



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2016

REPLY TO THE ATTENTION OF:

ELECTRONIC SERVICE
VIA EMAIL

Mr. Benjamin Franz
Attorney
Marathon Petroleum Company, LP
rbfranz@marathonpetroleum.com

Re: Cincinnati Renewable Fuels, LLC, Cincinnati, Ohio, Consent Agreement and Final
Order, Docket Nos. MM-05-2016-0007 CERCLA-05-2016-0011 EPCRA-05-2016-0022

Dear Mr. Franz:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on September 30, 2016.

Please have your client pay the Comprehensive Environmental Response, Compensation and Liability Act civil penalty in the amount of \$3,750 in the manner prescribed in paragraph 68, and reference your check with the billing document number 2751630B011 and the docket number CERCLA-05-2016-0011.

Please have your client pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$8,750 in the manner prescribed in paragraph 70, and reference your check with the docket number EPCRA-05-2016-0022.

Your client's payments are due on October 31, 2016.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Mary McAuliffe, Associate Regional Counsel, at (312) 886-6237. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5 MM-05-2016-0007

In the Matter of:)

Docket Nos. CERCLA-05-2016-0011

EPCRA-05-2016-0022

Cincinnati Renewable Fuels, LLC
Cincinnati, Ohio,

Proceeding to Assess a Civil Penalty Under
Section 109(b) of the Comprehensive
Environmental Response, Compensation and
Liability Act, and Section 325(b)(2) of the
Emergency Planning and Community Right-
to-Know Act of 1986

Respondent.



Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Cincinnati Renewable Fuels, LLC, a Delaware limited liability company, doing business in the State of Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the government's response to an emergency and pose serious threats to human health and the environment.

11. Section 304(a)(3)(A) of EPCRA, 42 U.S.C. § 11004(a)(3)(A), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of a hazardous substance in quantities equal to or

greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by a release.

13. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

14. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

15. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103 and EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that

occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred between January 12, 2009 and November 2, 2015.

Factual Allegations and Alleged Violations

16. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

17. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 4700 Este Avenue, Cincinnati, Ohio (facility).

19. At all times relevant to this CAFO, Respondent was in charge of the facility.

20. Respondent’s facility consists of a building, structure, installation, equipment, pipe or pipeline, storage container, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

21. Respondent’s facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

22. Respondent’s facility consists of 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.

23. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

24. Methanol (CAS #67-56-1) is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

25. Methanol (CAS #67-56-1) has a reportable quantity of 5,000 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

26. Methanol (CAS #67-56-1) is classified as a physical and health hazard under Occupational Safety and Health Administration (OSHA) regulations at 29 C.F.R. Part 1910.

27. Methanol (CAS #67-56-1) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 10.1200(c).

28. At all times relevant to this CAFO, methanol was produced, used or stored at Respondent’s facility.

29. Starting on February 17, 2015, at or about 10:00 a.m. and continuing until February 23, 2015 at 5:30 p.m., a release of approximately 31,449 pounds of methanol occurred from Respondent’s facility.

30. On February 21, 2015, at or about 10:00 a.m. and continuing until February 22, 2015 at 9:59 a.m., a release occurred from Respondent’s facility of approximately 12,410 pounds of methanol (the February 21, 2015, release).

31. In a 24 hour time period, the February 21, 2015, release of methanol exceeded 5,000 pounds.

32. During the February 21, 2015, release, approximately 12,410 pounds spilled, leaked, pumped, poured, emitted, discharged, or escaped into the ambient air.

33. The February 21, 2015, release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

34. The February 21, 2015, release is a “release” as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

35. Respondent had knowledge of the February 21, 2015, release on February 21, 2015.

36. The February 21, 2015, release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

37. The February 21, 2015, release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

38. The February 21, 2015, release was likely to affect Ohio.

39. On February 22, 2015, starting at 10:00 a.m. and continuing until February 23, 2015, at 9:59 a.m., a release occurred from Respondent's facility of approximately 11,933 pounds of methanol (the February 22, 2015, release).

