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EPA -- REGION 10

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

ESSENTIAL OIL RESEARCH FARM, LLC,
d/b/a YOUNG LIVING LAVENDER FARMS

St. Maries, Idaho

Respondent.

DOCKET NO. SDWA 10-2015-0021

**CONSENT AGREEMENT
AND FINAL ORDER**

The United States Environmental Protection Agency ("EPA") issues the following Consent Agreement & Final Order to resolve alleged violations of the Safe Drinking Water Act by Essential Oil Research Farm, LLC ("Respondent").

I. PRELIMINARY STATEMENT

I.1. Issuance of this Consent Agreement & Final Order ("CAFO") commences this proceeding, which will conclude when the Final Order contained in Part VI of this CAFO becomes effective. 40 C.F.R. §§ 22.13(b), 22.18(c), 22.45.

I.2. Part II of this CAFO contains the statutory and regulatory authorities under which this CAFO is issued.

I.3. Part III of this CAFO contains a statement of the legal and factual allegations made by EPA against the Respondent.

I.4. The Final Order shall become effective in accordance with Paragraph 6.4.

II. AUTHORITIES

2.1. This CAFO is issued under the authority vested in the Administrator of the EPA under Section 1423(c) of the Safe Drinking Water Act (“SDWA” or “Act”), 42 U.S.C. § 300h-2(c).

2.2. The EPA Administrator has delegated the authority to take these actions to the Regional Administrator for EPA, Region 10, who has redelegated this authority to the Director of the Office of Compliance and Enforcement, Region 10.

2.3. The Administrator has delegated the authority to issue the Final Order contained in Part VI of this CAFO to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

2.4. In accordance with Section 1423(c) of the Act, 42 U.S.C. § 300h-2(c), and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22 (“Part 22 Rules”), EPA issues, and the Respondent agrees to the issuance of, the Final Order contained in Part VI of this CAFO. Respondent waives its right to a hearing on the issuance of this Order. SDWA § 1423(c)(3), 42 U.S.C. § 300h-2(c)(3); 40 C.F.R. § 22.15(c).

2.5. Congress authorized EPA to administer the Underground Injection Control (“UIC”) program over the area in which an Indian Tribe exercises governmental jurisdiction, if that Tribe does not have an approved UIC program. SDWA § 1422(e), 42 U.S.C. § 300h-1(e).

2.6. The Coeur d’Alene Tribe of Indians does not have primary enforcement responsibility to administer the UIC program for Class V injection wells. Therefore, EPA Region 10 directly implements the Class V UIC program within the external boundary of the Coeur d’Alene Indian Reservation.

2.7. Congress authorized EPA to conduct inspections and to request information to determine whether the owner or operator of an injection well has acted or is acting in compliance with the UIC program. SDWA § 1445, 42 U.S.C. § 300j-4.

2.8. EPA can require an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with Part C of the SDWA or its implementing regulations. SDWA § 1445, 42 U.S.C. § 300j-4; 40 C.F.R. §§ 144.17, 144.27.

2.9. The Act authorizes EPA to issue an administrative order whenever the Administrator finds that any person subject to any requirement of any applicable UIC program is violating that requirement. SDWA § 1423(a)(2), 42 U.S.C. § 300h-2(a)(2). Such an administrative order may require compliance with UIC regulations, assess penalties, or both. SDWA § 1423(c), 42 U.S.C. § 300h-2(c).

III. ALLEGATIONS

3.1. Respondent is a limited liability company organized under the laws of the State of Utah, and a “person” within the meaning of the Act. SDWA § 1401(12), 42 U.S.C. § 300f(12); 40 C.F.R. § 144.3.

3.2. Respondent is registered under the laws of the State of Idaho as a foreign limited liability company. Respondent is authorized under the laws of the State of Idaho to conduct business under the assumed business name Young Living Lavender Farms.

3.3. At all times relevant to this CAFO, Respondent owned and/or operated the Essential Oil Research Farm facility (“Site”) located at 701 North Fork Coon Creek Road in St.

Maries, Idaho, and within the external boundary of the Coeur d'Alene Indian Reservation.

3.4. The Site includes several buildings, including, among others, a building containing office space, bathrooms, and a vehicle maintenance shop; the farm manager's residence; lodges or cabins for the distributors; distillery; and the owner's residence.

3.5. The Site contains injection wells within the meaning of 40 C.F.R. § 144.3.

3.6. As the "owner or operator" of injection wells, Respondent is subject to regulation under the UIC program. 40 C.F.R. § 144.3.

3.7. Injection activity that allows the movement of fluids containing any contaminant into an Underground Source of Drinking Water endangers drinking water sources is prohibited if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons. SDWA § 1421(b)(1), (d)(2), 42 U.S.C. § 300h(b)(1), (d)(2); 40 C.F.R. §§ 144.12(a), 144.82(a)(1).

3.8. A "contaminant" is any physical, chemical, biological, or radiological substance or matter in water. SDWA § 1401(6), 42 U.S.C. § 300f(6); 40 C.F.R. § 144.3.

