

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2025-0066
)	
MR. H. KENT JOHNSON,)	CONSENT AGREEMENT
)	
Boise, Idaho,)	
)	
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 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9609.

1.2. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 109 of CERCLA, 42 U.S.C. § 9609, 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 H. Kent Johnson (“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 109 of CERCLA, 42 U.S.C. § 9609, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA and CERCLA are proposed to be assessed.

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

III. ALLEGATIONS

A. Statutory and Regulatory Background

3.1 Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6 require the person in charge of a facility to immediately notify the National Response Center ("NRC") as soon as he or she has knowledge of a release of a hazardous substance from such facility in an amount equal to or greater than the reportable quantity over any 24-hour period, as listed in 40 C.F.R. § 302.4.

3.2 Under Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, if a release of an extremely hazardous substance in an amount equal to or

greater than the reportable quantity occurs from a facility at which a hazardous chemical is produced, used, or stored, and the release requires, or occurred in a manner that would require, notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), the owner or operator of the facility shall immediately notify the State Emergency Response Commission ("SERC") of any state likely to be affected by the release and the Local Emergency Planning Committee ("LEPC") for any area likely to be affected by the release.

3.3 Under Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, the owner or operator of the facility must provide a written follow-up emergency notice (or notices, as more information becomes available) to the SERC and LEPC as soon as practicable after a release which required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

3.4 Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and 40 C.F.R. § 370.44, require the owner or operator of a facility, which is required by the Occupational Safety and Health Administration ("OSHA") to prepare or have available a material safety data sheet ("MSDS") for a hazardous chemical, to prepare and submit an Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II as described in 40 C.F.R. Part 370) to the LEPC, the SERC, and the fire department with jurisdiction over the facility. Pursuant to 40 C.F.R. § 370.45(a), the required information must be submitted annually by March 1 after the calendar year when the facility had hazardous chemicals present at or above threshold levels. The form must contain the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), covering all hazardous chemicals required by OSHA to have an MSDS that are present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds or, in the case of an Extremely Hazardous Substance ("EHS"), in amounts equal to or exceeding 500 pounds or the Threshold Planning Quantity ("TPQ"), whichever is lower.

3.5 Under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), "facility" means, among other things, any building, structure, installation, equipment, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

3.6 Under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), "facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled, or under common control with, such person).

3.7 Under Section 101(20)(A)(ii) of CERCLA, 42 U.S.C. § 9601(20)(A)(ii), "owner or operator" is defined, in relevant part, to mean, "in the case of an onshore facility or an offshore facility, any person owning or operating such facility."

3.8 Under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), "person" means, *inter alia*, any individual, corporation, or partnership.

3.9 Subject to certain exclusions not relevant here, Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), defines "release" as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

3.10 Under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance or toxic chemical.

3.11 The OSHA Hazard Communication Standard (“OSHA Standard”), 29 C.F.R. § 1910.1200(b), requires employers to provide information to their employees about hazardous chemicals to which they are exposed by means of, *inter alia*, an MSDS. The section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

3.12 Anhydrous ammonia and sulfuric acid are defined as hazardous chemicals under the OSHA Standard.

3.13 The OSHA Standard requires an MSDS to be prepared, or available, for anhydrous ammonia and sulfuric acid.

3.14 Ammonia is an “extremely hazardous substance” listed in Appendices A and B of 40 C.F.R. Part 355 with a reportable quantity of 100 pounds over any continuous 24-hour period and is, therefore, an Extremely Hazardous Substance under 40 C.F.R. § 370.66.

3.15 Ammonia has a TPQ of 500 pounds, as specified in Appendices A and B of 40 C.F.R. Part 355.

3.16 Sulfuric acid has a TPQ of 1,000 pounds as specified in Appendices A and B of 40 C.F.R. Part 355, therefore, in accordance with 40 C.F.R. § 370.10(a)(1), the threshold quantity for submitting an Emergency and Hazardous Chemical Inventory Form for sulfuric acid is 500 pounds (the lower of 500 pounds for an EHS and 1,000 pounds, the TPQ for sulfuric acid).

B. General Allegations

3.17 Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

3.18 At all times relevant to the allegations set forth herein, Respondent was the owner and operator of a facility located at 495 South 15th Street, Boise, Idaho (“Facility”).

3.19 The Facility is a "facility" as that term is defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9) and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

3.1 Respondent produced, used or stored ammonia and sulfuric acid at the Facility and released a reportable quantity of an EHS, ammonia.

3.2 At all times relevant to this Consent Agreement, Respondent had EHSs, ammonia and sulfuric acid, present at the Facility in an amount equal to or greater than the TPQs of 500 pounds.

3.3 On or about October 5, 2022, a “release”, as that term is defined by Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), of anhydrous ammonia in excess of 100 pounds occurred at the Facility (“the Release”).

