

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:) DOCKET NO. EPCRA-10-2021-0008
)
CROWLEY FUELS LLC) **CONSENT AGREEMENT**
)
Anchorage, Alaska)
)
Respondent.)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045 and Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d).

1.2. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and Crowley Fuels LLC (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).



II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045 and Section 113(d) of the CAA, 42 U.S.C. § 7413(d), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA and the CAA is proposed to be assessed.

2.3. EPA and the United States Department of Justice jointly determined, pursuant to 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4, that this matter, although it involves a penalty assessment above \$385,535 and involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty action.

2.4. On December 4, 2019, EPA notified Respondent and the State of Alaska that EPA had found that Respondent committed the alleged violations described in Part III of this Consent Agreement.

2.5. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CAA together with the specific provisions of the CAA and the implementing regulations that Respondent is alleged to have violated.



III. ALLEGATIONS

A. EPCRA Toxic Chemical Release Inventory Reporting

3.1. Under Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. §§ 372.22 and 372.30, the owner or operator of a facility covered by Section 313 must submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 ("Form R") for each toxic chemical referenced in Section 313(c) of EPCRA and listed in 40 C.F.R. § 372.65 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical threshold specified in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, and 372.28.

3.2. Under 40 C.F.R. § 372.22, a facility that meets each of the following criteria in a calendar year is a covered facility for that calendar year and must report under 40 C.F.R. § 372.30 by July 1 of the following year:

3.2.1. The facility has 10 or more full-time employees;

3.2.2. The facility is in a Standard Industrial Classification ("SIC") major group or industry code or North American Industrial Classification System ("NAICS") code listed in 40 C.F.R. §§ 372.22(b) and 372.23; and

3.2.3. The facility manufactured, imported, processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. §§ 372.25, 372.27, or 372.28.

3.3. The toxic chemicals which are subject to the reporting requirement of 40 C.F.R. § 372.30 are listed in 40 C.F.R. § 372.65.

3.4. In accordance with 40 C.F.R. § 372.3, the term “full-time employee” means “2,000 hours per year of full-time equivalent employment. A facility would calculate the number of full-time employees by totaling the hours worked during the calendar year by all employees, including contract employees, and dividing that total by 2,000 hours.”

3.5. Benzene, cyclohexane, ethylbenzene, naphthalene, n-Hexane, toluene, 1,2,4-Trimethylbenzene, xylene, and lead compounds are chemicals listed in 40 C.F.R. § 372.65. The threshold quantity for benzene, cyclohexane, ethylbenzene, naphthalene, n-Hexane, toluene, 1,2,4-Trimethylbenzene, and xylene are 25,000 pounds manufactured or processed, and 10,000 pounds otherwise used for each year, as set forth in 40 C.F.R. § 372.25. The threshold quantity for lead compounds is 100 pounds manufactured, processed, or otherwise used for each year, as set forth in 40 C.F.R. § 372.28.

B. CAA New Source Performance Standards (“NSPS”)

3.6. Pursuant to Section 111(b) of the CAA, 42 U.S.C. § 7411(b), EPA has promulgated New Source Performance Standards (“NSPS”) for specified categories of stationary sources of air pollutants that are “new sources.” A “new source” is defined as “a stationary source, the construction or modification of which is commenced after the publication of NSPS regulations or proposed regulations that are applicable to such source.” 42 U.S.C. § 7411(a)(2). A “stationary source” is defined as including “buildings, structures, facilities or installations that emit or may emit any air pollutant.” 42 U.S.C. § 7411(a)(3). The term “modification” means “any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.” 42 U.S.C. § 7411(a)(4).

3.7. NSPS regulations apply to the owner or operator of any stationary source that contains an “affected facility,” the construction or modification of which is commenced after the date of publication of an NSPS (or, if earlier, the date of publication of any proposed standard) applicable to that facility. 40 C.F.R. § 60.1. “Affected facility” is defined, with reference to a stationary source, as any apparatus to which an NSPS is applicable. 40 C.F.R. § 60.2.

3.8. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), prohibits the operation of any “new source” of air pollutants in violation of an NSPS applicable to such source. Thus, a violation of an NSPS requirement is a violation of Section 111(e) of the CAA.

3.9. EPA has promulgated general provisions for the NSPS at 40 C.F.R. Part 60, Subpart A (“NSPS Subpart A”), which contain general provisions that apply to the owner or operator of any stationary source subject to an NSPS. 40 C.F.R. § 60.1(a).

i. Standards of Performance for Volatile Liquid Storage Vessels

3.10. EPA promulgated NSPS Subpart Kb – Standards of Performance for Volatile Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984, codified at 40 C.F.R. §§ 60.110b-117b, which applies to each storage vessel with a capacity greater than or equal to 75 cubic meters (m³) that is used to store volatile organic liquids (“VOL”) for which construction, reconstruction, or modification is commenced after July 23, 1984.