3.9. The injection wells at the Site overlie the regional aquifer system, which is not within the area of an exempted aquifer and which is an Underground Source of Drinking Water. 40 C.F.R. §§ 144.3, 146.4.

Failure to Inventory Underground Injection Wells

3.10. The owner or operator of an injection well which is authorized under 40 C.F.R. Part 144, Subpart C, must submit inventory information to the EPA within the time frame specified in 40 C.F.R. § 144.26(d). Such an owner or operator is prohibited from injecting into the well if the owner or operator fails to submit the required inventory information. 40 C.F.R.

§§ 144.24(c), 144.26.

3.11. At all times relevant to this CAFO, Respondents operated the following Class V injection wells at the Site, without submitting the required inventory information to EPA:

- Septic system serving the office building bathrooms;
- Septic system serving the visitors lodge;
- Septic system serving the bathroom in the distillery building; and
- Injection well serving the motor vehicle shop floor drains.

3.12. **Count 1:** Respondent violated 40 C.F.R. §§ 144.24 and 144.26 by failing to submit inventory information to EPA prior to conducting underground injection through Respondent's Class V injection wells.

Endangerment of an Underground Source of Drinking Water

3.13. Respondent's motor vehicle maintenance shop has floor drains which lead to an underground injection well.

3.14. Fuels and other motor vehicle fluids may contain contaminants, such as benzene, toluene, ethylbenzene, xylenes, cadmium, chromium, and lead, in concentrations which exceed Maximum Contaminant Levels ("MCLs"), as established in the primary drinking water regulations under 40 C.F.R. Part 141.

3.15. Fuels, other motor vehicle fluids, and/or other contaminants may cause a violation of primary drinking water regulations or may otherwise adversely affect the health of persons if allowed to move into an Underground Source of Drinking Water.

3.16. **Count 2:** Respondent violated 40 C.F.R. §§ 144.12(a) and 144.82(a)(1) by owning, operating or maintaining a Class V injection well which, through injection activity,

allows or has allowed the movement of fluid containing contaminants into Underground Sources of Drinking Water, where that contaminant may cause a violation of the primary drinking water regulations or may otherwise adversely affect the health of persons. 42 U.S.C. § 300h(d)(2).

Construction and Operation of a MVWDW after April 5, 2000

3.17. A “motor vehicle waste disposal well” (“MVWDW”) is a Class V well that receives or has received fluids from gasoline service stations and other facilities at which vehicular repair or maintenance occurs. Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the MCLs established by federally mandated primary drinking water regulations. These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, which pose risks to human health. 40 C.F.R. § 144.81(16); 64 Fed. Reg. 68546.

3.18. Respondent has an injection well that receives fluids from a motor vehicle maintenance shop; Respondent therefore has a motor vehicle waste disposal well (“MVWDW”). 40 C.F.R. § 144.81(16); 64 Fed. Reg. 68546.

3.19. Respondent’s MVWDW was constructed in the spring of 2003 and operated until January 2013.

3.20. The UIC regulations prohibit the construction or operation of a MVWDW on or after April 5, 2000. 40 C.F.R. §§ 144.87, 144.88(b)(2).

3.21. **Count 3:** Respondent violated 40 C.F.R. § 144.88(b)(2) when it constructed and operated a MVWDW after April 5, 2000.

3.22. EPA may issue administrative civil penalties up to \$16,000 per violation per day during which the violation continued to any person in violation of any regulation or requirement

relating to Class V underground injection wells, and may require compliance with any such regulation or requirement. SDWA § 1423(c)(1), 42 U.S.C. § 300h-2(c)(1); 40 C.F.R. Part 19.

IV. CONSENT AGREEMENT

4.1. For purposes of this CAFO, Respondent admits the jurisdictional allegations contained in Paragraphs 3.1 through 3.3 of this CAFO. Respondent neither admits nor denies the specific factual or legal allegations contained in this CAFO, except the jurisdictional allegations contained in Paragraphs 3.1 through 3.3.

4.2. EPA has taken into account the seriousness of the violation, the economic benefit resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator; and other relevant factors. SWDA § 1423(c)(4)(B), 42 U.S.C. § 300h-2(c)(4)(B).

4.3. EPA determined and Respondent agrees that an appropriate penalty to settle Count 1 of this action is in the amount of \$1,520.

4.4. Respondent agrees to perform the activities identified within the Compliance Order, Part V of this CAFO, under EPA oversight.

4.4.1. Exceedence and Qualified Exceedence for purposes of this paragraph are as defined in Part V of this CAFO.

4.4.2. If EPA determines fluids from the floor drains in Respondent's motor vehicle maintenance shop were not discharged underground, EPA has determined and Respondent agrees that no penalty will be assessed for Count 2 and Count 3 of this action.

4.4.3. If EPA determines fluids from the floor drains in Respondent's motor

vehicle maintenance shop were discharged underground, and analytical results from the samples taken contain no exceedance which is not a qualified exceedance, EPA has determined and Respondent agrees that an appropriate penalty to settle Count 2 and Count 3 of this action is in the amount of \$15,255.

