatement (D018), and chloroform and methanol waste (D001 and U044).

**D. ALLEGED VIOLATIONS**

**COUNT I**  
**Failure to Label Used Oil Containers**

18. Paragraphs 1 through 17 above are incorporated herein by this reference as if they were set forth here in their entirety.
19. H.A.R. 11-279.1-1 incorporates by reference 40 C.F.R. § 279.22(c). That section requires generators to label or mark clearly with the words “Used Oil” containers and

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<sup>1</sup> All citations to the “H.A.R.” refer to Title 11 of the current Hawaii Administrative Rules. EPA is enforcing Hawaii hazardous waste management program requirements as approved and authorized by the United States. As a convenience, corresponding Federal citations are provided in brackets.

aboveground tanks used to store oil at generator facilities [*see also* 40 C.F.R. § 279.22(c)].

20. During the CEI, EPA observed used oil being accumulated in a 55-gallon container in Respondent's Used Oil Storage Area. The container was marked with the words "Used Oil" but the label was not visible due to the container's orientation.
21. Therefore, EPA alleges that Respondent violated H.A.R. 11-279.1.1 [*see also* 40 C.F.R. § 279.22(c)].

## **COUNT II**

### **Failure to Provide Adequate Aisle Space**

22. Paragraphs 1 through 21 above are incorporated herein by this reference as if they were set forth here in their entirety.
23. H.A.R. 11-265.1-1 incorporates by reference 40 C.F.R. § 262.255. That section provides that a generator that accumulates hazardous waste on-site must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes [*see also* 40 C.F.R. § 262.255].
24. During the CEI, EPA observed a hazardous waste accumulation area without adequate aisle space.
25. Therefore, EPA alleges that Respondent violated H.A.R. 11-265.1-1 [*see also* 40 C.F.R. § 262.255].

## **COUNT III**

### **Failure to make a hazardous waste determination**

26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were set forth here in their entirety.
27. H.A.R. 11-262.1-1 incorporates by reference 40 C.F.R. § 262.11. That section provides that a person who generates a solid waste, as defined in Section 11-261.1-1, [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste [*see also* 40 C.F.R. § 262.11].
28. During the CEI, EPA observed two heat exchanger bundles staged on an asphalt pad adjacent to the Heat Exchanger Cleaner Bundle Pad ("HEX Pad"). The bundles were unwrapped and were stored outside for four days. According to Facility staff, the bundles are not typically stored on the asphalt pad, but were placed on the asphalt pad because the HEX Pad was being used to fill 55-gallon containers with tank bottom waste (K169).

29. On the morning of the CEI, it rained in Kapolei, Hawaii. EPA observed an oily residue running off of the bundles and onto the asphalt pad and into a grassy area adjacent to the asphalt pad. EPA also observed water ponding on the ground as a result of the rainstorm that passed over that morning and an oily sheen on top of that ponded water.
30. Respondent removed the oily sheen from the surface of the ponded water using a vacuum truck and tested the remaining ponded water. Respondent also cleaned up the residue (dirt and rocks) present on the asphalt pad manually using a brush broom and a dust bin.
31. Respondent did not sample the residue released on the asphalt pad and did not sample the soil where the residue was released. Respondent failed to characterize the waste, and managed it as hazardous after EPA directed Respondent to investigate.
32. Therefore, EPA alleges that Respondent violated H.A.R. 11-262.1-1 [*see also* 40 C.F.R. § 262.11].

#### **COUNT IV**

##### **Failure to Close Hazardous Waste Storage Containers**

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. H.A.R. 11-262.1-1 and 11-265.1-1 incorporate by reference 40 C.F.R. § 262.17(a)(1)(iv)(A). That section provides that hazardous waste containers must remain closed, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 262.17(a)(1)(iv)(A)].
35. During the CEI, EPA observed several containers of hazardous waste, including K169 hazardous waste, that were not properly closed.
36. Therefore, EPA alleges that Respondent violated H.A.R. 11-262.1.1 and 11-265.1-1 [*see also* 40 C.F.R. § 262.17(a)(1)(iv)(A)].

