UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:	:	
	:	
Bitumar USA, Inc.	:	
6000 Pennington Ave	:	
Baltimore, MD 21226,	:	
	:	Proceeding under Section 311(j) and
Respondent.	:	311(b)(6)(B)(ii) of the Clean Water Act,
	:	33 U.S.C. § 1321(j) and 1321(b)(6)(B)(ii)
	:	
	:	**Docket No. CWA-03-2017-0131**
	:	

CONSENT AGREEMENT

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 311(b)(6)(B)(ii) of the Clean Water Act ("CWA"), as amended, 33 U.S.C. § 1321(b)(6)(B)(ii), and under the authority provided by Section 22.13(b) and 22.18(b) of 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 Administrator has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated it to the Director of the Region's Hazardous Site Cleanup Division ("Complainant").

2. The parties agree to the commencement and conclusion of this matter by issuance of this Consent Agreement and Final Order (collectively "CAFO"), as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b) and 22.18(b), and having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.

3. For purposes of this proceeding only, Bitumar USA, Inc. ("Respondent") admits to the jurisdictional allegations set forth in this Consent Agreement.

4. Respondent neither admits nor denies the specific factual allegations, findings of fact, and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.

5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution, enforcement, and issuance of this CAFO.

6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.

7. Respondent shall bear its own costs and attorney's fees.

Statutory and Regulatory Authority

8. Congress enacted the CWA, 33 U.S.C. §§ 1251 et seq., in 1972. In Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), Congress required the President to promulgate regulations which would, among other things, establish procedures, methods, and other requirements for preventing discharges of oil from onshore facilities into navigable waters and for containing such discharges.

9. By Executive Order 12777, the President delegated the authority to promulgate regulations for preventing discharges of oil from onshore facilities into navigable waters and for containing such discharges under Section 311(j) of the CWA to EPA for non-transportation-related onshore and offshore facilities.

10. Pursuant to its delegated authority under Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA promulgated the Oil Pollution Prevention Regulations, codified at 40 C.F.R. Part 112, Subparts A - C.

11. Pursuant to 40 C.F.R. § 112.1, an owner or operator of a non-transportation-related onshore or offshore facility with an above-ground oil storage capacity exceeding 1,320 gallons, engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products, which 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 is subject to Part 112.

12. According to 40 C.F.R. § 112.3, an owner or operator of an onshore or offshore facility subject to Part 112 must prepare in writing and implement a Spill Prevention, Control, and Countermeasure (SPCC) plan, in accordance with § 112.7 and any other applicable section, including, but not limited to, § 112.8.

13. Congress amended Section 311 of the CWA, 33 U.S.C. § 1321, by enacting the Oil Pollution Act of 1990 ("OPA"), which required, in part, that the President promulgate regulations which would mitigate potential harm caused by vessels, and onshore and offshore oil facilities that, because of their location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the United States or adjoining shorelines ("substantial harm facilities"). 33 U.S.C. §§ 1321(j)(5)(A). Specifically, Congress directed the President to promulgate regulations requiring the owners or operators of substantial harm facilities to submit to the President plans for responding to worst case oil discharges and substantial threats of such discharges.

14. Pursuant to Section 311(j)(5)(A) of the CWA, 33 U.S.C. § 1321(j)(5)(A), the EPA Administrator amended 40 C.F.R. Part 112 in 1994 by promulgating oil spill response regulations requiring the owners or operators of non-transportation substantial harm facilities to, *inter alia*, develop and implement a facility response plan ("FRP"), an oil spill response training program, and a program of oil spill response drills and exercises ("Oil Spill Response Regulations"). These Oil Spill Response Regulations are codified at 40 C.F.R. Subpart D, § 112.20 and 112.21, and became effective on August 30, 1994.

15. Pursuant to 40 C.F.R. § 112.20(a), the owner or operator of a non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit to EPA an FRP.

16. A facility could, because of its location, reasonably be expected to cause substantial harm to the environment if: (1) the facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or (2) the facility's total oil storage capacity is greater than or equal to 1,000,000 gallons and one of the following is true: (a) the facility does not have sufficient secondary containment to contain the capacity of the largest above-ground oil storage tank plus freeboard for precipitation within each storage area; (b) the facility is located at a distance (as calculated from the appropriate formula in 40 C.F.R. Part 112, Appendix C) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments; (c) the facility is located at a distance (as calculated from the appropriate formula in 40 C.F.R. Part 112, Appendix C) such that a discharge from the facility would shut down a public drinking water intake; or (d) the facility has had a reportable oil spill of at least 10,000 gallons within the last five years. 40 C.F.R. § 112.20(f)(1)(i-ii).