40. In a 24 hour time period, the February 22, 2015, release of methanol exceeded 5,000 pounds.

41. During the February 22, 2015, release, approximately 11,933 pounds spilled, leaked, pumped, poured, emitted, discharged, or escaped into the ambient air.

42. The February 22, 2015, release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

43. The February 22, 2015, release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

44. Respondent had knowledge of the February 22, 2015, release on February 22, 2015.

45. The February 22, 2015, release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

46. The February 22, 2015, release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

47. The February 22, 2015, release was likely to affect Ohio.

48. At all times relevant to this CAFO, the Ohio Environmental Protection Agency was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

49. The February 21, 2015, release was likely to affect Hamilton County, Ohio.

50. The February 22, 2015, release was likely to affect Hamilton County, Ohio.

51. At all times relevant to this CAFO, the Hamilton County LEPC was the LEPC for Hamilton County, Ohio under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

52. Respondent notified the NRC of the February 21 and 22, 2015, releases on March 9, 2015, at 11:12 a.m.

53. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the February 21 and 22, 2015, releases.

54. Respondent's failure to immediately notify the NRC of the February 21 and 22, 2015, releases is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

55. Respondent notified the Ohio SERC of February 21 and 22, 2015, releases on March 9, 2015, at 12:35 p.m.

56. Respondent did not immediately notify the Ohio SERC after Respondent had knowledge of the February 21 and 22, 2015, releases.

57. Respondent's failure to immediately notify the Ohio SERC of the February 21 and 22, 2015, releases is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

58. Respondent notified the Hamilton County LEPC of the February 21 and 22, 2015, releases on March 9, 2015, at 12:24 p.m.

59. Respondent did not immediately notify the Hamilton County LEPC after Respondent had knowledge of the February 21 and 22, 2015, releases.

60. Respondent's failure to immediately notify the Hamilton County LEPC of the February 21 and 22, 2015, releases is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

61. Respondent provided written follow-up emergency notice of the February 21 and 22, 2015, releases to the Ohio SERC on March 26, 2015.

62. Respondent did not provide the Ohio SERC with the written follow-up emergency notice of the February 21 and 22, 2015, releases as soon as practicable after the February 21 and 22, 2015, releases occurred.

63. Respondent's failure to provide written follow-up emergency notice to the Ohio SERC as soon as practicable after the February 21 and 22, 2015, releases occurred is a violation Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

64. Respondent provided written follow-up emergency notice of the February 21 and 22, 2015, releases to the Hamilton County LEPC on March 26, 2015.

65. Respondent did not provide the Hamilton County LEPC with written follow-up emergency notice of the February 21 and 22, 2015, releases as soon as practicable after the February 21 and 22, 2015, releases occurred.

66. Respondent's failure to provide written follow-up emergency notice to the Hamilton County LEPC as soon as practicable after the February 21 and 22, 2015, releases occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

Civil Penalty

67. Complainant has determined that an appropriate civil penalty to settle this action is \$3,750.00 for the CERCLA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

68. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,750.00 civil penalty for the CERCLA violations. Respondent must pay the penalty by electronic funds transfer, payable to "EPA Hazardous Substance Superfund," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following:

Cincinnati Renewable Fuels, LLC, the docket number of this CAFO and the billing document number.

69. Complainant has determined that an appropriate civil penalty to settle this action is \$8,750.00 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

70. Within 30 days after the effective date of this CAFO, Respondent must pay an \$8,750.00 civil penalty for the EPCRA violations. Respondent must pay the penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following:

Cincinnati Renewable Fuels, LLC, and the docket number of this CAFO.

71. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket number and the billing document number, if any, must accompany each payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

James Entzminger (SC-5J)
Chemical Emergency Preparedness and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Mary McAuliffe (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

72. This civil penalty is not deductible for federal tax purposes.

73. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under Paragraph 85, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

74. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

75. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by providing a fire response trailer to allow the local fire department to better respond to fires or other emergencies.

