

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

This form was originated by: Jeffrie Garcia 4/28/10
Name of Contact person Date

in the Regional Counsel Office at Region 3 (Phil.) Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- This is a modification

Name of Company making payment: Western Refining Yorktown INC.

The Total Dollar Amount of Receivable: \$169,552.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number 03-2010-0267

The Site-Specific Superfund Acct. Number N/A

The Designated Regional/HQ Program Office Oil and Petroleum

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. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 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



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

In the Matter of:)	
)	
Western Refining Yorktown, Inc.	)	U.S. EPA Docket No.: CERCLA-03-2010-0267
<i>f/k/a Giant Yorktown, Inc.</i>	)	U.S. EPA Docket No.: EPCRA-03-2010-0267
2201 E. Goodwin Neck Road)	
Grafton, VA 23690,)	
)	
Respondent.	)	Proceedings Pursuant to Sections
	)	103 and 109 of the Comprehensive
	)	Environmental Response
	)	Compensation and Liability Act, as
	)	amended, ("CERCLA"), 42 U.S.C.
	)	§§ 9603 and 9609, and Sections 304,
Western Refining Yorktown, Inc.	)	and 325 of the Emergency
<i>f/k/a Giant Yorktown, Inc.</i>	)	Planning and Community
2201 E. Goodwin Neck Road	)	Right-to-Know Act, ("EPCRA")
Grafton, VA 23690	)	42 U.S.C. §§ 11004 and 11045.
)	
Facility.)	

RECEIVED
 PHILADELPHIA, PA
 11 20 10 4:25

CONSENT AGREEMENT AND FINAL ORDER

STATUTORY AUTHORITY

This Consent Agreement ("CA") is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045 as well as under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

EPA'S FINDINGS OF FACT

EPA makes the following findings of fact, which except for the facts supporting the jurisdictional allegations, Respondent neither admits nor denies:

1. Respondent, Western Refining Yorktown, Inc., *f/k/a* Giant Yorktown Inc., ("Western"), is a Delaware corporation with its principal place of business located at 2201 E. Goodwin Neck Road, Grafton, Virginia.

2. As a corporation, Western is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.

3. Giant Yorktown Inc., was a wholly owned corporation of Giant Industries, Inc. In May of 2007 Western Refining, Inc. acquired Giant Industries, Inc. Following the acquisition, Giant Yorktown Inc., now a third-tier subsidiary of Western Refining Inc., changed its name to Western Refining Yorktown, Inc. At all times relevant to this CA/FO, Respondent was the owner or operator of the Facility located at 2201 E. Goodwin Neck Road, Grafton, Virginia (hereinafter the "Facility"), within the meaning of Section 304 of EPCRA, 42 U.S.C. §§ 11004, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

4. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.

5. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

6. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances ("EHS") and to promulgate regulations

establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a)-(c) of EPCRA, 42 U.S.C. § 11004(a)-(c), ("Reportable Quantity" or "RQ"). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

7. The State Emergency Response Commission ("SERC") for the Facility is, and has been at all times relevant to this CA/FO, the Virginia Department of Environmental Quality, Virginia Emergency Response Council, 629 East Main Street, Richmond, Virginia 23219.

8. The Local Emergency Planning Committee ("LEPC") for the Facility is, and has been at all times relevant to this CA/FO, the Peninsula Emergency Management Committee, 513 Oyster Point Road Newport News, Virginia 23602.

9. The Local Fire Department for the Facility is, and has been at all times relevant to this CA/FO, the York County Fire and Rescue Services, P.O. Box 532, Yorktown, VA 23690.

10. At all times relevant to this CA/FO, Facility was a facility at which a hazardous substance and/or EHS was produced, used or stored.

11. On or about February 5, 2010, EPA issued a Show Cause letter to Western indicating that the Agency was considering the assessment of penalties against Western for violations of Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 304 of EPCRA, 42 U.S.C. § 11004. By letter dated March 4, 2010, Western submitted to EPA (i) a response to EPA's Show Cause letter and (ii) a Notice of Intent to Engage in Settlement Dialogue.

12. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the RQ, to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

13. Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b), as implemented by 40 C.F.R. § Part 355, Subpart C, requires, in relevant part, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used or stored, the owner or operator of that facility must immediately notify the SERC and the LEPC of the release.

14. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must

provide a written follow-up report regarding the release to the SERC and the LEPC, as soon as practicable.

EPA'S FINDINGS OF FACT RELATING TO FEBRUARY RELEASES

15. Beginning on or about February 5, 2007, at or about 10:00 p.m. (2200 hours), Eastern Standard Time, and continuing through February 7, 2007, at or about 12:00 p.m. (1200 hours) an estimated eleven thousand nine hundred (11,900) pounds of Nitrogen Dioxide, Chemical Abstracts Service ("CAS") No. 10102-44-0, and seventy nine thousand (79,000) pounds of Sulfur Dioxide, Chemical Abstracts Service ("CAS") No. 7446-09-5 were released from the Facility (the "February Releases").