17. To meet the requirements of 40 C.F.R. § 112.20(h), an FRP shall follow the format of the model facility-specific response plan included in Appendix F to 40 C.F.R. Part 112, unless an equivalent response plan acceptable to the EPA Regional Administrator has been prepared to meet State or other Federal requirements.

18. For violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA has authority, under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), as amended by the Debt Collection Improvement Act and implemented by 40 C.F.R. Part 19, *Adjustment of Civil Monetary Penalties for Inflation*, to file a Class II Administrative Complaint seeking a civil penalty of $18,107 per day for each day during which a violation continues, up to a maximum of $226,338, for violations occurring after November 2, 2015.

Findings of Fact and Conclusions of Law

19. Respondent is a Maryland Corporation with a principal place of business located at 6000 Pennington Avenue, Baltimore, Maryland 21226.

20. Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.

21. Respondent is the owner and operator of an asphalt products distribution facility located at 6000 Pennington Avenue, Baltimore, Maryland 21226 ("Facility").

22. The Facility began operations in 1999.

23. On December 2, 2015, EPA conducted an SPCC and FRP compliance inspection ("Inspection") of the Facility.

24. At the time of the Inspection, and since 1999, Respondent was the owner and/or operator of the Facility within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2.

25. The Facility has a total aboveground oil storage capacity of approximately 27,176,285 gallons.

26. The Facility is located approximately 750 feet from the Cabin Branch of Curtis Creek, a tributary to the Patapsco River.

27. The Cabin Branch of Curtis Creek and the Patapsco River are navigable waters of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 112.2.

28. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

29. Due to its location, the Facility could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. § 110.3, into or upon navigable waters of the United States or its adjoining shoreline.

30. Pursuant to 40 C.F.R. § 112.1, Respondent, as the owner and operator of the Facility, is subject to the Oil Pollution Prevention Regulations codified at 40 C.F.R. Part 112.

31. Pursuant to 40 C.F.R. § 112.3, Respondent is required to prepare in writing and implement an SPCC plan, in accordance with 40 C.F.R. § 112.7 and any other applicable section.

32. The Facility is a "substantial harm" facility pursuant to 40 C.F.R. § 112.20(f)(1) because the Facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons.

33. Pursuant to 40 C.F.R. § 112.20(f)(1), the Facility is subject to the Oil Spill Response Regulations.

34. Respondent has not prepared a response plan acceptable to the Regional Administrator to meet State or other Federal requirements; therefore, pursuant to 40 C.F.R. § 112.20(h)(4), Respondent's FRP for the Facility is required to follow the format of the model facility-specific response plan included in Appendix F of 40 C.F.R. Part 112.

35. EPA believes that, at the time of the Inspection, Respondent failed to adequately implement the Oil Pollution Prevention Regulations and the Oil Spill Response Regulations, as set forth below.

36. At the time of the Inspection:

a. Respondent failed to comply with 40 C.F.R. § 112.20(d)(1), which requires the owner or operator of a facility for which an FRP must be submitted to EPA pursuant to 40 C.F.R. § 112.20(a)(1) to revise and resubmit revised portions of the FRP within 60 days of each facility change which may materially affect the response to a worst case discharge. At the time of the Inspection, the FRP had not been revised and resubmitted to EPA within 60 days following the installation of a 2,000-gallon generator and seven 300-gallon oil storage totes.

b. Respondent failed to comply with 40 C.F.R. § 112.20(h)(4), which requires the owner or operator of a facility for which an FRP must be submitted to discuss in the FRP the Facility's history of oil spills reportable pursuant to 40 C.F.R. Part 110, and identify areas within the Facility where an oil discharge could occur and the potential effect of such discharges on the environment. At the time of the EPA Inspection, the FRP did not include an adequate vulnerability analysis, as required by the model FRP provided in 40 C.F.R Part 112, Appendix F, Section 1.4.2, which addresses the potential effects of an oil discharge.

c. Respondent failed to comply with 40 C.F.R. § 112.20(h)(9), which requires the owner or operator of a facility for which an FRP must be submitted to include in the FRP site plan and drainage plan diagrams. At the time of the EPA Inspection, the FRP did not include adequate site plan diagrams or an evacuation plan diagram as required by the model FRP provided in 40 C.F.R Part 112, Appendix F, Section 1.9.