76. At its Cincinnati facility, Respondent must complete the SEP as follows. Within 30 days of the Effective Date of this CAFO, Respondent shall purchase a fire response trailer and 2 totes (approximately 530 gallons) of alcohol-resistant foam for use by the Cincinnati Fire Department Station #38 (Station #38). Station #38 responds to CRF and other nearby industrial facilities. The fire response trailer will be built with dual axle, low bumper pull trailer that can hold two totes of alcohol-resistant firefighting foam, and a 2-inch ball standard trailer hitch. The other components include a mounted 3-inch monitor, self-educating nozzle, and integrated storage bins to hold fire-fighting hose. The fire response trailer and foam (Equipment) will be delivered within 14 weeks after CRF orders the fire response trailer and foam.

77. Respondent must spend at least \$57,000.00 to purchase the Equipment.

78. Respondent certifies as follows:

- a. It is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Paragraphs 75 and 76;
- b. It has inquired of the Cincinnati, Ohio fire departments, whether it is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by the recipient and/or the Cincinnati, Ohio fire departments are neither a party to such a transaction;
- c. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Defendant in good faith estimates that the cost to implement the SEP is \$57,000;

- d. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- e. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
- f. That Respondent has not received and will not receive credit for the SEP in any other enforcement action; and
- g. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity.

79. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

80. Respondent must submit a SEP completion report to U.S. EPA within six months of the Effective Date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

81. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in Paragraph 71, above.

82. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

83. Following receipt of the SEP completion report described in Paragraph 80, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under Paragraph 85.

84. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under Paragraph 85, below.

85. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including

the schedule in Paragraph 76, Respondent must pay a penalty of \$60,000.

- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent the amount set forth in Paragraph 77, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in Paragraph 77, Respondent must pay a penalty of the difference of the actual expenditures and \$57,000.
- d. If Respondent did not submit timely the SEP completion report as required in Paragraph 80, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$500	1st through 14th day
\$750	15th through 30th day
\$1,000	31st day and beyond

86. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

87. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in Paragraphs 68 and 70, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

88. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of Section 103(a) of CERCLA and Section 304 of EPCRA."

89. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

90. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

91. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

92. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) and Section 304 of EPCRA, 42 U.S.C. § 11004.

93. This CAFO does not affect Respondent's responsibility to comply with CERCLA, EPCRA and other applicable federal, state and local laws and regulations.

94. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

95. The terms of this CAFO bind Respondent and its successors and assigns.

96. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

97. Each party agrees to bear its own costs and attorney's fees in this action.

98. This CAFO constitutes the entire agreement between the parties.

99. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: mcauliffe.mary@epa.gov (for Complainant), and

Benjamin Franz at rbfranz@marathonpetroleum.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

100. The Effective Date of this CAFO is the date on which this CAFO is filed with the Regional Hearing Clerk.

Cincinnati Renewable Fuels LLC, Respondent

9/23/16
Date

C.M. Palmer
C. Michael Palmer
President
Cincinnati Renewable Fuels LLC

RMB
9-22-16

APPROVE AS TO FORM
JFM 9/22

U.S. Environmental Protection Agency, Complainant

09-27-2016
Date

M. Cecilia Moore
M Cecilia Moore, Chief
Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5

9/28/2016
Date

Douglas Ballotti
Douglas Ballotti, Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Cincinnati Renewable Fuels, LLC, Cincinnati, Ohio
Docket No. MM-05-2016-0007 CERCLA-05-2016-0011 EPCRA-05-2016-0022

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9/29/16
Date

Robert A. Kaplan
Robert A. Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the Matter of: Cincinnati Renewable Fuels, LLC, Cincinnati, Ohio
Docket No. MM-05-2016-0007 CERCLA-05-2016-0011 EPCRA-05-2016-0022

Certificate of Service


I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on September 30, 2016 in the following manner to the addressees:

Copy by E-mail to
Attorney for Respondent: Benjamin Franz
rbfranz@marathonpetroleum.com

Copy by E-mail to
Attorney for Complainant: Mary McAuliffe
mcauliffe.mary@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: September 30, 2016


LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5