

September 20, 2021

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>**

**DOCKET NO.: CAA-08-2021-0008**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>SILVER EAGLE REFINING, INC.</b>	)	<b>FINAL ORDER</b>
	)	
	)	
	)	
<b>RESPONDENT</b>	)	

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Expedited Settlement Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Expedited Settlement Agreement, effective immediately upon filing this Expedited Settlement Agreement and Final Order.

**SO ORDERED THIS** 20th **DAY OF** September, **2021.**

**KATHERIN HALL** Digitally signed by  
KATHERIN HALL  
Date: 2021.09.20 13:18:23  
-06'00'

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Katherin E. Hall  
Regional Judicial Officer

September 20, 2021

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA Region VIII  
Hearing Clerk

IN THE MATTER OF:	)
	)
<b>Silver Eagle Refining, Inc.</b>	)
<b>2990 County Road 180</b>	)
<b>Evanston, Wyoming 82930</b>	)
	)
Respondent.	)
	)
	)
	)
	)
	)

Docket No.: CAA-08-2021-0008

**EXPEDITED SETTLEMENT AGREEMENT  
(CONSENT AGREEMENT and FINAL  
ORDER)**

AUTHORITY

1. This Expedited Settlement Agreement (also known as a Consent Agreement and Final Order, hereafter ESA), intended to simultaneously commence and conclude this matter, is being entered into by the United States Environmental Protection Agency (EPA), Region 8, by its duly delegated official, the Branch Chief of the Air Enforcement and Toxics Branch in the Enforcement and Compliance Assurance Division, and Silver Eagle Refining, Inc. (Respondent). This matter is authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. The EPA and Respondent agree that the EPA has jurisdiction over this matter pursuant to sections 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(3) and (d).
3. The EPA and the U.S. Department of Justice have determined, pursuant to section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that the EPA may pursue this type of case through administrative enforcement.

RESPONDENT

4. The Respondent is a Montana corporation that is authorized to do business in the state of Wyoming.
5. The Respondent is a "person" under section 302(e) of the Act. 42 U.S.C. § 7602(e).
6. Respondent is the owner or operator of Silver Eagle Refining, Inc., a stationary source, located at 2990 County Road 180, Evanston, Wyoming 82930 (facility).
7. From September 20 to September 21, 2018, authorized representatives of the EPA conducted an inspection of the Facility to assess compliance with section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. part 68.
8. During that inspection, the EPA representatives observed alleged violations of section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. part 68. The alleged violations identified by authorized representatives of the EPA during the inspection are described in Paragraphs 9 through 14 of this ESA, below.

## ALLEGED VIOLATIONS

9. 40 C.F.R. § 68.30(c) provides that the owner or operator may use the most recent Census data, or other updated information, to estimate the population potentially affected. Respondent did not use the most recent Census data, or other updated information, to estimate the population potentially affected by the worst-case release scenario analysis of their covered process containing flammable mixture prior to their 2020 hazard assessment. By not using the most recent Census data, or other updated information, to estimate the population potentially affected by the worst-case release scenario analysis of their covered process, Respondent violated 40 C.F.R. § 68.30(c).
10. 40 C.F.R. § 68.33(b) provides that the owner or operator may rely on information provided on local United States Geological Survey (USGS) maps or on any data source containing USGS data to identify environmental receptors. Respondent did not rely on information provided on local USGS maps or on any data source containing USGS data to identify environmental receptors potentially affected by the worst-case release scenario analysis of their covered process containing flammable mixture prior to their 2020 hazard assessment. By not relying on information provided on local USGS maps or on any data source containing USGS data to identify environmental receptors potentially affected by the worst-case release scenario analysis of their covered process, Respondent violated 40 C.F.R. § 68.33(b).
11. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with recognized and generally accepted good engineering practices. Respondent did not label process piping regarding its contents or direction of flow in accordance with ANSI/ASME A13.1, Scheme for the Identification of Piping Systems. By not labeling process piping per ANSI/ASME A13.1, Respondent did not comply with recognized and generally accepted good engineering practices and violated 40 C.F.R. § 68.65(d)(2).
12. 40 C.F.R. § 68.160(b)(7) provides that for each covered process, the name and Chemical Abstracts Service number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit North American Industry Classification System code that most closely corresponds to the process, and the Program level of the process. Respondent did not include the amount of regulated substances in the connected piping and tanks in the Liquid Petroleum Gas (LPG) system as part of their covered process. By not including the amount of regulated substances in the LPG system as part of their maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, Respondent violated 40 C.F.R. § 68.160(b)(7).
13. 40 C.F.R. § 68.190(b)(1) provides that the owner or operator of a stationary source shall revise and update the Risk Management Plan (RMP) submitted under §68.150 as follows: At least once every five years from the date of its initial submission or most recent update required by paragraphs (b)(2) through (b)(7) of this section, whichever is later. Respondent did not revise and update the RMP submitted under §68.150 between the dates of May 27, 2014, and April 22, 2020. By not revising and updating the RMP submitted under §68.150 once every five years from the date of its initial submission or most recent update, Respondent violated 40 C.F.R. § 68.190(b)(1).