#### **COUNT V**

##### **Failure to Obtain a Permit for Storage of Hazardous Waste**

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. H.A.R. 11-270.1-1 incorporates by reference 40 C.F.R. § 270.1(c). That section requires that owners and operators of a facility where hazardous waste is transferred, stored or disposed must have a permit.
39. H.A.R. 11-262.1-1 incorporates by reference 40 C.F.R. § 262.17. That section provides that a generator may accumulate hazardous waste on-site without a permit or grant of interim status if it meets certain conditions, including that waste may not be accumulated

onsite longer than 90 days. Failing to meet the conditions of the exemption subjects the generator to the permitting requirements at H.A.R. 11-270.1 [*see also* 40 C.F.R. § 270.1(c)].

40. During the CEI, EPA observed labels on hazardous waste containers confirming that Respondent stored numerous small containers of hazardous and recycled lab waste in a lockable steel cabinet just outside the refinery lab over the 90-day storage time limit.
41. At the time of the CEI, Respondent was not eligible for interim status under RCRA nor was Respondent in possession of a permit to store hazardous waste.
42. Therefore, EPA alleges that Respondent violated H.A.R. 11-270.1-1 [*see also* 40 C.F.R. § 270.1(c)].

**E. CIVIL PENALTY**

43. The Complainant proposes that Respondent be assessed, and Respondent agrees to pay NINETY-SIX THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS (\$96,177) as the civil penalty for the violations alleged herein.
44. The proposed penalty was calculated in accordance with the “June 2003 RCRA Civil Penalty Policy,” and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

**F. ADMISSIONS AND WAIVERS OF RIGHTS**

In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CA/FO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in this CA/FO; (iii) consents to any and all conditions specified in this CA/FO and to the assessment of the civil administrative penalty under Section E of this CA/FO; (iv) waives any right to contest the allegations contained in Section C of the CA/FO; and (v) waives the right to appeal the proposed final order attached to this Consent Agreement and made part of this CA/FO.

**G. PARTIES BOUND**

45. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Section E and I has been paid in accordance with Section I, the compliance tasks required under Section H have been completed in accordance with Section H, and any delays in performance and/or stipulated penalties have been resolved. When those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.

46. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
47. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and legally bind Respondent to it.

#### **H. COMPLIANCE TASKS**

48. All submissions to EPA in this Section shall be to Christopher Rollins at [Rollins.Christopher@epa.gov](mailto:Rollins.Christopher@epa.gov).
49. Within sixty (60) days of the Effective Date of this CA/FO, Respondent shall fully develop and implement a sampling plan specific to the area located at the edge of the asphalt pad adjacent to the HEX Pad. The sampling plan<sup>2</sup> must address the area beginning at the northwest edge of the pad, extending 5 feet out into the grassy area as depicted on Attachment 1. Within that area, Respondent shall use a random sampling grid to select 6 to 8 sample locations. At each location, Respondent shall obtain samples from a depth of 1 inch, 3 inches, and 6 inches. Respondent shall submit the samples to an accredited laboratory for analysis for 1) RCRA 8 Heavy Metals, which include arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, using the toxicity characteristic leaching procedure ("TCLP"); and 2) petroleum-associated compounds of benzene, toluene, ethylbenzene, and xylene ("BTEX") using the TCLP procedure.

#### **I. PAYMENT OF CIVIL PENALTY**

50. Respondent consents to the assessment of and agrees to pay a civil penalty of NINETY-SIX THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS (\$96,177) in full settlement of the federal civil penalty claims set forth in this CA/FO.
51. Respondent shall submit payment of NINETY-SIX THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS (\$96,177) within thirty (30) calendar days of the Effective Date of this CA/FO, in accordance with one of the options set forth below. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk. All payments shall indicate the name of the Facility, the Respondent's name and address, and the EPA docket number of this action.

##### Regular Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

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<sup>2</sup> See EPA's RCRA Waste Sampling Draft Technical Guidance at Section 5.2.1, available at [https://www.epa.gov/sites/production/files/2015-10/documents/rwsdtg\\_0.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/rwsdtg_0.pdf).

PO Box 979077  
St. Louis, MO 63197-9000

Overnight Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Craig Steffen (513) 487-2091

Wire Transfers:

Wire transfers must 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

Beneficiary: US Environmental Protection Agency

\*Note: Foreign banks **must** use a United States Bank to send a wire transfer to the US EPA.

