

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :
:
PETROLEUM RECOVERY AND : U.S. EPA Docket No. MM-03-2024-0074
REMEDICATION MANAGEMENT, INC. :
d/b/a PETROLEUM MANAGEMENT, INC. : Proceeding under Section 113 of the Clean Air
1030 E. PATAPSCO AVE. : Act, 42 U.S.C. § 7413, Section 3008(a) and (g) of
BALTIMORE, MD 21225 : the Resource Conservation and Recovery Act, 42
Respondent. : U.S.C. § 6928(a) and (g), and Section
: 311(b)(6)(A)(ii) and (B) of the Clean Water Act,
: 33 U.S.C. § 1321(b)(6)(A)(ii) and (B)
PETROLEUM RECOVERY AND :
REMEDICATION MANAGEMENT, INC. :
5200 & 5218 CURTIS AVENUE :
BALTIMORE, MD 21226, :
Facility.

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement Compliance and Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Petroleum Recovery and Remediation Management, Inc. d/b/a Petroleum Management, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 113 of the Clean Air Act (“CAA”), 42 U.S.C. § 7413, Section 3008(a) and (g) 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 hereafter as “RCRA”), 42 U.S.C. § 6928(a) and (g), Section 311(b)(6)(A)(ii) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6)(A)(ii), and 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 CAA, RCRA, and CWA authorize the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil

penalty claims against Respondent under the CAA, RCRA, and CWA for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(2) and (4), and 40 C.F.R. § 22.50.
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and with 40 CFR § 22.38(b), the EPA has given notice to the Maryland Department of Environment (“MDE”) of the violations that are alleged herein and of EPA’s intent to enter into this Consent Agreement and accompanying Final Order with Respondent in commencement and resolution of this action.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

11. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
12. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Respondent is an environmental services corporation incorporated and registered in the State of Maryland. Based on information available to the EPA, at times relevant to the violations alleged herein, Respondent's business has included receiving, separating and storing petroleum contaminated hazardous and non-hazardous waste materials, including liquids, sludge and solids for disposal, processing, and recycling.
15. Respondent is a 'person' as that term is defined in Section 302 of the CAA, 42 U.S.C. § 7602(e), Section 1004 of RCRA, 42 U.S.C. § 6903, and Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5) and is subject to the assessment of civil penalties for the violations alleged herein.
16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 5200 and 5218 Curtis Avenue, Baltimore, MD 21226 (hereinafter "the Facility").
17. Respondent's corporate office is located at 1030 E. Patapsco Ave., Baltimore, MD 21225.

CAA Title V Permitting Program

18. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator a permit program meeting the requirements of Title V.
19. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

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20. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations providing for the establishment of Title V permitting programs at 40 C.F.R. Part 70.
21. On January 15, 2003, the EPA approved Maryland's Title V permitting program ("Part 70 permitting program"). 68 Fed. Reg. 1974-01 (January 15, 2003).
22. The Maryland regulations governing the Part 70 permitting program are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 03 Permits, Approvals, and Registration – Title V Permits ("COMAR 26.11.03").

Maryland New Source Review

23. As of August 3, 2018, Baltimore City is designated as in "marginal" nonattainment under the 2015 8-hour ozone standard. See 69 Fed. Reg. 23,951 (April 30, 2004); 83 Fed. Reg. 25,776 (June 4, 2018).
24. The Maryland regulations governing construction, modifications, and New Source Review ("NSR") are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 02 Permits, Approvals, and Registration ("COMAR 26.11.02").
25. The Maryland regulations governing Non-Attainment New Source Review ("NNSR") are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications ("COMAR 26.11.17").
26. A "New Source Review Source" ("NSR source") is defined as "any major stationary source or major modification subject to the requirements of COMAR 26.11.17." COMAR 26.11.01.01B(24).
27. A "major stationary source" within a nonattainment area is defined as "any stationary source of air pollution which emits or has the potential to emit 25 tons per year (TPY) or more of [Volatile Organic Compounds (VOC)] or [Nitrogen Oxide (NOx)] for sources located in Baltimore City or Anne Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Calvert, Charles, Frederick, Montgomery, or Prince George's counties." COMAR 26.11.02.01C(1)(c)(i); see also COMAR 26.11.17.01B(17)(a)(i).
28. A "stationary source" is defined as "a building, structure, facility, or installation that emits or may emit a regulated air pollutant or a pollutant listed under § 112(b) of the Clean Air Act." COMAR 26.11.02.01B(54).