3.11. In accordance with 40 C.F.R. § 60.112b(a), the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kilopascals (“kPa”) but less than 76.6 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³



containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

3.11.1. A fixed roof in combination with an internal floating roof meeting the requirements of 40 C.F.R. § 60.112b(a)(1);

3.11.2. an external floating roof meeting the requirements of 40 C.F.R. § 60.112b(a)(2);

3.11.3. a closed vent system and control device meeting the requirements of 40 C.F.R. § 60.112b(a)(3); or

3.11.4. an equivalent system.

ii. Standards of Performance for Bulk Gasoline Terminals

3.12. EPA promulgated NSPS Subpart XX – Standards of Performance for Bulk Gasoline Terminals, codified at 40 C.F.R. §§ 60.500-506, which applies to the total of all the loading racks at a “bulk gasoline terminal” constructed or modified after December 17, 1980, and which deliver liquid product into gasoline tank trucks.

3.13. The regulation at 40 C.F.R. § 60.501 defines a “bulk gasoline terminal” as a facility that has a gasoline throughput of greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State or local law and discoverable by the Administrator and any other person.

3.14. In accordance with 40 C.F.R. §§ 60.502 and 60.8, the owner or operator of each bulk gasoline terminal containing an affected facility shall comply with the requirements of 40 C.F.R. § 60.502 not later than 180 days after initial startup of the affected facility. These requirements include:

3.14.1. In accordance with 40 C.F.R. § 60.502(a), “each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.” In accordance with 40 C.F.R. § 60.502(b), “the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded...”

3.14.2. In accordance with 40 C.F.R. § 60.502(d), “Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.”

3.14.3. In accordance with 40 C.F.R. § 60.502(e), “Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks” using the method specified in 40 C.F.R. § 60.502(e).

3.14.4. In accordance with 40 C.F.R. § 60.502(f), “The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal’s vapor collection system.”

3.14.5. In accordance with 40 C.F.R. § 60.502(g), “The owner or operator shall act to assure that the terminal’s and the tank truck’s vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility.”

3.14.6. In accordance with 40 C.F.R. § 60.502(h), “The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in 40 C.F.R. § 60.503(d).”



3.14.7. In accordance with 40 C.F.R. § 60.502(j), “Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks.”

C. CAA National Emissions Standards for Hazardous Air Pollutants

3.15. Sections 112(c), (d) and (k) of the CAA require EPA to publish a list of categories of “stationary sources” of hazardous air pollutants (“HAPs”), and to promulgate regulations establishing emission standards for major sources and certain area sources within those categories. 42 U.S.C. §§ 7412(c), (d) and (k). These standards are known as the National Emissions Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, and are codified at 40 C.F.R. Part 63.

3.16. “Stationary source” under Section 112 has the same meaning as the term has under Section 111(a)(3) of the CAA. 42 U.S.C. § 7412(a)(3). Section 112 of the CAA defines “major source” 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, more than 10 tons per year of any single HAP or 25 tons per year or more of any combination of HAPs. 42 U.S.C. § 7412(a)(1). An “area source” is any source that is not a “major source.” 42 U.S.C. § 7412(a)(2).

3.17. EPA has promulgated general provisions for the NESHAPs at 40 C.F.R. Part 63, Subpart A (“NESHAP Subpart A”), which contain general provisions that apply as specified in the relevant NESHAP. 40 C.F.R. § 63.1(a)(4)(i). In particular, the regulation at 40 C.F.R. § 63.9(b) requires the affected source to submit an initial notification no later than 120 calendar days after the effective date of the relevant standard. In addition, the regulation at

40 C.F.R. § 63.9(h) requires the affected source to submit a notification of compliance status before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard.

3.18. HAPs are defined at 40 C.F.R. § 63.2 to mean pollutants listed in, or pursuant to, Section 112(b) of the CAA.

3.19. “New source” is defined as a stationary source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under Section 112 establishing an emission standard applicable to such source. 42 U.S.C. § 7412(a)(4); see also 40 C.F.R. § 63.2.

3.20. “Existing Source” means any stationary source other than a new source. 42 U.S.C. § 7412(a)(10); see also 40 C.F.R. § 63.2.

3.21. Pursuant to 40 C.F.R. § 63.4(a), no “owner or operator” shall operate any “affected source” in violation of an applicable NESHAP, except under an extension of compliance or exemption from compliance as provided in that section or in CAA Section 112(i)(4), 42 U.S.C. § 7412(i)(4). An “affected source” is defined as a “collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the [CAA].”
40 C.F.R. § 63.2.

i. NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

3.22. Pursuant to Sections 112(c) and (k) of the CAA, on January 10, 2008, EPA promulgated Part 63, Subpart BBBBBB (“NESHAP 6B”) for Gasoline Distribution Bulk

Terminals, Bulk Plants, and Pipeline Facilities, codified at 40 C.F.R. §§ 63.11080-11100.