d. Respondent failed to comply with 40 C.F.R. § 112.21(c), which requires the owner or operator of a facility required to prepare an FRP pursuant to 40 C.F.R § 112.20(a)(1) to develop a program of facility response drills/exercises that follows

the National Preparedness for Response Exercise Program (PREP) Guidelines or a program approved by the Regional Administrator. Respondent has not submitted a program to EPA for approval. According to the PREP Guidelines, unannounced exercises must be conducted on a yearly basis at the Facility. EPA was not provided with any record that Respondent conducted unannounced exercises at the Facility in the five years preceding the December 2, 2015 inspection

e. Respondent failed to comply with 40 C.F.R. § 112.5(a), which requires the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented, pursuant to the Oil Pollution Prevention Regulations at 40 C.F.R. 112.3, to amend, within 6 months, the SPCC Plan whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for discharge of oil as described in 40 C.F.R. § 112.1(b). At the time of the EPA Inspection, the SPCC Plan had not been revised and resubmitted within 6 months after removal and installation of oil-containers and installation of oil-containing equipment at the Facility, which are changes that materially affect the potential for discharge of oil from the Facility.

f. Respondent failed to comply with 40 C.F.R. § 112.7(a)(3), which, in pertinent part, requires the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented to describe in the SPCC Plan the physical layout of the facility and include a facility diagram. At the time of the Inspection, the facility diagram in the SPCC Plan failed to adequately depict the Facility's oil-related containers and transfer areas.

g. Respondent failed to comply with 40 C.F.R. § 112.7(a)(3)(i), which requires the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented to ensure that the SPCC Plan addresses the type of oil in each storage container and its storage capacity. At the time of the Inspection, the SPCC Plan did not identify all oil storage containers or associated storage capacities.

h. Respondent failed to comply with 40 C.F.R. § 112.7(c), which, in pertinent part, requires the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented to provide complete discussions pertaining to and implement secondary containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water. At the time of the Inspection, the SPCC Plan did not adequately discuss secondary containment and/or diversionary structures pertaining to several oil transfer areas and oil-filled equipment to ensure that discharged oil cannot escape the containment system before cleanup occurs. Moreover, there was insufficient secondary containment and/or diversionary structures implemented for seven 300-gallon oil storage totes at the Facility.

i. Respondent failed to comply with 40 C.F.R. § 112.7(e), which, in pertinent part, requires the owner or operator of a facility for which an SPCC plan must be

prepared in writing and implemented to conduct inspections and tests in accordance with written procedures in the SPCC plan and to keep records of inspections and tests for three years. At the time of the Inspection, Respondents could not produce inspection records.

j. Respondent failed to comply with 40 C.F.R. § 112.7(f), which, in pertinent part, requires the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented to train oil-handling personnel in operation and maintenance of equipment to prevent discharges, and to conduct discharge prevention briefings for oil-handling personnel at least once a year to assure adequate understanding of the facility SPCC plan. According to Respondent's SPCC Plan, records of training will be maintained for 3 years. At the time of the Inspection, the training records did not indicate that employees received adequate training.

k. The Facility failed to comply with 40 C.F.R. § 112.8(c)(11), which requires that the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented position or locate mobile or portable oil storage containers to prevent a discharge and furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single container with sufficient freeboard to contain precipitation. At the time of the Inspection, the Facility lacked adequate secondary containment for seven 300-gallon totes located in the vicinity of the Facility's Hot Oil System.

l. Respondent failed to comply with 40 C.F.R. § 112.8(d), which requires that the owner or operator of a facility for which an SPCC plan must be prepared in writing and implemented provide complete discussions pertaining to Facility Transfer Operations, Pumping, and In-Plant Processes. At the time of the Inspection, the SPCC Plan did not state that exposed piping is inspected for deterioration or that buried piping receives integrity or leak testing at the time of installation, modification, construction, relocation, or replacement, or that the SPCC plan otherwise complies with 40 C.F.R. Part 280 or a State program approved under 40 C.F.R. Part 281.

Penalty

37. In settlement of Complainant's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent agrees to pay a civil penalty of $69,846.

38. The penalty was calculated after consideration of the applicable statutory penalty factors in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), including the allegations regarding the seriousness of the violation; the economic benefit to the violator, if any; the degree of culpability; history of prior violations, if any; any other penalty for the same incident; the nature, extent, and degree of success of the violator's mitigation efforts; the economic impact of the penalty on the violator; and other matters as justice may require. The applicable statutory factors were applied in

accordance with EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998).

Payment Terms

39. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CAFO, Respondent shall pay the civil penalty of $69,846. The civil penalty amount shall become due and payable immediately upon the effective date of this CAFO.