29. A “major modification” is defined as “any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase and a significant net emissions increase of any regulated NSR pollutant,” as that term is defined at COMAR 26.11.17.01B(24). COMAR 26.11.17.01B(16).
30. “Significant,” in reference to a net emissions increase for VOCs, is defined as the potential of a source to emit a regulated NSR pollutant, or a rate of emissions that would equal or exceed 25 TPY in Baltimore City. COMAR 26.11.17.01B(26).
31. “Installation” is defined as “any article, machine, equipment, or other contrivance, including, but not limited to, emission control equipment, processing equipment, manufacturing equipment, fuel-burning equipment, incinerators, or any equipment or construction, capable of generating, causing, or reducing emissions.” COMAR 26.11.01.01B(19); *see also* COMAR 26.11.17.01B(6).
32. Potential to emit (“PTE”) is defined as “the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. A physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA.” COMAR 26.11.02.01B(41); *see also* COMAR 26.11.17.01B(21).

General Emission Standards, Prohibitions, and Restrictions

33. The Maryland regulations governing General Emission Standards, Prohibitions and Restrictions for VOCs are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 06 General Emission Standards, Prohibitions, and Restrictions (“COMAR 26.11.06”).
34. A person who proposes to construct or modify an emissions unit, as that term is defined at COMAR 26.11.17B(11) and does not apply for and obtain a NNSR Permit pursuant to COMAR 26.11.17.03A, is subject to the regulations under COMAR 26.11.06.06.

National Emission Standards for Hazardous Air Pollutants Subpart DD - Off-Site Waste and Recovery Operations

35. The National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories for Off-Site Waste and Recovery Operations (hereinafter “Subpart DD”) are codified at 40 C.F.R. §§ 63.680-63.698.

36. 40 C.F.R. § 63.680(a)(1) states that Subpart DD applies, in part, to the owner and operator of a plant site that is a major source of Hazardous Air Pollutant (“HAP”) emissions, as that term is defined in 40 C.F.R. § 63.2, and is regulated as a hazardous waste treatment, storage, disposal, recycling, or re-processing under 40 C.F.R. Part 264 or 265, if the waste management operations receive off-site materials, as that term is defined in 40 C.F.R. § 63.680, containing one or more HAP listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, otherwise referred to as or volatile organic hazardous air pollutants (“VOHAP”).
37. A “major source” is defined in the NESHAP regulations as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.” 40 C.F.R. § 63.2.
38. 40 C.F.R. § 63.680(e)(2), in relevant parts, states that “[n]ew affected sources that commenced construction or reconstruction after October 13, 1994, but on or before July 2, 2014, shall be in compliance with the tank requirements of § 63.685(b)(2) 2 years after the publication date of the final amendments, the equipment leak requirements of § 63.691(b)(2) 1 year after the publication date of the final amendments, and the pressure relief device monitoring requirements of § 63.691(c)(3)(i) and (ii) 3 years after the effective date of the final amendments.”
39. 40 C.F.R. § 63.683(d) requires control of equipment leaks from each equipment component that is part of the affected source specified in 40 C.F.R. § 63.680(c)(3), such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, or instrumentation systems, by implementing leak detection and control measures in accordance with the standards specified in 40 C.F.R. § 63.691, for all qualified equipment components.

RCRA

40. On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of Maryland final authorization to administer its hazardous waste management program regulations (“MdhWMR”) set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 *et seq.*, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Through this final authorization, those provisions of the MdhWMR became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42

U.S.C. § 6928(a). EPA authorized revisions to the Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13, effective on July 31, 2001, September 24, 2004, and on October 31, 2016, and, accordingly, the authorized provisions of the revised MdHWMR are enforceable by EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a).

41. Accordingly, the provisions of the Maryland Hazardous Waste Management Regulations are enforceable by the EPA pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).
42. 40 C.F.R. Part 262 provides for the Standards Applicable to Generators of Hazardous Waste including, pertinent to this matter, standards related to hazardous waste determination, at 40 C.F.R. § 262.11, and for hazardous waste manifests for offsite transport, at 40 C.F.R. § 262.20.

CWA

43. The Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated pursuant to Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), set forth procedures, methods, and requirements to prevent the discharge of oil from facilities into or upon navigable waters of the United States and adjoining shorelines in quantities that may be harmful to the public health or welfare or the environment.
44. Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), defines oil as “oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.”
45. Pursuant to 40 C.F.R. § 112.3, the owner or operator of a non-transportation-related onshore or offshore facility with an aggregate aboveground oil storage capacity of over 1,320 gallons, and that due to its location could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines, must prepare in writing and implement a Spill, Prevention, Control and Countermeasure Plan (“SPCC”) for the facility in accordance with 40 C.F.R. § 112.7 and any other applicable section.
46. According to the Facility’s SPCC Plan, the oil storage capacity of the Facility is approximately 80,000 gallons, and the Facility is located 2,000 feet from Curtis Creek, a tributary to Curtis Bay and Patapsco River. Both Curtis Bay and the Patapsco River are traditional navigable waters.