3.4 At all times relevant to this Consent Agreement, and for the purposes of providing notice under Section 304(a) and (c) of EPCRA, 42 U.S.C. § 11004(a) and (c), the Idaho Office of Emergency Management was the SERC for Idaho, and Ada County Emergency Management was the LEPC for Ada County.

3.5 For the purposes of providing notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), in the State of Idaho, both the SERC and LEPC may be notified by contacting the Idaho State Communications Center.

C. Violations

Count 1: Failure to Timely File EPCRA § 312 Tier II Inventory Report with the
SERC for Calendar Year 2022.

3.1 During calendar year 2022, Respondent stored greater than 500 pounds of ammonia at the Facility.

3.2 During calendar year 2022, Respondent stored greater than 500 pounds of sulfuric acid at the Facility.

3.3 Respondent failed to timely submit the Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the SERC for calendar year 2022, as required by 40 C.F.R. §§ 370.44 and 370.45.

3.4 Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.45 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the SERC for calendar year 2022 by March 1, 2023.

Count 2: Failure to Timely File EPCRA § 312 Tier II Inventory Report with the LEPC for Calendar Year 2022.

3.5 During calendar year 2022, Respondent stored greater than 500 pounds of ammonia at the Facility.

3.6 During calendar year 2022, Respondent stored greater than 500 pounds of sulfuric acid at the Facility.

3.7 Respondent failed to timely submit the Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the LEPC for calendar year 2022, as required by 40 C.F.R. §§ 370.44 and 370.45.

3.8 Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.45 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the LEPC for calendar year 2022 by March 1, 2023.

Count 3: Failure to Timely File EPCRA § 312 Tier II Inventory Report with the Fire Department for Calendar Year 2022.

3.9 During calendar year 2022, Respondent stored greater than 500 pounds of ammonia at the Facility.

3.10 During calendar year 2022, Respondent stored greater than 500 pounds of sulfuric acid at the Facility.

3.11 Respondent failed to timely submit the Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the fire department for calendar year 2022, as required by 40 C.F.R. §§ 370.44 and 370.45.

3.12 Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.45 by failing to timely submit an Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the fire department for calendar year 2022 by March 1, 2023.

Count 4: Failure to File EPCRA § 312 Tier II Inventory Report with the SERC, the LEPC, and the Fire Department for Calendar Year 2021.

3.13 During calendar year 2021, Respondent stored greater than 500 pounds of ammonia at the Facility.

3.14 During calendar year 2021, Respondent stored greater than 500 pounds of sulfuric acid at the Facility.

3.15 Respondent failed to timely submit the Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the SERC, LEPC, and the fire department for calendar year 2021, as required by 40 C.F.R. §§ 370.44 and 370.45.

3.16 Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.45 by failing to submit an Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the fire department for calendar year 2021 by March 1, 2022.

Count 5: Failure to Timely File EPCRA § 312 Tier II Inventory Report with the SERC, the LEPC, and the Fire Department for Calendar Year 2020.

3.17 During calendar year 2020, Respondent stored greater than 500 pounds of ammonia at the Facility.

3.18 During calendar year 2020, Respondent stored greater than 500 pounds of sulfuric acid at the Facility.

3.19 Respondent failed to timely submit the Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the SERC, the LEPC, and the fire department for calendar year 2020, as required by 40 C.F.R. §§ 370.44 and 370.45.

3.20 Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.45 by failing to submit an Emergency and Hazardous Chemical Inventory Form for ammonia and sulfuric acid to the fire department for calendar year 2020 by March 1, 2021.

Count 6: Failure to immediately notify the NRC as required by CERCLA § 103.

3.21 On October 5, 2022, the Release occurred from the Facility that resulted in approximately 400 pounds of ammonia emitted to the air over a 24-hour period.

3.22 The Release was a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

3.23 The Release surpassed the reportable quantity for ammonia.

3.24 Respondent had knowledge that the Release surpassed the reportable quantity for ammonia on October 5, 2022, no later than 05:00 MT/07:00 ET.

3.25 The Release required immediate notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), thus requiring immediate notification under Section 304(a) of EPCRA, 42 U.S.C. 11004(a).

3.26 Respondent reported the Release to the NRC on October 5, 2022, at 16:20 MT/18:20 ET.

3.27 By failing to immediately notify the NRC as soon as Respondent knew or should have known that the Release was of an amount equal to or greater than the reportable quantity, Respondent violated Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.

Count 7: Failure to immediately notify the SERC and the LEPC as required by EPCRA § 304(a).

3.28 On October 5, 2022, a Release occurred from the Facility that resulted in approximately 400 pounds of ammonia emitted to the air over a 24-hour period.

3.29 The Release was a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

3.30 The Release surpassed the reportable quantity for ammonia.

3.31 Respondent had knowledge that the Release surpassed the reportable quantity for ammonia on October 5, 2022, no later than 05:00 MT/07:00 ET.

3.32 The Release required immediate notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), thus requiring immediate notification under Section 304(a) of EPCRA, 42 U.S.C. 11004(a).