ACH (also known as REX or remittance express):

US 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  
Remittance Express (REX): 1-866-234-5681

On Line Payment:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter "sfo1.1" in the search field

Open form and complete required fields

**If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.**



52. At the time payment is made, a copy of the payment transmittal shall be sent to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

With an electronic copy to:

Christopher Rollins (ENF-2-2)  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 9  
Rollins.Christopher@epa.gov

And

Ylan Nguyen (ORC-3-3)  
Office of Regional Counsel  
U.S. Environmental Protection Agency – Region 9  
Nguyen.Ylan@epa.gov

53. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. In addition, a 6% per annum penalty assessed monthly will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

54. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

**J. DELAY IN PERFORMANCE/STIPULATED PENALTIES**

55. In the event that Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties up to FIVE HUNDRED DOLLARS (\$500.00) per day for the first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000.00) per day for the sixteenth to thirtieth day of delay, and up to THREE THOUSAND DOLLARS (\$3,000.00) per day for each day of delay thereafter. Compliance by Respondent with requirements set forth in this CA/FO shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

56. All penalties and interest owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
57. All penalties and interest shall be remitted in the same manner described in Section H.
58. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
59. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
60. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions that may be available to EPA because of Respondent's failure to comply with any of the requirements of this CA/FO.
61. The payment of stipulated penalties specified in the Section shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

**K. CERTIFICATION OF COMPLIANCE**

62. In executing this CA/FO, subject to the provisions of Section H, above, Respondent certifies under penalty of law to EPA that it has fully complied with the regulations that formed the basis for the violations alleged in Section D.
63. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has required of the person or persons directly responsible for gathering the information.

**L. RESERVATION OF RIGHTS**

64. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008 of RCRA, 42 U.S.C. § 6928. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, or any other statutory, regulatory or common law enforcement authority of the United States.

65. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
66. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the alleged violations and facts as set forth in Section D of this CA/FO.
67. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

**M. OTHER CLAIMS**

68. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

**N. MISCELLANEOUS**

69. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
70. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
71. Each party to this action shall bear its own costs and attorneys' fees.
72. Respondent consents to entry of this CA/FO without further notice.

**O. EFFECTIVE DATE**


73. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

FOR RESPONDENT PAR HAWAII REFINING, LLC:

4 December 2020

Date




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James Matthew Vaughn, Chief Administrative  
Officer and General Counsel  
For Respondent Par Hawaii Refining, LLC

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY,  
REGION 9:

Date

**AMY MILLER-  
BOWEN**



Digitally signed by AMY MILLER-  
BOWEN  
Date: 2020.12.28 08:35:11 -08'00'

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Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-09-2021-0018) be entered and that Respondent pay a civil penalty of NINETY-SIX THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS (\$96,177), due within sixty (60) days from the Effective Date of this Consent Agreement and Final Order, and implement the compliance tasks described in Section H, in accordance with all terms and conditions of this CA/FO.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

**Steven L. Jawgiel**

Digitally signed by Steven L.  
Jawgiel  
Date: 2021.01.07 12:17:37 -08'00'