EPA Investigation

47. On September 8, 14, 15, and 16, 2020, the EPA conducted mobile air monitoring for VOCs and certain hazardous air pollutants at perimeter locations adjacent to the Facility.
48. On September 14-15, 2020, the EPA conducted a Clean Air Act on-site inspection (“CAA Site Inspection”) at the Facility.
49. On October 15, 2020, the EPA sent a Site Inspection Report to Respondent.
50. On November 19, 2020, the EPA issued an Information Request to Respondent, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a); Section 3007 of RCRA, 42 U.S.C. § 6927; Section 308(a) of the CWA, 33 U.S.C. § 1318(a); and the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, among other authorities (hereinafter “2020 Information Request”).
51. On February 12, 2021, Respondent responded to the EPA’s 2020 Information Request.
52. On April 12, 2021, the EPA sent a follow-up Information Request to Respondent to gather additional information about the Facility and its operations (hereinafter “2021 Information Request”).
53. Respondent responded to the EPA’s 2021 Information Request on May 7, 2021.
54. On May 18, 2021, issued a CAA Notice of Violation and Opportunity to Confer Letter (“CAA NOV”) pursuant to Section 113(a)(1), 42 U.S.C. § 7413(a)(1).
55. On July 12, 2021, the parties took part in an Opportunity to Confer conference to discuss the alleged violations in the CAA NOV.
56. On August 26, 2021, the EPA conducted an SPCC Inspection (hereinafter, “August 26, 2021 SPCC Inspection”) at the Facility to determine compliance with the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112.
57. On February 22, 2022, the EPA sent Respondent a Post-Inspection letter regarding the August 26, 2021 SPCC Inspection.
58. On February 28, 2022, the EPA received Respondent’s revised SPCC Plan (dated February 11, 2022).
59. On August 8, 2022, the EPA issued a RCRA and CWA Notice of Potential Violation and Opportunity to Confer Letter (“RCRA and CWA NOPVOC”).

- 60. On August 28, 2022, Respondent responded to the EPA's RCRA and CWA NOPVOC.
- 61. On November 8, 2022, the parties had a conference to discuss the CAA NOV and the RCRA and CWA NOPVOC.

Count I
Failure to Apply for and Obtain a Title V Permit

- 62. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 63. COMAR 26.11.03.01A(1) requires the owner or operator of a major source to apply for and obtain a Part 70 Permit unless exempted under COMAR 26.11.03.01.B.
- 64. COMAR 26.11.03.01C provides that "an owner or operator of a Part 70 source may not operate the source after the time that it is required to submit a timely and complete application unless the source in compliance with a Part 70 permit," unless exempted under COMAR 26.11.03.01.D.
- 65. Respondent began operations at the Facility in 2011 and modified the Facility in 2013, 2017, 2018, 2019 and 2020.
- 66. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent's Facility had the PTE more than 25 TPY VOCs, and therefore was a major stationary source and was a major source of HAPs.
- 67. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent failed to apply for nor obtained a Title V Permit for operation of a major stationary source of VOC and major source subject to a NESHAP standard per section 112 of the CAA, 42 U.S.C. § 7412.
- 68. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated COMAR 26.11.03.01C by failing to apply for nor obtain a Title V Permit for operation of a major stationary source of VOC and major source subject to a NESHAP standard per section 112 of the CAA, 42 U.S.C. § 7412.
- 69. In failing to comply with COMAR 26.11.03.01C and the Maryland SIP Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count II
Discharge of VOC Above Regulated Quantities

70. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
71. COMAR 26.11.06.06B(1)(b) prohibits Facilities in Baltimore City, to cause or permit the discharge of VOC with a vapor pressure greater than 0.002 pounds per square inch absolute (psia) from any installation, as that term is defined at COMAR 26.11.06.06B(1), constructed on or after May 12, 1972, in excess of 20 pounds per day unless the discharge is reduced by 85 percent or more overall, unless an exemption under COMAR 26.11.06.06E applies. *See also* COMAR 26.11.06.06A(2).
72. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent treated, discharged and disposed of petroleum-contaminated off-site waste containing VOC at a rate greater than 25 TPY.
73. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent caused the discharge of VOC with a vapor pressure greater than 0.002 psia from any installation in excess of 20 pounds per day and did not use a vapor control device to reduce the VOC discharged from its process equipment at the Facility.
74. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated COMAR 26.11.06.06B(1)(b) by causing or permitting the discharge of VOC with a vapor pressure greater than 0.002 psia from any installation in excess of 20 pounds per day without reducing the discharge by 85 percent or more overall.
75. In failing to comply with COMAR 26.11.06.06B(1)(b) and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count III
Causing or Permitting the Discharge of VOC from a VOC-Water Separator

76. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference. COMAR 26.11.06.06C prohibits a person from causing or permitting “the discharge of VOC from single or multiple compartment VOC-water separators that receive effluent water containing 200 gallons of VOC or more per day with a true vapor pressure of 1.5 pounds per square inch (psi) or greater unless one or more of the listed vapor control devices are properly installed and operated.”

77. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent operated a system of VOC-water separators, which gravity separates and screens out petroleum contaminated waste.
78. The VOC-water separators were uncovered or partially open to the atmosphere.
79. The VOC-water separators at the Facility received liquid waste containing 200 gallons of VOC or more per day with a true vapor pressure greater than 1.5 psi.
80. Respondent had not installed or operated any vapor control devices at the Facility or any other equally effective devices as approved by MDE.
81. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent caused or permitted the discharge of VOC from the VOC-water separators at the Facility without vapor control devices.
82. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated COMAR 26.11.06.06C and the Maryland SIP by discharging VOC from the VOC-water separators at the Facility without vapor control devices.
83. In failing to comply with COMAR 26.11.06.06C and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count IV

Treating or Disposing of Waste Containing VOC into the Atmosphere Above Allowable Limits

84. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
85. COMAR 26.11.06.06D(2) prohibits a person from treating or disposing “waste containing VOC in a manner that results in evaporation of greater than 20 pounds per day VOC to the atmosphere.”
86. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent treated or disposed of waste containing VOC in a manner that resulted in evaporation of greater than 20 pounds per day of VOC to the atmosphere.
87. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated COMAR 26.11.06.06D(2) and the Maryland SIP by failing to treated or disposed of waste containing VOC in a manner that resulted in evaporation of greater than 20 pounds per day of VOC to the atmosphere.

88. In failing to comply with COMAR 26.11.06.06D(2) and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count V
Failure to Submit an Annual Emissions Statement

89. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
90. COMAR 26.11.01.05-1 requires a person who owns or operates a source contributing to air pollution that is located in Baltimore City and has total actual emission of VOC or NOx from all installations and sources of 25 tons or more during a calendar year to submit a certified emissions statement by April 1 of each year for the previous calendar year.
91. Respondent failed to submit an emissions statement to MDE covering at least the reporting years 2015 through 2021.
92. Respondent violated COMAR 26.11.01.05-1 and the Maryland SIP by failing to submit an emissions statement to MDE for at least calendar years 2016 through 2020.
93. In failing to comply with COMAR 26.11.01.05-1 and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count VI
Failure to Apply for and Obtain an NNSR Permit

94. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
95. COMAR 26.11.02.09A(1) prohibits a person from constructing or modifying or causing the be constructed or modified, any New Source Review Source “without first obtaining, and having in current effect, the specified permits to construct and approvals.”
96. Based on information available to the EPA, from 2014 to March 7, 2022, the Facility’s PTE had been greater than 25 TPY VOC and, therefore, is and had been a “major stationary source” of VOC as that term is defined in COMAR 26.11.02.01C(1)(c)(i).
97. The modifications made to Respondent’s Facility in 2017, 2018 and 2019 were “major modifications,” as that term is defined in COMAR 26.11.17.01B(16).

98. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent failed to apply for or obtain any NNSR permits prior to, during, or after the construction and/or major modifications of the Facility.
99. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated COMAR 26.11.02.09A(1) and 26.11.17.03 and the Maryland SIP by failing to apply for or obtain any NNSR permits in prior to, during, or after the construction and/or major modifications of the Facility.
100. In failing to comply with COMAR 26.11.02.09A(1) and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count VII

Failure to Comply with the Requirements for Off-Site Material Management Units

101. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
102. 40 C.F.R. § 63.683(b)(1) requires each off-site material management unit that is part of an affected source and not exempted by 40 C.F.R. § 63.683(b)(2), to:
 - a. Satisfy the applicable standards in 40 C.F.R. §§ 63.685-63.689;
 - b. Remove or destroy HAP in the off-site material before placing the material in the offsite material management unit by treating the material in accordance with the standards specified in 40 C.F.R. § 63.684; or
 - c. Determine before placing off-site material in the off-site material management unit that that the average VOHAP concentration of the off-site material at the point-of-delivery, using the procedures specified in 40 C.F.R. § 63.694(b), is less than 500 parts per million by weight (ppmw).
103. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent's Facility had a PTE greater than 25 TPY of VOC and combined HAPs, and is, therefore, a major source of HAPs as that term is defined in 40 C.F.R. § 63.2.
104. The wastewater received by the Facility is and, at all relevant times has been, off-site material as that term is defined in 40 C.F.R. § 63.680(b).
105. Respondent does not operate air pollution control equipment at the Facility, including vapor combustion equipment capable of destroying or removing HAP.