73 Fed. Reg. 1916. NESHAP 6B applies to the owner or operator of each bulk gasoline terminal, pipeline breakout station, pipeline pumping station, and bulk gasoline plant, as those terms are defined at 40 C.F.R. §§ 63.11081 and 63.11100, that is located at, or is part of, an area source of HAPs. The term “area source” means “any stationary source of hazardous air pollutants that is not a major source.” In accordance with 40 C.F.R. § 63.11083, existing affected sources are required to comply with NESHAP 6B no later than January 10, 2011.

3.23. The regulation at 40 C.F.R. § 63.11100 defines a “bulk gasoline terminal” as a facility that has a gasoline throughput of greater than 75,700 liters per day.

3.24. The NESHAP Subpart A provisions that apply to NESHAP 6B are specified in Table 3 of 40 C.F.R. Part 63, Subpart BBBB, and include the definitions in 40 C.F.R. § 63.2 and the prohibition in 40 C.F.R. § 63.4(a).

3.25. The specific requirements of NESHAP 6B include:

3.25.1. In accordance with Table 1 to NESHAP 6B and 40 C.F.R. § 63.11087(a), owners or operators of a gasoline storage tank with capacity of greater than or equal to 75 m³ must “reduce emissions of total organic HAP or TOC by 95 weight-percent with a closed vent system and control device, as specified in [40 C.F.R.] § 60.112b(a)(3)...” or install floating roofs in compliance with Sections 2(b)-(d) of Table 1 no later than January 10, 2011.

3.25.2. In accordance with 40 C.F.R. §§ 63.11087(d), 63.11093(a), and 63.9(b), submit an initial notification no later than 120 calendar days after January 10, 2008.

3.25.3. In accordance with 40 C.F.R. §§ 63.11087(d), 63.11093(b) and 63.9(h), submit a Notification of Compliance Status before the close of business on March 11, 2011.

3.25.4. In accordance with 40 C.F.R. §§ 63.11087(e) and 63.11095(a), submit a semiannual compliance report to the Administrator that includes the information specified in 40 C.F.R. § 63.11095(a).

3.25.5. In accordance with 40 C.F.R. §§ 63.11087(e), 110089(f), and 63.11095(b), submit an excess emissions report to the Administrator at the time the semiannual compliance report is submitted.

3.25.6. In accordance with 40 C.F.R. § 63.11094, keep records as specified in 40 C.F.R. § 60.115b or 40 C.F.R. § 63.1065, as applicable.

3.25.7. In accordance with 40 C.F.R. § 63.11095, submit semiannual reports to the EPA Administrator that include the information required by 40 C.F.R. § 60.115b or 40 C.F.R. § 63.1066, as applicable.

3.25.8. In accordance with 40 C.F.R. §§ 63.11087(c) and 63.11092(e), conduct performance tests or inspections of the applicable vapor control system.

3.26. In accordance with 40 C.F.R. § 63.11087(f), if the owner and operator's gasoline storage tank is subject to, and complies with, the control requirements of 40 C.F.R. Part 60, Subpart Kb, the storage tank will be deemed in compliance with NESHAP 6B.

3.27. In accordance with 40 C.F.R. 63.11081(f), if an "affected source's throughput ever exceeds an applicable throughput threshold in the definition of 'bulk gasoline terminal' or in item 1 in Table 2 to this subpart, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold."



ii. NESHAP for Gasoline Dispensing Facilities

3.28. Pursuant to Section 112(c) and (k) of the CAA, on January 10, 2008, EPA promulgated Part 63, Subpart CCCCCC (“NESHAP 6C”) for Gasoline Dispensing Facilities, codified at 40 C.F.R. §§ 63.11110-11132. 73 Fed. Reg. 1916. NESHAP 6C applies to the owner or operator of each gasoline dispensing facility (“GDF”), as defined in 40 C.F.R. § 11132, that is located at, or is part of, an area source of HAPs.

3.29. The NESHAP Subpart A provisions that apply to NESHAP 6C are specified in Table 3 of 40 C.F.R. Part 63, Subpart CCCCCC, and include the definitions in 40 C.F.R. § 63.2 and the prohibition in 40 C.F.R. § 63.4(a).

3.30. In accordance with 40 C.F.R. § 63.11112(b), “An affected source is a new affected source if you commenced construction on the affected source after November 9, 2006, and you meet the applicability criteria in [40 C.F.R.] § 63.11111 at the time you commenced operation.” In accordance with 40 C.F.R. § 63.11112(d), “an affected source is an existing source if it is not a new or reconstructed source.”