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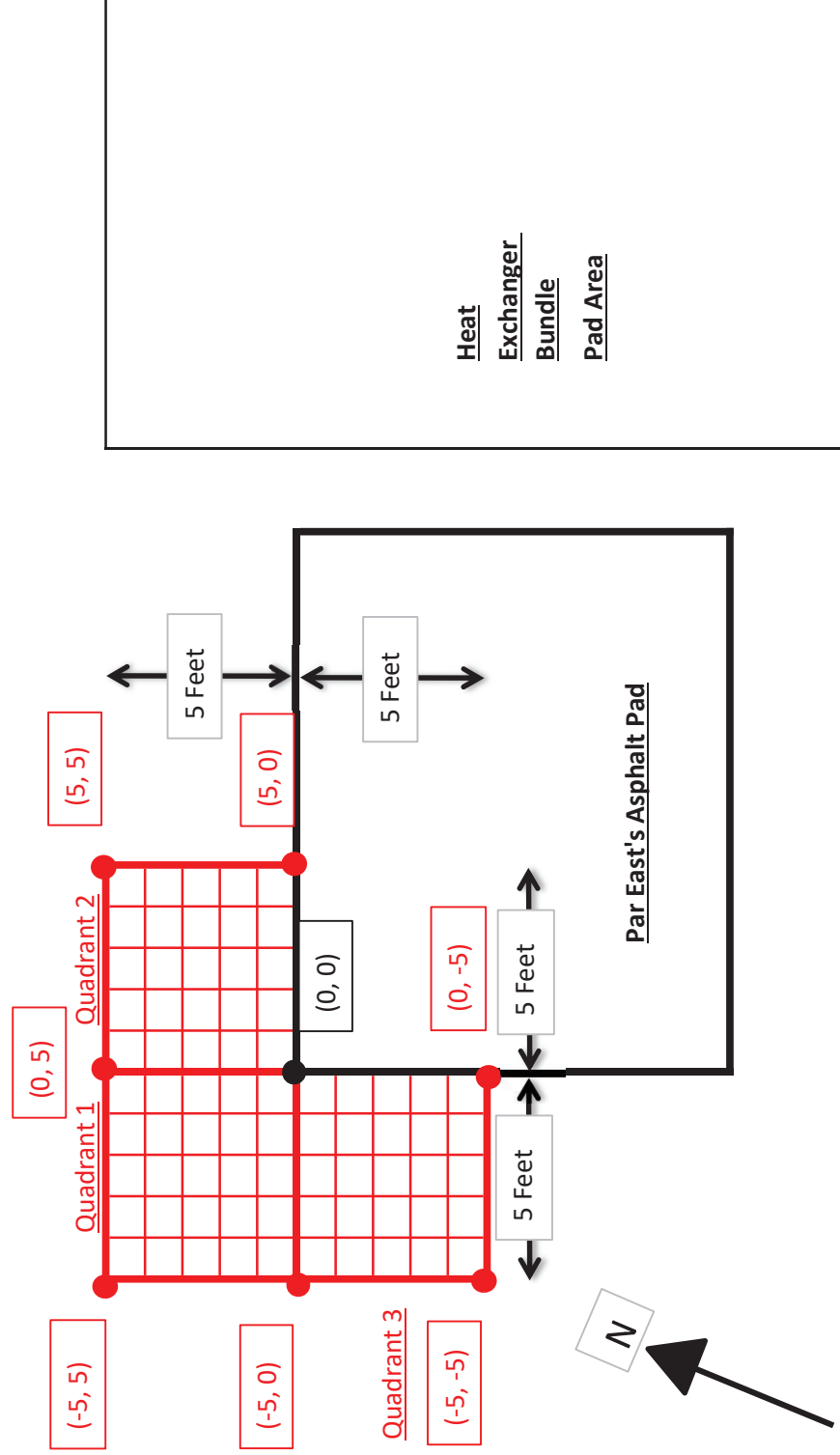
Date

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Steven L. Jawgiel  
Regional Judicial Officer  
United States Environmental Protection Agency,  
Region 9

**Attachment 1: Par East's Limited Sampling Grid (Not to Scale)**

- 1) EPA's Point of Reference is located at the Northwest edge of Par East's Asphalt Pad (See Black Dot Below).
- 2) The Sampling Grid shall extend out 5 feet, in all directions, from the Point of Reference outlined below.
- 3) Par East is limited to collecting 6-8 random samples within the red gridded area outlined below.
- 4) At least two samples shall be collected from each of the three quadrants (Red Gridded Area) outlined below.
- 5) Sampling depth shall be between 3 and 6 inches.
- 6) Par East shall sample for the RCRA 8 metals (i.e., As, Hg, Ag, Ba, Cd, Cr, Pb, and Se) and BTEX solvents.



**CERTIFICATE OF SERVICE**

This is to certify that the fully executed Consent Agreement and Final Order in the matter of Par Hawaii Refining, LLC (**RCRA-09-2021-0018**) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following parties:

FOR RESPONDENT: James Matthew Vaughn  
Chief Administrative Officer and General Counsel  
Par Pacific Holdings, Inc.  
mvaughn@parpacific.com

Timothy Wilkins  
Bracewell LLP  
Timothy.Wilkins@bracewell.com

FOR COMPLAINANT: Ylan Nguyen  
Assistant Regional Counsel  
U.S. EPA, Region IX  
Nguyen.Ylan@epa.gov

\_\_\_\_\_  
Steven Armsey  
Regional Hearing Clerk

\_\_\_\_\_  
Date