106. The average VOHAP concentration of the off-site material at the point-of-delivery at the Facility is and, at all relevant times has been, more than 500 ppmw.
107. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent failed to: (1) satisfy the applicable standards in 40 C.F.R. §§ 63.685-63.689; (2) remove or destroy HAP in the off-site material before placing the material in the offsite material management unit by treating the material in accordance with the standards specified in 40 C.F.R. § 63.684; or (3) determine before placing off-site material in the off-site material management unit that that the average VOHAP concentration of the off-site material at the point-of-delivery is less than 500 ppmw.
108. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated 40 C.F.R. § 63.683(b)(1) by failing to (1) satisfy the applicable standards in 40 C.F.R. §§ 63.685-63.689; (2) remove or destroy HAP in the off-site material before placing the material in the offsite material management unit by treating the material in accordance with the standards specified in 40 C.F.R. § 63.684; or (3) determine before placing off-site material in the off-site material management unit that that the average VOHAP concentration of the off-site material at the point-of-delivery is less than 500 ppmw.
109. In failing to comply with 40 C.F.R. § 63.683(b)(1), Respondent is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count VIII

Failure to Operate and Maintain Off-Site Waste Material in a Manner Consistent with Safety and Good Air Pollution Control Practices

110. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
111. 40 C.F.R. § 63.683(e) requires “[a]t all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.”
112. At the time of the Inspection, Respondent allowed VOCs, including HAP and VOHAP, in the off-site material to emit directly to the atmosphere.
113. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent failed to operate and maintain their off-site waste material management units in a manner consistent with safety and good air pollution control practices for minimizing emissions.

114. Based on information available to the EPA, from 2014 to March 7, 2022, Respondent violated 40 C.F.R. § 63.683(e) by failing to operate and maintain their off-site waste material management units in a manner consistent with safety and good air pollution control practices for minimizing emissions.
115. In failing to comply with 40 C.F.R. § 63.683(e) and the Maryland SIP, Respondent is in violation of Section 110 of the CAA, 42 U.S.C. § 7410, and is subject to the assessment of penalties under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a).

Count IX
Failure to Make a Hazardous Waste Determination

116. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
117. COMAR 26.13.03.02 requires a person who generates a solid waste, as that term is defined in COMAR 26.13.02.02, to determine if that waste is a hazardous waste using the methods set forth therein. *See also* 40 C.F.R. § 262.11.
118. On February 6, 2019, the Facility sent 6,000 gallons of material described as “Petroleum Contaminated Water” on a non-hazardous Bill of Lading to ERC in Baltimore and, upon receipt, ERC determined the material was hazardous waste corrosive material with EPA Waste Code D002 and filled out a hazardous waste manifest on behalf of PMI prior to sending the material on to Cycle Chem on February 7, 2019.
119. On February 6, 2019, Respondent violated COMAR 26.13.03.02 and 40 C.F.R. § 262.11 by failing to make an adequate determination as to whether a shipment of 6,000 gallons of material to a third-party facility for disposal was hazardous waste.
120. In failing to comply with COMAR 26.13.03.02 and 40 C.F.R. § 262.11, Respondent is subject to the assessment of penalties under Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928.

Count X
Failure to Prepare a Hazardous Waste Manifest

121. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
122. COMAR 26.13.03.04.A(1) requires “[a] generator who transports, or offers for transport, hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility who offers for transport a rejected hazardous waste load, [to] prepare a

manifest (OMB control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to 40 CFR Part 262 before the waste is transported off-site.” *See also* 40 C.F.R. § 262.20(a)(1).

123. On February 6, 2019, Respondent sent a shipment of 6,000 gallons of material, later determined to be corrosive Hazardous Waste with EPA Waste Code D002, to a third-party facility for disposal without first preparing a Hazardous Waste Manifest for the shipments.
124. On February 6, 2019, Respondent violated COMAR 26.13.03.04.A(1) and 40 C.F.R. § 262.20(a)(1) by failing to prepare a Hazardous Waste Manifest for the shipments.
125. In failing to comply with COMAR 26.13.03.04.A(1) and 40 C.F.R. § 262.20(a)(1), Respondent is subject to the assessment of penalties under Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928.

Count XI

Failure to Have SPCC Plan Certified by a Licensed Professional Engineer

126. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
127. 40 C.F.R. § 112.3(d) requires a licensed professional engineer to review and certify an SPCC Plan.
128. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan, dated July 26, 2021, was not properly certified by a licensed professional engineer.
129. At the time of the August 26, 2021 SPCC Inspection, Respondent violated 40 C.F.R. § 112.3(d) by failing to have its SPCC Plan properly certified by a licensed professional engineer.
130. In failing to comply with 40 C.F.R. § 112.3(d), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XII

Failure to Amend SPCC Plan

131. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

132. 40 C.F.R. § 112.5(a) requires an owner or operator of a facility to amend the facility's SPCC Plan "when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge" within six (6) months of the date of such change.
133. Respondent failed to amend its SPCC Plan when Tanks 5 through 9 were installed at the Facility in 2011, and Tanks 1 through 4 were installed in 2013.
134. Respondent violated 40 C.F.R. § 112.5(a) by failing to amend its SPCC Plan when Tanks 5 through 9 were installed at the Facility in 2011, and again when Tanks 1 through 4 were installed in 2013.
135. In failing to comply with 40 C.F.R. § 112.5(a), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XIII