3.33 Respondent did not notify the SERC and the LEPC.

3.34 Notification to the SERC and the LEPC was made by the Boise Fire Department on October 5, 2022, at 07:36 MT.

3.35 By failing to immediately notify the SERC and the LEPC as soon as Respondent knew or should have known that the Release was of an amount equal to or greater than the reportable quantity, Respondent violated Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), and 40 C.F.R. §§ 355.42(a) and 355.43(a).

Count 8: Failure to timely submit the follow-up report to the SERC as required by EPCRA § 304(c).

3.36 On October 5, 2022, a Release occurred from the Facility that resulted in approximately 400 pounds of ammonia emitted to the air over a 24-hour period.

3.37 The Release was a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

3.38 The Release surpassed the reportable quantity for ammonia.

3.39 Respondent had knowledge that the Release surpassed the reportable quantity for ammonia on October 5, 2022, no later than 05:00 MT/07:00 ET.

3.40 Respondent was required to provide notice to the SERC under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), as a result of the Release. Therefore, pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), Respondent was required to provide a written follow-up emergency notice to the SERC as soon as practicable after the Release.

3.41 Respondent failed to provide a written follow-up emergency notice to the SERC after the Release.

3.42 Respondent's failure to provide a written follow-up emergency notice to the SERC as soon as practicable after the Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

Count 9: Failure to timely submit the follow-up report to the LEPC as required by EPCRA § 304(c).

3.43 On October 5, 2022, a Release occurred from the Facility that resulted in approximately 400 pounds of ammonia emitted to the air over a 24-hour period.

3.44 The Release was a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

3.45 The Release surpassed the reportable quantity for ammonia.

3.46 Respondent had knowledge that the Release surpassed the reportable quantity for ammonia on October 5, 2022, no later than 05:00 MT/07:00 ET.

3.47 Respondent was required to provide notice to the LEPC under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), as a result of the Release. Therefore, pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), Respondent was required to provide a written follow-up emergency notice to the LEPC as soon as practicable after the Release.

3.48 Respondent failed to provide a written follow-up emergency notice to the LEPC after the Release.

3.49 Respondent's failure to provide a written follow-up emergency notice to the LEPC as soon as practicable after the Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

3.50 Under Section 325 of EPCRA, 42 U.S.C. § 11045, Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$69,733 per violation.

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, EPA has taken into account the factors specified in Section 325(b) of EPCRA, 42 U.S.C. § 11045(b), and Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$74,500 (the “Assessed Penalty”), \$14,000 of which reflects violations of CERCLA, and \$60,500 of which reflects violations of EPCRA.
- 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: www.epa.gov/financial/makepayment and www.epa.gov/financial/additional-instructions-making-payments-epa. Payments made by check must be payable to the order of “Treasurer, United States of America” and delivered to the following address:

*Address format for standard delivery
(no delivery confirmation requested):*

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, MO 63197-9000

*Address format for signed receipt confirmation
(FedEx, DHL, UPS, USPS certified, registered,
etc):*

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Respondent must note on the check or other form of payment Respondent's name and the docket number of this action. Respondent must also include a note with the payment indicating that \$14,000 is for the CERCLA penalty and \$60,500 is for the EPCRA penalty.

4.6. Concurrently with any payment or within 24 hours of any payment, Respondent must serve photocopies of the check, or proof of other payment method, to the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Erin Williams
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
Williams.erin@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the check or confirmation of other payment method, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.7. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), and/or Section 109 of CERCLA,

42 U.S.C. § 9609, to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

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

a. Interest. Interest begins to accrue from the effective date of the Final Order attached herein. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service (“IRS”) standard underpayment rate applicable on the effective date of the Final Order and non-variable throughout the period of nonpayment.

b. Handling Charges. Pursuant to 31 U.S.C. § 3717(e)(1), Respondent will be assessed a charge to cover EPA’s costs of processing and handling overdue debts.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than 90 days. Nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty and 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. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the 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, Respondent shall complete the following actions, as applicable.

- 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 Division at Henderson.Jessica@epa.gov, within 30 days after the effective date of the Final Order. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide

EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five days of Respondent's receipt of a TIN issued by the IRS.

4.11. 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.

4.12. 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. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order.

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

4.16. 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.

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

DATED:

3-31-25

FOR RESPONDENT:


H. KENT JOHNSON, Owner

FOR COMPLAINANT:

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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2025-0066
)	
MR. KENT JOHNSON,)	FINAL ORDER
)	
Boise, Idaho)	
)	
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 CERCLA 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 and CERCLA and regulations promulgated or permits issued thereunder.

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

IT IS SO ORDERED.

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: Mr. Kent Johnson, Docket No.: EPCRA-10-2025-0066**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Shannon Rebersak
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

rebersak.shannon@epa.gov

H. Kent Johnson
Owner
6555 Plantation Lane
Boise, Idaho 83706

Kentj6555@icloud.com

Regional Hearing Clerk
EPA Region 10