16. The releases of Nitrogen Dioxide from Respondent's Facility constitute releases of a hazardous substance in quantities equal to, or greater than, the RQ of one thousand (1000) pounds which is the RQ for Nitrogen Dioxide for releases that are the result of combustion or combustion-related activities, as provided by 40 C.F.R. § 302.6(e)(2).

17. The release of Sulfur Dioxide from Respondent's Facility constitutes a release of an EHS in a quantity equal to, or greater than, the RQ of 500 pounds as listed in 40 C.F.R. Part 355, Appendix A.

18. On or about February 6, 2007, at or about 8:49 a.m. (0849 hours), Eastern Standard Time, Respondent notified the NRC and the SERC of the February Releases.

19. On or about February 16, 2007, Respondent provided a written follow-up report of the February Releases to the SERC.

20. Respondent was unable to provide confirmation that a written follow up report of the February Releases was submitted to the LEPC.

EPA'S FINDINGS OF FACT RELATING TO APRIL RELEASES

21. Beginning on or about April 22, 2007, at or about 10:00 a.m. (1000 hours), Eastern Standard Time, and continuing through April 24, 2007, at or about 4:00 p.m. (1600 hours) an estimated thirty seven thousand (37,000) pounds of Sulfur Dioxide, Chemical Abstracts Service ("CAS") No. 7446-09-5, and three hundred and twenty eight (328) pounds of Hydrogen Sulfide, CAS No. 7783-06-4, were released from the Facility (the "April Releases").

22. The release of Sulfur Dioxide from Respondent's Facility constitutes a release of an EHS in a quantity equal to, or greater than, the RQ of 500 pounds as listed in 40 CFR Part 355, Appendix A.

23. The release of Hydrogen Sulfide from Respondent's Facility constitutes a release of a hazardous substance in a quantity equal to, or greater than, the RQ of one hundred (100) pounds, as listed in 40 C.F.R. Part 302, Table 302.4.

24. On or about April 22, 2007, at or about 2:45 p.m. (1445 hours) and 2:50 p.m. (1450), Eastern Standard Time, Respondent notified the NRC, SERC and LEPC of the April Releases.

25. On or about May 7, 2007, Respondent provided a written follow-up report of the April Releases to the SERC.

26. Respondent did not provide a written follow up report of the April Releases to the LEPC.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

27. The February and April Releases were not "federally permitted releases" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

28. Although Respondent notified the NRC, SERC and LEPC of the February and April Releases, Respondent did not immediately notify the NRC, SERC, or LEPC of the February and April Releases as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 304(b) of EPCRA, 42 U.S.C. § 11004 and 40 C.F.R. § 302.6, which require immediate notification as soon as the Respondent knew or should have known of the Release.

29. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the February and April Releases from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

30. Respondent's failure to immediately notify the SERC and the LEPC of the February and April Releases constitutes a violation of Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

31. Although Respondent provided a written follow up report of the February and April Releases to the SERC, Respondent did not provide a written follow up report to the SERC and the LEPC as soon as practicable of the February and April Releases as required by Section 304(c) of

EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C, which requires notification as soon as practicable once the Respondent knew or should have known of the Release.

32. Respondent's failure to provide a written follow up report, as soon as practicable, to the SERC and the LEPC of the February and April Releases constitutes a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

33. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of CERCLA Section 103(a), 42 U.S.C. § 9603(a), and EPCRA Sections 304(a), 304(b) and 304(c), 42 U.S.C. § 11004(a),(b),(c) in the total amount of \$169,552.00, plus any applicable interest, as described below, in satisfaction of all claims for civil penalties for the violations alleged in this CAFO. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. Respondent agrees to pay the above civil penalty in full, plus accrued interest, by remitting installment payments in accordance with Paragraph 39, below.

PAYMENT TERMS

34. 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 owned 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 or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling delinquent debts.

35. 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 ("Interest Accrual Date"). 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 Accrual Date). Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Accordingly, interest payments on each outstanding installment of the civil penalty assessed herein are set forth in Paragraph 39 of this CAFO.

36. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to 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 final due date and an additional \$15.00 for

each subsequent thirty (30) day period the penalty remains unpaid.

37. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 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, in accordance with 31 C.F.R. § 901.9(d).

38. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit installment payments for the civil penalty and accrued interest in accordance with the payment schedule set forth in paragraph 39 below. In order to avoid the assessment of late payment penalty charges, as described above, Respondent must remit all installment payments not later than 90 days after the date each such payment is due.