Failure to Have Technical Amendments to SPCC Plan Certified by a Professional Engineer

136. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
137. 40 C.F.R. § 112.5(c) requires a Professional Engineer to certify any technical amendments to an SPCC Plan in accordance with § 112.3(d).
138. On December 3, 2018, December 7, 2020, and July 26, 2021, Respondent amended its SPCC Plan. Specifically, Respondent amended the tank and storage schedule in its SPCC Plan on December 3, 2018, and December 7, 2020, and the Site Plan and Tank Details in its SPCC Plan on July 26, 2021.
139. On December 3, 2018, December 7, 2020, and July 26, 2021, Respondent failed to have a professional engineer certify the technical amendments to its SPCC Plan set forth in the preceding paragraph.
140. On December 3, 2018, December 7, 2020, and July 26, 2021, Respondent violated 40 C.F.R. § 112.5(c) by failing to have a professional engineer certify technical amendments to its SPCC Plan.
141. In failing to comply with 40 C.F.R. § 112.5(c), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XIV

**Failure to Include a Complete Discussion of the Facility's Conformance with
40 C.F.R Part 112 Requirements**

142. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
143. 40 C.F.R. § 112.7(a)(1) requires owners or operators to “include a discussion of [the] facility’s conformance with the requirements listed in [Part 112].”
144. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to include a discussion of its Facility’s conformance with some of the requirements listed in 40 C.F.R. §§ 112.7 and 112.8.
145. 40 C.F.R. § 112.7(a)(3) requires owners or operators to describe in the plan the physical layout of the facility and include a facility diagram, which must mark, among other things, the location and contents of each fixed oil-storage container and all transfer stations and connecting pipes and the type of oil in each fixed container and its storage capacity.
146. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan diagram failed to include two transfer stations, connecting pipes, and an oil-water separator (oil-filled manufacturing equipment).
147. 40 C.F.R. § 112.7(a)(3)(i) requires owners or operators to provide “the type of oil in each fixed container and its storage capacity. For mobile or portable containers, either provide the type of oil and storage capacity for each container or provide an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities.”
148. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan’s container inventory failed to include the maximum number of drums/totes which could be stored on site and an oil-water separator (which is oil-filled manufacturing equipment at oil recycling facilities). Further, the container inventory failed to include the total capacity (in gallons) of the solidification pit.
149. 40 C.F.R. § 112.7(a)(3)(iii) requires owners or operators to address discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge.
150. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to provide a discussion of the containment measures for three (3) 275-gallon heating fuel

- tanks or an oil-water separator. Further, the SPCC Plan did not describe the secondary containment dike surrounding the wastewater settlement tanks, wastewater processing tanks, and strainer boxes #2 and #3.
151. 40 C.F.R. § 112.8(b)(1) and (2) requires owners or operators to “[r]estrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge” and “[u]se valves of manual, open-and-closed design, for the drainage of diked areas.”
 152. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to provide a discussion of the Facility’s conformance with dike drainage requirements.
 153. 40 C.F.R. § 112.8(c)(2) requires owners or operators to “[c]onstruct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.”
 154. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to provide a discussion of secondary containment measures implemented for the Facility’s wastewater processing tanks, wastewater settlement tanks, or strainer boxes #2 and #3.
 155. 40 C.F.R. § 112.8(c)(6) requires owners or operators to “[t]est or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. . . . You must keep comparison records and you must also inspect the containers supports and foundations.”
 156. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to provide the frequency or type of integrity testing for each bulk storage tank or provide a statement that comparison records of integrity tests would be maintained with the SPCC Plan.
 157. 40 C.F.R. § 112.8(c)(9) requires owners or operators to “[o]bserve effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).”
 158. At the time of the August 26, 2021 SPCC Inspection, Respondent’s SPCC Plan failed to provide a discussion of the Facility’s conformance with the requirement to observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge.

159. 40 C.F.R. § 112.8(c)(11) requires owners or operators to position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b) and provide secondary containment for the largest single container plus sufficient freeboard to contain precipitation.
160. At the time of the August 26, 2021 SPCC Inspection, Respondent's SPCC Plan erroneously stated that secondary containment was not required for tanks with a capacity less than 350 gallons. The SPCC Plan also failed to provide a discussion of the secondary containment implemented for drums/totes, and it is unclear whether Building 5200, the location where drums/totes were stored at the Facility, offered adequate secondary containment for drums/totes.
161. 40 C.F.R. § 112.8(d)(3) requires owners or operators to "[p]roperly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction."
162. At the time of the August 26, 2021 SPCC Inspection, Respondent's SPCC Plan failed to provide a discussion of the Facility's conformance with the requirement to properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.
163. At the time of the August 26, 2021 SPCC Inspection, Respondent violated 40 C.F.R. § 112.7(a)(1) by failing to include a complete discussion of the Facility's conformance with the requirements listed in Part 112.
164. In failing to comply with 40 C.F.R. § 112.7(a)(1), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XV

Failure to Use Compatible Containers for the Storage of Oil

165. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
166. 40 C.F.R. § 112.8(c)(1) prohibits an owner or operator of a bulk storage tank from using "a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature."
167. At the time of the August 26, 2021 SPCC Inspection, Respondent failed to use compatible containers at the Facility for the storage of oil, specifically the solidification pit, strainer boxes, and Wastewater Receiving Tank 1.