3.31. In accordance with 40 C.F.R. § 63.11111(c), “If your GDF has a monthly throughput of 10,000 gallons of gasoline or more, you must comply with the requirements in [40 C.F.R.] § 63.11117.”

3.32. In accordance with 40 C.F.R. § 63.11111(i), “If your affected source’s throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.”

3.33. In accordance with 40 C.F.R. § 63.11113(f), if an existing GDF is subject to the control requirements of NESHAP 6C only because it loads gasoline into fuel tanks other than

those in motor vehicles, then the owner or operator of the GDF must comply with NESHAP 6C by January 24, 2014.

3.34. The specific standards in NESHAP 6C include:

3.34.1. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a)(1), owners and operators of GDFs subject to NESHAP 6C must “submit an Initial Notification that you are subject to [NESHAP 6C]” no later than May 9, 2008, or at the time the GDF becomes subject to the requirements of 40 C.F.R. §§ 63.11117.

3.34.2. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a)(2), owners and operators of GDFs subject to NESHAP 6C must “submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority” within 60 days of the applicable compliance date in 40 C.F.R. § 63.11113, which for existing sources is January 10, 2011.

D. General Allegations

3.35. Respondent is a person as that term is defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

3.36. Respondent is the owner and operator of the facilities located at:

3.36.1. 1076 Jacobsen Drive, Juneau, Alaska (“Juneau Terminal”);

3.36.2. 900 Steadman Street, Ketchikan, Alaska (“Ketchikan Facility”);

3.36.3. 1017 3rd Street, Douglas, Alaska (“Douglas Depot”);

3.36.4. 11860 North Tongass Highway, Ketchikan, Alaska (“Ketchikan North Station”);

3.36.5. 4161 Tongass Avenue, Ketchikan, Alaska (“Ketchikan Township Station”); and



3.36.6. 485 Outer Springer Loop, Palmer, Alaska (“Palmer Springer Cardlock”).

3.37. During calendar years 2014, 2015, 2016, and 2017, the Juneau Terminal had 10 or more full-time employees.

3.38. During calendar years 2014, 2015, 2016, 2017, and 2018, the Ketchikan Facility had 10 or more full-time employees.

3.39. At all times relevant to this Consent Agreement, the Juneau Terminal and Ketchikan Facility have been included in NAICS code 424710, which is included in the list of covered industry codes in 40 C.F.R. § 372.23.

3.40. Respondent is the owner and operator of the bulk gasoline terminal located at the Juneau Terminal.

3.41. Respondent is the owner and operator of the gasoline dispensing facilities (GDFs) located at the Juneau Terminal, Ketchikan Facility, Douglas Depot, Ketchikan North Station, Ketchikan Township Station, and Palmer Spring Cardlock.

3.42. Respondent acquired the Juneau Terminal in September 2013.

3.43. Respondent acquired the Ketchikan Facility in July 2013.

3.44. Respondent acquired the Douglas Depot prior to 2018.

3.45. Respondent acquired the Ketchikan North Station in 2013.

3.46. Respondent acquired the Ketchikan Township Station in 2013.

3.47. Respondent acquired Palmer Springer Cardlock in 2005.

3.48. At all times relevant to this Consent Agreement, all of the facilities listed in Paragraph 3.36, above, have met the definition of “facility” in Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and have been “stationary sources” as that term is defined in Sections 111(a)(3), 112(a)(3), and 302(z) of the CAA, 42 U.S.C. §§ 7411(a)(3), 7412(a)(3), and 7602(z).

3.49. At all times relevant to this Consent Agreement, all of the facilities listed in Paragraph 3.36, above, have been “area sources” of HAPs as defined by Section 112(a)(2) of the CAA, 42 U.S.C. § 7412(a)(2).

E. Applicability of 40 C.F.R. Part 60, Subparts Kb and XX, and NESHAP 6B

3.50. Gasoline is a volatile organic liquid (VOL) as that term is defined by 40 C.F.R. § 60.111b.

3.51. Respondent operates the Juneau Terminal, in part, as a bulk gasoline storage and distribution facility.

3.52. The Juneau Terminal contains the following fixed roofed gasoline storage tanks: Tank #2879, Tank #2956, and Tank #2958 (“Juneau Tanks”). The Juneau Tanks were reconstructed in 2000. The capacities of the Juneau Tanks individually exceed 151m³.

3.53. The Juneau Terminal contains one gasoline loading rack (“Juneau Rack”). The Juneau Rack was constructed in 1971 and modified on or before March 31, 2019, as the term modification is defined in Section 111(a)(4) of the CAA, 42 U.S.C. § 7411(a)(4), and 40 C.F.R. § 60.2.

3.54. Gasoline, as stored in the Juneau Tanks and passed through the Juneau Rack, meets the definition of that term in 40 C.F.R. § 60.501 and has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa.