14. 40 C.F.R. § 68.195(b) provides that within one month of any change in the emergency contact information required under §68.160(b)(6), the owner or operator shall submit a correction of that information. Respondent did not submit a correction of the change in the emergency contact information which occurred on September 26, 2017, until April 22, 2020. By not submitting a correction of the change in the emergency contact information within one month of the change occurring, Respondent violated 40 C.F.R. § 68.195(b).

#### SETTLEMENT

15. In consideration of the factors contained in section 113(d)(1) of the Act and the entire record, the parties enter into this ESA in order to settle the violations referenced above for the total penalty amount of \$6,250.

16. This settlement is subject to the following terms and conditions with respect to the violations referenced above:

- a. Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in this ESA, and consents to the assessment of the penalty as stated above.
- b. Respondent waives its rights to a hearing afforded by section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA.
- c. Each party to this action shall bear its own costs and attorney fees, if any.
- d. Respondent waives any and all available rights to judicial or administrative review or other remedies that the Respondent may have with respect to any issue of fact or law or any terms and conditions set forth in this ESA, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

17. By signing this ESA, Respondent certifies that (1) the alleged violations listed in Paragraphs 9 through 14 have been corrected, and (2) Respondent is submitting payment of the civil penalty as described below:

- a. Within 20 days of receipt of this ESA, Respondent must pay the civil penalty using any method provided on the following website <https://www.epa.gov/financial/makepayment>;
- b. **The following payment tracking number for this ESA must be included on either the check or as directed where to notate the EPA document number: ESA-R8-CAA-2021-003**
- c. Within 24 hours of payment, email proof of payment to Steven Ramirez at Ramirez.StevenA@epa.gov (“proof of payment” means, as applicable, an electronic copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate payment has been made according to the EPA requirements, in the amount due, and identified with the docket number that appears on the final order).

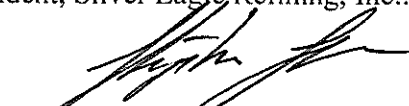
18. Within 14 days the original signed ESA must be sent by certified mail to:

Steven Ramirez, 8ENF-AT-P  
US EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

Immediately after signing the ESA, email a copy to Ramirez.StevenA@epa.gov.

19. Respondent agrees that the penalty specified in this ESA shall not be deductible for purposes of state or federal taxes.
20. Once the Respondent receives a copy of the final order and pays in full the penalty assessment described above, the EPA agrees not to take any further civil administrative penalty action against Respondent for the violations alleged in this ESA.
21. This ESA does not pertain to any matters other than those expressly specified herein. The EPA reserves, and this ESA is without prejudice to, all rights against Respondent with respect to all other matters including, but not limited to, the following:
- a. Claims based on a failure by Respondent to meet a requirement of this ESA including any claims for costs that are caused by the Respondent's failure to comply with this Agreement
  - b. Claims based on criminal liability
  - c. Claims based on any other violations of the Act or federal or state law
22. If the signed original ESA and proof of payment is not returned to the EPA Region 8 office at the above address in correct form by Respondent within 20 days of the date of Respondent's receipt of this ESA, the proposed ESA is withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations identified in this ESA.
23. This ESA, upon incorporation into the final order, applies to and is binding upon the EPA and Respondent and Respondent's successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this ESA. This ESA contains all terms of the settlement agreed to by the parties.
24. Nothing in this ESA shall relieve Respondent of the duty to comply with the Act and its implementing regulations.
25. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this ESA and to bind Respondent to the terms and conditions of this ESA.
26. The parties consent to service of this ESA and final order by email at the following valid email addresses: Weiner.Marc@epa.gov (for Complainant), and SJeffer@igiwax.com (for Respondent).
27. The parties agree to submit this ESA to the regional judicial officer with a request that it be incorporated into a final order.

For Respondent, Silver Eagle Refining, Inc.:

  
\_\_\_\_\_  
Name (Print) STEPHEN JEFFS  
Title (Print) C.O.O.

Date: 9/1/21

For Complainant, United States Environmental Protection Agency, Region 8:

**Patefield, Scott** Digitally signed by Patefield, Scott  
Date: 2021.09.07 08:58:27 -06'00'

\_\_\_\_\_  
Scott Patefield, Branch Chief  
Air Enforcement and Toxics Branch  
Enforcement and Compliance Assurance Division

Date: \_\_\_\_\_

## CERTIFICATE OF SERVICE

The undersigned certifies that the attached **EXPEDITED SETTLEMENT AGREEMENT** and the **FINAL ORDER** in the matter of **SILVER EAGLE REFINING, INC.; DOCKET NO.: CAA-08-2021-0008** was filed with the Regional Hearing Clerk on September 20, 2021.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Marc Weiner, Enforcement Attorney, and sent via certified receipt email on September 20, 2021, to:

Respondent

Stephen Jeffs  
Chief Operating Officer, Wax Production & Refining  
IGI | The International Group, Inc.  
jeffs@igiwax.com

EPA Financial Center

Peter Hendrickson  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
Hendrickson.Peter@epa.gov

September 20, 2021

Haniewicz,  
Melissa



Digitally signed by  
Haniewicz, Melissa  
Date: 2021.09.20  
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Melissa Haniewicz  
Regional Hearing Clerk