39. Payment of the civil penalty assessed herein, plus any accrued interest, shall be made in the manner and over the time period specified below:

<u>Schedule</u>	<u>Principal</u>		<u>Interest Amount¹</u>	<u>Payment Due</u>
1 st CERCLA payment within 30 days of the Interest Accrual Date	\$18,134.66	+	\$0.00	\$18,134.66
1 st EPCRA payment within 30 days of the Interest Accrual Date	\$94,900.00	+	\$0.00	\$94,900.00
2 nd CERCLA payment within 150 days of the Interest Accrual Date	\$9,067.34	+	\$66.77	\$9,134.11
2 nd EPCRA payment within 150 days of the Interest Accrual Date	\$47,450.00	+	\$156.00	\$47,606.00

40. Pursuant to the above schedule, Respondent will remit total payments for the civil

¹ Interest rate applied to CERCLA is 2.24%. Interest rate applied to EPCRA is 1%.

penalty in the amount of One Hundred and Sixty Nine Thousand, Seven Hundred and Seventy Four Dollars and seventy-seven cents (\$169,774.77) which includes interest payments in the amount of Two Hundred and Twenty Two Dollars and seventy-seven cents (\$222.77).

41. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in paragraph 39, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in paragraphs 34-37, above, in the event of any such failure or default.

42. Payment of the civil penalty shall be made in the following manner:

a. If payment is to be made by cashier's check, separate CERCLA and EPCRA payment cashier checks shall be made as follows.

i. The CERCLA portion of the penalty, payable to "EPA-Hazardous Substances Superfund," in care of:

U.S. Environmental Protection Agency
Attn: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Contact: Natalie Pearson, (314-418-4087)

If the cashier's check is sent overnight mail, it should be sent to:

U.S. Environmental Protection Agency
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

Contact Natalie Pearson, (314-418-4087)

The Respondent shall note on the CERCLA penalty-payment cashier's check the title and docket number of this case.

ii. The EPCRA portion of the penalty, payable to "United States Treasury" in care of:

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

If check is sent via overnight mail, it should be sent to:

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

The Respondent shall note on the EPCRA penalty-payment cashier's check the title and docket number of this case.

b. Payment may be made via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

c. Payment may be made via Automated Clearinghouse (ACH) to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking

Environmental Protection Agency
Account 310006
CTX Format

d. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.

43. The Respondent shall submit a copy of the checks, or verification of wire transfer or ACH to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Jefferie E. Garcia (3RC42)
Senior Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

44. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with paragraph 39, above, Respondent may pay the entire civil penalty of One Hundred and Sixty Nine Thousand, Five Hundred and Fifty Two Dollars (\$169,552.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent and, thereby, avoid the assessment of interest pursuant to 40 C.F.R. § 13.11(a)(1), as described in paragraph 35, above.

45. The CERCLA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, and is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

46. The EPCRA civil penalties stated herein are based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and are consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

47. Failure by the Respondent to pay the \$169,552.00 penalty assessed by the Final Order ("FO") in full by the final due date may subject Respondent to a civil action to collect the assessed

penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

48. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

49. For the purpose of this proceeding, Respondent agrees not to contest the Environmental Protection Agency's jurisdiction with respect to the execution or enforcement of the CA/FO.

50. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations and conclusions of law set forth in this CA/FO, but expressly waives its rights to contest said allegations in this proceeding.

51. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the FO under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

52. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this CA on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this CA and to legally bind Respondent to the terms and conditions of the CA and accompanying FO.

53. This CA/FO resolves only those civil claims that are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition that Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

54. Each party to this action shall bear its own costs and attorney's fees.

55. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

In the Matter of: Western Refining Yorktown Inc.

U.S. EPA Docket Nos. CERCLA-03-2010-0267
EPCRA-03-2010-0267

FOR WESTERN REFINING YORKTOWN, INC.



SIGNATURE

Title: *VICE President*

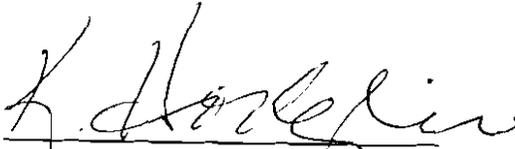
6-8-2010

DATE

In the Matter of: Western Refining Yorktown Inc.

U.S. EPA Docket Nos. CERCLA-03-2010-0267
EPCRA-03-2010-0267

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division

DATE

6/9/10

In the Matter of:)
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 and 325 of the Emergency
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 42 U.S.C. §§ 11004 and 11045.**

FINAL ORDER

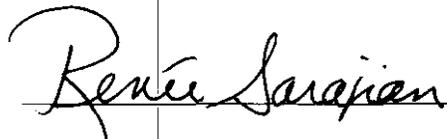
Pursuant to Sections 103 and 109 of the Comprehensive Environmental Response Compensation and Liability Act, as amended, ("CERCLA"), 42 U.S.C. §§ 9603 and 9609, Sections 304 and 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. §§ 11004 and 11045, and the delegated authority of the undersigned, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 6/16/10



Renée Sarajian
 Regional Judicial Officer
 EPA, Region III



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

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2201 Goodwin Neck Road)	Right-to-Know Act, ("EPCRA")
Grafton, VA 23690)	42 U.S.C. §§ 11004 and 11045.
)	
Facility.)	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Jean M. Flores
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, Texas 75201

6/16/10
DATE



Jefferie E. Garcia (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2697