3.55. At all times relevant to this Consent Agreement, Respondent has received gasoline at the Juneau Terminal by ship or barge.

3.56. Since initial construction of the Juneau Terminal, the maximum calculated design throughout of the Juneau Terminal has been greater than 75,700 liters (20,000 gallons) per day

and has not been limited by compliance with an enforceable condition under Federal, State or local law and discoverable by the Administrator and any other person

3.57. Effective December 1, 2016, the Alaska Department of Environmental Conservation issued a Pre-Approved Emission Limit (No. AQ1496PL101) for the Juneau Terminal that limited the gasoline throughput to 19,900 gallons per day.

3.58. The actual gasoline throughput into cargo tanks at the Juneau Terminal exceeded 19,900 gallons per day on at least one occasion on or since August 21, 2017.

3.59. Since at least September 30, 2013, the Juneau Tanks have been affected facilities subject to the New Source Performance Standard for Volatile Organic Liquid Storage Vessels codified at 40 C.F.R. Part 60, Subpart Kb.

3.60. Since at least September 30, 2013, the Juneau Terminal has met the definition of “bulk gasoline terminal” as that term is defined in 40 C.F.R. §§ 60.501. Since at least March 31, 2019, the Juneau Rack has been an affected facility subject to the New Source Performance Standard for Bulk Gasoline Terminals codified at 40 C.F.R. Part 60, Subpart XX.

3.61. Since at least September 30, 2013, the Juneau Terminal has met the definition of “bulk gasoline terminal” as that term is defined in 40 C.F.R. § 63.11100 and has been subject to the requirements of NESHAP 6B pursuant to 40 C.F.R. §§ 63.11081-63.11082.

F. Applicability of NESHAP 6C

3.62. At all times relevant to this Consent Agreement, the Juneau Terminal has contained one GDF (“Juneau GDF”). The Juneau GDF was constructed prior to November 9, 2006. At all times relevant to this Consent Agreement, the Juneau GDF has:

3.62.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132,

- 3.62.2. been an affected source subject to NESHAP 6C,
- 3.62.3. had a monthly throughput of 10,000 gallons or more, and
- 3.62.4. loaded the fuel tanks of marine vessels only.

3.63. At all times relevant to this Consent Agreement, the Ketchikan Facility has contained one GDF (“Ketchikan GDF”). The Ketchikan GDF was constructed prior to July 2005. At all times relevant to this Consent Agreement, the Ketchikan GDF has:

- 3.63.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132,
- 3.63.2. been an affected source subject to NESHAP 6C,
- 3.63.3. had a monthly throughput of 10,000 gallons or more, and
- 3.63.4. loaded the fuel tanks of marine vessels only.

3.64. At all times relevant to this Consent Agreement, the Douglas Depot has contained one GDF (“Douglas GDF”). The Douglas GDF was constructed in 2018. At all times relevant to this Consent Agreement the Douglas GDF has:

- 3.64.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132,
- 3.64.2. been an affected source subject to NESHAP 6C, and
- 3.64.3. had a monthly throughput of 10,000 gallons or more.

3.65. At all times relevant to this Consent Agreement the Ketchikan North Station has contained one GDF (“Ketchikan North Station GDF”). The Ketchikan North Station GDF was constructed in 1993. At all times relevant to this Consent Agreement the Ketchikan North Station GDF has:

- 3.65.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132



3.65.2. been an affected source subject to NESHAP 6C, and

3.65.3. had a monthly throughput of 10,000 gallons or more.

3.66. At all times relevant to this Consent Agreement the Ketchikan Township Station has contained one GDF (“Ketchikan Township Station GDF”). The Ketchikan Township Station GDF was constructed in 2016. At all times relevant to this Consent Agreement the Ketchikan Township Station GDF has:

3.66.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132,

3.66.2. been an affected source subject to NESHAP 6C, and

3.66.3. had a monthly throughput of 10,000 gallons or more.

3.67. At all times relevant to this Consent Agreement, the Palmer Springer Cardlock has contained one GDF (“Palmer Springer Cardlock GDF”). The Palmer Springer Cardlock GDF was constructed in 2009. At all times relevant to this Consent Agreement the Palmer Springer Cardlock GDF has:

3.67.1. met the definition of “gasoline dispensing facility” in 40 C.F.R. § 60.11132,

3.67.2. been an affected source subject to NESHAP 6C, and

3.67.3. had a monthly throughput of 10,000 gallons or more.