40. Payment shall be made by a cashier's or certified check, by an electronic funds transfer ("EFT"), or by on-line payment.

    a. If paying by check, Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF–311." If paying by check, Respondent shall note on the check the title and docket number (CWA-03-2017-0131) of this case.

    b. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

    c. If Respondent sends payment by a private delivery service, the payment shall be addressed to:

        U.S. Environmental Protection Agency
        1005 Convention Plaza
        SL-MO-C2GL
        St. Louis, MO 63101
        Contact: (314) 418-1028

    d. If paying by EFT, the Respondent shall make the transfer to:

        Federal Reserve Bank of New York
        ABA 021030004
        Account 68010727
        33 Liberty Street
        New York, NY 10045

    e. If paying by EFT, field tag 4200 of the Fedwire message shall read: "(D 68010727 Environmental Protection Agency)." In the case of an

international transfer of funds, the Respondent shall use SWIFT address FRNYUS33.

f. If paying through the Department of Treasury's Online Payment system, please access "www.pay.gov," and enter sfo 1.1 in the search field. Open the form and complete the required fields and make payments. Note that the type of payment is "civil penalty," the docket number "CWA-03-2017-0131" should be included in the "Court Order # or Bill #" field, and "3" should be included as the Region number.

41. 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 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.

42. Interest on the civil penalty will begin to accrue on the effective date of this CAFO. EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest on the portion of a civil penalty not paid within such thirty (30) calendar day period will be assessed at the rate of the U.S. Treasury Tax and Loan Rate in accordance with 40 C.F.R. § 13.11(a).

43. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

44. A penalty charge of six percent per year will be assessed monthly on any portion of a payment 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).

45. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit payment for the civil penalty in accordance with the payment deadline set forth above.

46. Respondent shall submit a copy of the check (or, in the case of an EFT transfer, a copy of the EFT confirmation) to the following persons:

Lydia Guy (3RC00)

Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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

47. Failure by Respondent to pay the penalty assessed by the Final Order in full may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

General Provisions

48. The undersigned officer of Respondent represents and warrants that he or she has the authority to bind the Respondent and its successors or assigns to the terms of this Consent Agreement.

49. The provisions of this Consent Agreement and the Final Order, if issued, shall be binding upon Respondent and Respondent's successors or assigns.

50. This Consent Agreement and the accompanying Final Order resolve only the civil penalty claims for the specific violations alleged in this Consent Agreement. 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. Nor shall anything in this Consent Agreement and the accompanying Final Order be construed to limit the United States authority to pursue criminal sanctions. In addition this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

EPA will provide public notice and an opportunity to comment on the claims set forth in this CAFO in accordance with Section 311(b)(6)(C)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(C)(i), and 40 C.F.R. § 22.45. In accordance with Section 311(b)(6)(D) of the CWA, 33 U.S.C. § 1321(b)(6)(D), the CAFO becomes effective thirty (30) days after the filing of the Final Order with the Regional Hearing Clerk. Those submitting comments to the CAFO, if any, shall have the rights afforded to them by 40 C.F.R. § 22.45(c)(4).

For the Respondent, Bitumar USA, Inc.

Date: 10/11/2017 By: _____

Chief Executive Officer

For the Complainant, U.S. Environmental Protection Agency, Region III

Date: 6/1/17 By: Jefferie Garcia
Jefferie E. Garcia
Senior Assistant Regional Counsel

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

Date: JUN 13 2017 By: Karen Melvin
Karen Melvin, Director
Hazardous Site Cleanup Division
EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In The Matter of:	:	
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Bitumar USA, Inc.	:	
6000 Pennington Ave	:	Proceeding under Section 311(j) and
Baltimore, MD 21226,	:	311(b)(6)(B)(ii) of the Clean Water Act,
	:	33 U.S.C. § 1321(j) and 1321(b)(6)(B)(ii)
Respondent.	:	
	:	**Docket No. CWA-03-2017-0131**
	:	

FINAL ORDER

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Bitumar USA, 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, with specific references to Section 22.13(b), 22.18(b)(2) and (3), 22.1(a)(6) and (b), and 22.45. 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 on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory penalty factors in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), which were applied in accordance with EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998).

NOW, THEREFORE, PURSUANT TO Section 311(b)(6)(B)(ii) of the CWA, as amended, and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty of $69,846, plus any applicable interest, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

In accordance with Section 311(b)(6)(D) of the CWA, 33 U.S.C. § 1321(b)(6)(D), the CAFO becomes effective thirty (30) days after the filing of the Final Order with the Regional Hearing Clerk.

Date: June 27, 2017

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III 2017 JUN 27 PM 1:35

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Bitumar USA, Inc.	:	
6000 Pennington Ave	:	Proceeding under Section 311(j) and
Baltimore, MD 21226,	:	311(b)(6)(B)(ii) of the Clean Water Act,
	:	33 U.S.C. § 1321(j) and 1321(b)(6)(B)(ii)
Respondent.	:	
	:	**Docket No. CWA-03-2017-0131**
	:	

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:

Randall Lutz, Esquire
Saul Ewing
500 East Pratt Street
Baltimore, MD 21202

I further certify that I have sent a copy of the CAFO by electronic pdf to Respondent's representative Randall Lutz, Esquire on this day.

6/27/17
DATE

Stpaul for 6/27/17
Jefferie E. Garcia (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2697