- 168. At the time of the August 26, 2021 SPCC Inspection, Respondent violated 40 C.F.R. § 112.8(c)(1) by failing to use compatible containers at the Facility for the storage of oil, specifically the solidification pit, strainer boxes, and Wastewater Receiving Tank 1.
- 169. In failing to comply with 40 C.F.R. § 112.8(c)(1), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XVI

Failure to Provide Secondary Containment for Bulk Storage Tanks

- 170. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 171. 40 C.F.R. § 112.8(c)(2) requires the owner or operator to “[c]onstruct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a sufficiently impervious secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.”
- 172. At the time of the August 26, 2021 SPCC Inspection, Respondent failed to provide Tanks 7, 8, and 9, Wastewater Receiving Tank 1, the solidification pit, drums/totes or two transfer areas with secondary containment.
- 173. At the time of the August 26, 2021 SPCC Inspection, Respondent violated 40 C.F.R. § 112.8(c)(2) by failing to provide Tanks 7, 8, and 9, Wastewater Receiving Tank 1, the solidification pit, drums/totes or two transfer areas with secondary containment.
- 174. In failing to comply with 40 C.F.R. § 112.8(c)(2), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

Count XVII

Failure to Perform Integrity Testing for Bulk Storage Containers

- 175. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 176. 40 C.F.R. § 112.8(c)(6) requires the owner or operator to “[t]est or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs.”

177. At the time of the August 26, 2021 SPCC Inspection, Respondent had failed to perform integrity testing for each bulk storage containers 1-9 at the Facility.
178. At the time of the August 26, 2021 SPCC Inspection, Respondent violated 40 C.F.R. § 112.8(c)(6) by failing to perform integrity testing for each bulk storage containers 1-9 at the Facility.
179. In failing to comply with 40 C.F.R. § 112.8(c)(6), Respondent is subject to the assessment of penalties, pursuant to Clean Water Act Section 311(b)(6)(A)(ii) and (B), 33 U.S.C. § 1321(b)(6)(A)(ii) and (B).

CIVIL PENALTY

180. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **TWO HUNDRED AND THIRTY THOUSAND DOLLARS (\$230,000)**, which includes **ONE HUNDRED AND EIGHTY-SEVEN THOUSAND TWO HUNDRED AND FORTY THREE DOLLARS (\$187,243)** for alleged violations of Section 113 of the CAA, 42 U.S.C. § 7413 ("CAA civil penalty"), **TWENTY-NINE THOUSAND FOUR HUNDRED AND SIXTY-THREE DOLLARS (\$29,463)** for alleged violations of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g) ("RCRA civil penalty"), and **THIRTEEN THOUSAND TWO HUNDRED AND NINETY-FOUR DOLLARS (\$13,294)** as Class I penalties, as defined in 33 U.S.C. § 1321(b)(6)(B)(i), for alleged violations of Sections 311(j)(1)(C) of the CWA, 33 U.S.C. §§ 1321(j)(1)(C), ("CWA civil penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
181. The CAA civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (October 25, 1991), which reflects the statutory penalty criteria and factors set forth at Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

182. The RCRA civil penalty is based upon EPA’s consideration of a number of factors, including the statutory factors set forth in set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith efforts to comply with applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s 1990 *RCRA Civil Penalty Policy* as revised in June 2003 and amended in May 1, 2020, which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
183. The CWA civil penalty is based upon EPA’s consideration of a number of factors, including the statutory factors set forth in set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), including, the following: the seriousness of the violation or violations, the economic benefit to the violator, if any, resulting from the violation; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge; the economic impact of the penalty on the violator; and any other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998), which reflects the statutory penalty criteria and factors set forth at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
184. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **\$216,706** to **“United States Treasury”** with the case name, address and docket number of this Consent Agreement and Final Order (MM-03-2024-0074), for the amount of CAA and RCRA penalties specified above. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **\$13,294** to **“Environmental Protection Agency,” and bearing the notation “OSLTF–311”** with the case name, address and docket number of this Consent Agreement and Final Order (MM-03-2024-0074), for the amount of CWA penalties specified above. Respondent shall pay the assessed penalties and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
185. A copy of Respondent’s checks or other documentation of payments of the penalties

using the method selected by Respondent for payment shall be sent simultaneously by email to:

Andrew W. Ingersoll
Assistant Regional Counsel
ingersoll.andrew@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

186. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
187. Payment of the CAA and RCRA civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
188. Payment of the CWA civil penalty is due and payable immediately upon the effective date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
189. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the CAA and RCRA civil penalties assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties 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). Interest on the CWA civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. 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).]

190. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also 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.
191. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that 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).
192. If Respondent fails to make a full and complete payment of the CAA civil penalty in accordance with this Consent Agreement and Final Order, the entire unpaid balance of the CAA civil penalty shall become immediately due and owing. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
193. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
194. The parties consent to service of the Final Order by e-mail at the following valid email addresses: ingersoll.andrew@epa.gov (for Complainant), and rlutz@pklaw.com (for Respondent).
195. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement

agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of the Final Order per Paragraph 202; and
 - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

196. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order

does not contain any confidential business information or personally identifiable information from Respondent.

197. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

198. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Administrative Order on Consent between Respondent and EPA, Docket No. CAA-03-2024-0060DA, which addresses the CAA violations alleged herein. Respondent further certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the RCRA and CWA violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

199. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA, RCRA, and CWA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

200. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the CAA, RCRA, and CWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

201. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

202. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

ENTIRE AGREEMENT

203. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Petroleum Recovery and Remediation Management, Inc. EPA Docket No. MM-03-2024-0074

For Respondent: Petroleum Recovery and Remediation Management, Inc.

Date: 3-19-24

By:


Robert Hofstetter
President

In the Matter of: Petroleum Recovery and Remediation Management, Inc. EPA Docket No. MM-03-2024-0074

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[Digital Signature and Date]
Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[Digital Signature and Date]
Andrew W. Ingersoll
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :

PETROLEUM RECOVERY AND :
REMEDICATION MANAGEMENT, INC. : U.S. EPA Docket No. MM-03-2024-0074
d/b/a PETROLEUM MANAGEMENT, INC. : Proceeding under Section 113 of the Clean Air
1030 E. PATAPSCO AVE. : Act, 42 U.S.C. § 7413, Section 3008(a) and (g) of
BALTIMORE, MD 21225, : the Resource Conservation and Recovery Act,
Respondent. : 42 U.S.C. § 6928(a) and (g), and Section
: 311(b)(6)(A)(ii) and (B) of the Clean Water Act,
: 33 U.S.C. § 1321(b)(6)(A)(ii) and (B)

PETROLEUM RECOVERY AND :
REMEDICATION MANAGEMENT, INC. :
5200 & 5218 CURTIS AVENUE :
BALTIMORE, MD 21226, :

Facility.

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Petroleum Recovery and Remediation Management, Inc., 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, Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (October 25, 1991), which reflects the statutory penalty criteria and factors set forth at Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1), EPA's 1990 *RCRA Civil Penalty Policy* as revised in June 2003 and amended in May 1, 2020, which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998), which reflects the statutory penalty criteria and factors set forth at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8).

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. § 7413, Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g), and Section 311(b)(6)(A)(ii) and (B) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(A)(ii) and (B), and pursuant to Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$230,000**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the Clean Air Act, the Resource Conservation and Recovery Act, the Clean Water Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

Date: _____

By: _____

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 3

Philadelphia, Pennsylvania 19103

In the Matter of: :
: :
PETROLEUM RECOVERY AND : U.S. EPA Docket No. MM-03-2024-0074
REMEDICATION MANAGEMENT, INC. : :
d/b/a PETROLEUM MANAGEMENT, INC. : Proceeding under Section 113 of the Clean Air
1030 E. PATAPSCO AVE. : Act, 42 U.S.C. § 7413, Section 3008(a) and (g) of
BALTIMORE, MD 21225, : the Resource Conservation and Recovery Act,
Respondent. : 42 U.S.C. § 6928(a) and (g), and Section
: 311(b)(6)(A)(ii) and (B) of the Clean Water Act,
: 33 U.S.C. § 1321(b)(6)(A)(ii) and (B)
PETROLEUM RECOVERY AND :
REMEDICATION MANAGEMENT, INC. :
5200 & 5218 CURTIS AVENUE :
BALTIMORE, MD 21226, :
Facility.

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

W. Scott Alexander, Operations Manager
scott@petromgt.net
Petroleum Recovery and
Remediation Management, Inc.
1030 E. Patapsco Ave.
Baltimore, MD 21225

Randall Lutz
Pessin Katz Law, P.A.
rlutz@pklaw.com
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

Andrew Ingersoll
Assistant Regional Counsel

Bruce Augustine
Environmental Scientist

In Re: Petroleum Recovery and Remediation Management, Inc. EPA Docket No. MM-03-2024-0074

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Martin Matlin
Environmental Scientist
U.S. EPA, Region 3
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[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3