G. Violations

i. Violations of Section 313 of EPCRA at the Juneau Terminal

Counts 1 through 24: Failure to Submit a Form R to EPA for the Juneau Terminal for calendar years 2014, 2015, 2016, and 2017 by July 1 of 2015, 2016, 2017, and 2018, for benzene, ethylbenzene, n-Hexane, toluene, 1,2,4-Trimethylbenzene, and xylene

3.68. Respondent processed benzene, ethylbenzene, n-Hexane, toluene, 1,2,4-Trimethylbenzene, and xylene at the Juneau Terminal in excess of the threshold specified in 40 C.F.R. § 372.25 during calendar years 2014, 2015, 2016, and 2017.

3.69. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on 24 occasions by failing to submit a Form R to EPA for the Juneau Terminal for calendar years 2014, 2015, 2016, and 2017 by July 1, 2015, 2016, 2017, and 2018 for benzene, ethylbenzene, n-Hexane, toluene, 1,2,4-Trimethylbenzene, and xylene.

Counts 25 through 27: Failure to Submit a Form R to EPA for the Juneau Terminal for calendar years 2014, 2015 and 2017 by July 1 of 2015, 2016 and 2018 for cyclohexane

3.70. Respondent processed cyclohexane at the Juneau Terminal in excess of the threshold specified in 40 C.F.R. § 372.25 during calendar years 2014, 2015, and 2017.

3.71. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on three occasions by failing to submit a Form R to EPA for the Juneau Terminal for calendar years 2014, 2015, and 2017 by July 1, 2015, 2016, and 2018 for cyclohexane.

Counts 28 through 29: Failure to Submit a Form R to EPA for the Juneau Terminal for calendar years 2014 and 2015 by July 1 of 2015 and 2016 for naphthalene

3.72. Respondent processed naphthalene at the Juneau Terminal in excess of the threshold specified in 40 C.F.R. § 372.25 during calendar years 2014 and 2015.

3.73. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on two occasions by failing to submit a Form R to EPA for the Juneau Terminal for calendar years 2014 and 2015 by July 1, 2015 and 2016 for naphthalene.

Counts 30 through 31: Failure to Submit a Form R to EPA for the Juneau Terminal for calendar years 2016 and 2017 by July 1 of 2017 and 2018 for lead compounds

3.74. Respondent processed lead compounds at the Juneau Terminal in excess of the threshold specified in 40 C.F.R. § 372.28 during calendar years 2016 and 2017.

3.75. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on two occasions by failing to submit a Form R to EPA for the Juneau Terminal for calendar years 2016 and 2017 by July 1, 2017 and 2018 for lead compounds.

ii. Violations of Section 313 of EPCRA at the Ketchikan Facility

Counts 32 through 56: Failure to Submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, 2017, and 2018 by July 1 of 2015, 2016, 2017, 2018, and 2019, for benzene, ethylbenzene, toluene, 1,2,4-Trimethylbenzene, and xylene.

3.76. Respondent processed benzene, ethylbenzene, toluene, 1,2,4-Trimethylbenzene, and xylene at the Ketchikan Facility in excess of the threshold specified in 40 C.F.R. § 372.25 during calendar years 2014, 2015, 2016, 2017, and 2018.

3.77. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on 25 occasions by failing to submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, 2017, and 2018 by July 1, 2015, 2016, 2017, 2018, and 2019 for benzene, ethylbenzene, toluene, 1,2,4-Trimethylbenzene, and xylene.



Counts 57 through 60: Failure to Submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, and 2018 by July 1 of 2015, 2016, 2017, and 2019 for n-Hexane

3.78. Respondent processed n-Hexane at the Ketchikan Facility in excess of the threshold specified in 40 C.F.R. § 372.25 during calendar years 2014, 2015, 2016 and 2018.

3.79. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on four occasions by failing to submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, and 2018 by July 1, 2015, 2016, 2017, and 2019 for n-Hexane.

Counts 61 through 65: Failure to Submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, 2017, and 2018 by July 1 of 2015, 2016, 2017, 2018, and 2019, for lead compounds

3.80. Respondent processed lead compounds at the Ketchikan Facility in excess of the threshold specified in 40 C.F.R. § 372.28 during calendar years 2014, 2015, 2016, 2017, and 2018.

3.81. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on five occasions by failing to submit a Form R to EPA for the Ketchikan Facility for calendar years 2014, 2015, 2016, 2017, and 2018 by July 1, 2015, 2016, 2017, 2018, and 2019 for lead compounds.

iii. Violations of Section 111 of the CAA and 40 C.F.R. Part 60, Subpart Kb

Count 66: Failure to Install Control Device(s) on the Juneau Tanks required by 40 C.F.R. Part 60, Subpart Kb

3.82. Respondent was required to comply with 40 C.F.R. Part 60, Subpart Kb by at least December 31, 2014, by installing a control device on the Juneau Tanks that meets the requirements of 40 C.F.R. § 60.112b.



3.83. Between at least December 31, 2014, and the present, Respondent failed to comply with the control requirements of 40 C.F.R. Part 60, Subpart Kb for the Juneau Tanks in violation of 40 C.F.R. § 60.112b and Section 111 of the CAA, 42 U.S.C. § 7411.

Counts 67 through 75: Failure to Conduct Testing, Keep Records, and Submit Reports required by 40 C.F.R. Part 60, Subpart Kb

3.84. Between at least December 31, 2014, and the present, Respondent violated the following requirements applicable to the Juneau Tanks:

3.84.1. Respondent failed to visually inspect the control device required by 40 C.F.R. §§ 60.112b on the Juneau Tanks in violation 40 C.F.R. §§ 60.113b and Section 111 of the CAA, 42 U.S.C. §§ 7411.

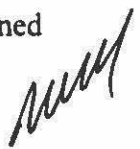
3.84.2. Respondent failed to keep records of inspections required to be performed on the control device required by 40 C.F.R. §§ 60.112b in violation of 40 C.F.R. §§ 60.115b(a)(2) and Section 111 of the CAA, 42 U.S.C. §§ 7411.

3.84.3. Respondent failed to furnish the EPA Administrator with the reports required by 40 C.F.R. § 60.115b(a)(1) in violation of 40 C.F.R. §§ 60.115b(a)(1) and Section 111 of the CAA, 42 U.S.C. §§ 7411.

iv. Violations of Section 111 of the CAA and 40 C.F.R. Part 60, Subpart XX

Count 76: Failure to Install a Vapor Collection System for the Juneau Rack as Required by 40 C.F.R. § 60.502

3.85. Respondent was required to comply with 40 C.F.R. Part 60, Subpart XX by at least September 27, 2019, by equipping the Juneau Rack with a vapor collection system designed



to collect the total organic compound vapors displaced from tank trucks during product loading and that meets the requirements of 40 C.F.R. § 60.502.

3.86. At no time since installation has the Juneau Rack been equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.

3.87. Between at least September 27, 2019, and the present, Respondent failed to equip the Juneau Rack with a vapor collection system designed to collect the total organic compound vapors displaced from tank trucks during product loading in violation of 40 C.F.R. § 60.502 and Section 111 of the CAA, 42 U.S.C. § 7411.

Counts 77 through 81: Failure to Operate the Vapor Collection System for the Tank Truck Loading Rack as required by 40 C.F.R. § 60.502

3.88. Between at least September 27, 2019, and the present, Respondent violated the following requirements applicable to the Juneau Rack:

3.88.1. Respondent failed to ensure that “loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks” using the method specified in 40 C.F.R. § 60.502(e) in violation of 40 C.F.R. § 60.502(e) and Section 111 of the CAA, 42 U.S.C. § 7411.

3.88.2. Respondent failed to “act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal’s vapor collection system” in violation of 40 C.F.R. § 60.502(f) and Section 111 of the CAA, 42 U.S.C. § 7411.

3.88.3. Respondent failed to “act to assure that the terminal’s and the tank truck’s vapor collection systems are connected during each loading of a gasoline tank truck at the



affected facility” in violation of 40 C.F.R. § 60.502(g) and Section 111 of the CAA, 42 U.S.C. § 7411.

3.88.4. Respondent failed to design and operate the vapor collection and liquid loading equipment “to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading[;] This level is not to be exceeded when measured by the procedures specified in 40 C.F.R. § 60.503(d)” in violation of 40 C.F.R. § 60.502(h) and Section 111 of the CAA, 42 U.S.C. § 7411.

3.88.5. Respondent failed to inspect “[e]ach calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline . . . during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks” in violation of 40 C.F.R. § 60.502(j) and Section 111 of the CAA, 42 U.S.C. § 7411.

v. Violations of NESHAP 6B

Count 82: Failure to Install Control Device(s) on the Juneau Tanks as required by NESHAP 6B

3.89. Respondent was required to comply with NESHAP 6B by at least December 31, 2014, by installing a control device on the Juneau Tanks that meets the requirements of 40 C.F.R. § 63.11087 and Table 1 to NESHAP 6B.

3.90. Between at least December 31, 2014, and the present, Respondent failed to comply with the control requirements of NESHAP 6B for the Juneau Tanks in violation of 40 C.F.R. § 63.11087 and Table 1 to NESHAP 6B and Section 112 of the CAA, 42 U.S.C. § 7412.



Counts 83 through 85: Failure to Conduct Testing, Keep Records, and Submit Reports required by NESHAP 6B

3.91. Between at least December 31, 2014, and the present, Respondent violated the following requirements applicable to the Juneau Tanks:

3.91.1. Respondent failed to visually inspect the control device required by 40 C.F.R. § 63.11087 on the Juneau Tanks in violation 40 C.F.R. § 63.11092(e) and Section 112 of the CAA, 42 U.S.C. § 7412.

3.91.2. Respondent failed to keep records of inspections required to be performed on the control device required by 40 C.F.R. § 63.11087 in violation of 40 C.F.R. § 63.11094 and Section 112 of the CAA, 42 U.S.C. §§ 7412.

3.91.3. Respondent failed to furnish the EPA Administrator with the reports required by 40 C.F.R. § 63.11095(a)(1) in violation of 40 C.F.R. § 63.11095 and Section 112 of the CAA, 42 U.S.C. § 7412.

vi. Violations of NESHAP 6C

Counts 86 through 89: Failure to Timely Submit an Initial Notification in Violation of NESHAP 6C

3.92. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit an initial notification for the Ketchikan GDF by no later than July 31, 2013.

3.93. Respondent failed to submit an initial notification for the Ketchikan GDF until June 28, 2017, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a) and Section 112 of the CAA, 42 U.S.C. § 7412.

3.94. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit an initial notification for the Douglas GDF by no later than December 31, 2018.

3.95. Respondent failed to submit an initial notification for the Douglas GDF until June 10, 2020, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a) and Section 112 of the CAA, 42 U.S.C. § 7412.

3.96. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit an initial notification for the Palmer Springer Cardlock GDF by no later than December 31, 2009.

3.97. Respondent failed to submit an initial notification for the Palmer Springer Cardlock GDF until June 10, 2020, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a) and Section 112 of the CAA, 42 U.S.C. § 7412.

Counts 90 through 92: Failure to Timely Submit a Notification of Compliance Status in Violation of NESHAP 6C

3.98. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit a Notification of Compliance Status for the Juneau Terminal GDF by no later than March 25, 2014.

3.99. Respondent failed to submit the Notification of Compliance Status for the Juneau Terminal GDF until June 28, 2017, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a), and Section 112 of the CAA, 42 U.S.C. § 7412.

3.100. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit a Notification of Compliance Status for the Ketchikan Township GDF by no later than March 1, 2017.

3.101. Respondent failed to submit the Notification of Compliance Status for the Ketchikan Township GDF until June 28, 2017, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a), and Section 112 of the CAA, 42 U.S.C. § 7412.

3.102. In accordance with 40 C.F.R. §§ 63.11117(e) and 63.11124(a), Respondent was required to submit a Notification of Compliance Status for the Ketchikan North GDF by no later than March 1, 2014.

3.103. Respondent failed to submit the Notification of Compliance Status for the Ketchikan North GDF until June 28, 2017, in violation of 40 C.F.R. §§ 63.11117(e) and 63.11124(a), and Section 112 of the CAA, 42 U.S.C. § 7412.

Enforcement Authority

3.104. Under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$58,328 for each such violation that occurs after November 2, 2015, where penalties are assessed on or after January 13, 2020. In accordance with Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day a violation of Section 313 of EPCRA, 42 U.S.C. § 11023, continues constitutes a separate violation.

3.105. Under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$48,192 per day of violation for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020, and \$37,500 per day of violation for violations that occurred after December 6, 2013 through November 2, 2015.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), EPA has taken into account the factors specified in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1). After considering these factors, EPA has



determined and Respondent agrees that an appropriate penalty to settle this action is \$1,337,365 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

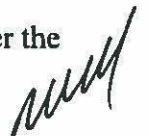
Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
R10_RHC@epa.gov

Elizabeth Walters
U.S. Environmental Protection Agency
Walters.elizabeth@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the



CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

4.8.1. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.8.2. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7413(d)(5), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.



4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.G.i and Part III.G.ii, and is currently in compliance with all applicable EPCRA requirements at each of the facilities under its control.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

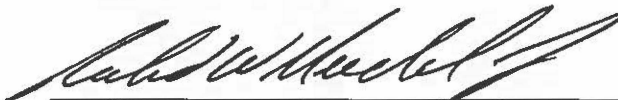


4.16. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

05 Nov 2020

FOR RESPONDENT:



RICHARD W. MEIDEL, JR., Vice President + GM
Crowley Fuels LLC

DATED:

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2021-0008
)	
CROWLEY FUELS LLC,)	FINAL ORDER
)	
)	
Anchorage, Alaska)	
)	
Respondent.)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under EPCRA and the CAA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent’s obligations to comply with all applicable provisions of EPCRA or the CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2020.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Crowley Fuels LLC, Docket No.: EPCRA-10-2021-0008**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the aforementioned document was emailed return receipt request to:

Brett S. Dugan
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
dugan.brett@epa.gov

Joshua M. Lipsky, Esq.
Attorney for Crowley Fuels LLC
Cascadia Law Group PLLC
jlipsky@cascadialaw.com

Richard W. Meidel, Jr.
Vice President
Crowley Fuels LLC
Rick.meidel@crowley.com

DATED this ____ day of _____ 2020.

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10