4.4.4. If EPA determines fluids from the floor drains in Respondent's motor vehicle maintenance shop were discharged underground, and analytical results from the samples taken contain any exceedance which is not a qualified exceedance, EPA has determined and Respondent agrees that an appropriate penalty to settle Count 2 and Count 3 of this action is in the amount of \$25,920.

4.5. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3, above, within 30 days of the effective date of the Final Order, and to undertake the actions specified in Parts V-VI of this CAFO.

4.6. Respondent agrees to pay the total civil penalty set forth in Subparagraphs 4.4.3 or 4.4.4 within 30 days of receiving written notice of the determination from EPA.

4.7. Payment under this CAFO 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
PO Box 979077
St. Louis, MO 63197-9000

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

4.8. Respondent must deliver via United States mail photocopies of the check described in Paragraph 4.7, above, to the Regional Hearing Clerk and EPA Project Coordinator at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, WA 98101

Erin Williams
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, OCE-084
Seattle, WA 98101

4.9. If Respondent fails to pay any penalty assessed by this CAFO in full by its due date, the entire unpaid balance of that penalty and any accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect the assessed penalty under the SDWA. In any collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

4.10. If Respondent fails to pay any portion of the penalty assessed by this CAFO in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.10.1. *Interest.* Any unpaid portion of the assessed penalty shall bear interest, at the rate established by the Secretary of the Treasury. Except for a penalty assessed under Paragraph 4.4, interest will accrue 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. For any penalty assessed under Paragraph 4.4, the interest will accrue from the date Respondent

receives the notice specified in Paragraph 5.18, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of receipt of that notice. SDWA § 1423(c)(7), 42 U.S.C. § 300h-2(c)(7); 31 U.S.C. § 3717.

4.10.2. *Costs and Attorneys Fees.* Should Respondent fail to pay on a timely basis the amount of the penalty assessed by the Final Order contained herein, Respondent shall pay (in addition to any assessed penalty and interest) costs and attorneys fees.

SDWA § 1423(c)(7), 42 U.S.C. § 300h-2(c)(7).

4.10.3. *Federal Tax.* Penalties paid pursuant to the Final Order contained herein are not deductible for federal tax purposes. 26 U.S.C § 162(f).

4.11. Except as described in Paragraph 4.10 of this CAFO, each party shall bear its own costs in bringing or defending this action.

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

4.13. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part VI, below.

4.14. The provisions of this CAFO shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

03/17/15

FOR RESPONDENT:



Print Name: Shawn Stewart

Title: General Counsel
ESSENTIAL OIL RESEARCH FARM, LLC

DATED:

3/23/2015

FOR COMPLAINANT:



EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

V. COMPLIANCE ORDER

5.1. Based upon the allegations in Part III of this CAFO, and pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), it is agreed and ordered as follows:

5.2. *Prohibition of Injection.* Respondent shall not inject any fluid into the alleged motor vehicle waste disposal well (“MVWDW”).

5.3. *Submission of Well Inventory Information.* Respondent shall submit complete inventory forms to the EPA Project Coordinator for all regulated UIC wells at the Site within 30 days of the effective date of the Final Order.

5.3.1. Any Underground Injection Wells located outside of the Site are outside of the scope of this CAFO. Respondent is hereby notified the requirement to inventory regulated Underground Injection Wells applies nationwide.

5.4. *Implementation of Well Investigation Requirements.* Respondent shall implement the Well Investigation requirements described in Paragraphs 5.14 through 5.19.

5.5. *Implementation of Well Closure Requirements.* If, after review of data collected during the Well Investigation, EPA determines fluids from the floor drains in Respondent’s motor vehicle maintenance shop were discharged underground, Respondent shall implement the Well Closure requirements described in Paragraphs 5.20 through 5.22.

5.6. *Project Coordinator.*

5.6.1. Erin Williams is the EPA Project Coordinator who will oversee implementation of this CAFO. The Project Coordinator shall receive communications, which include, but are not limited to, all documents, reports, comments, approvals, and other correspondence submitted or exchanged under this CAFO. All submissions

required by this CAFO shall be sent to:

Erin Williams
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, OCE-084
Seattle, WA 98101
Phone: 206-553-4627
Email: williams.erin@epa.gov

5.6.2. Within 10 days of the effective date of the Final Order, Respondent must identify a project coordinator for purpose of receipt of all communication and implementation of this CAFO. The contact information for this project coordinator must be sent to the EPA Project Coordinator identified in Paragraph 5.6.1.

5.7. *Notification.*

5.7.1. Respondent shall provide EPA's Project Coordinator notification by email no less than five days prior to commencement of any activity under this CAFO.

5.7.2. If Respondent transfers ownership or control of the Site prior to receiving notice from EPA regarding termination and satisfaction of the CAFO pursuant to Paragraph 5.24, Respondent shall provide a copy of this CAFO to any successor in ownership, control, operation, or any other interest in all or part of the subject well, at least 30 days prior to the transfer. Respondent shall simultaneously provide EPA's Project Coordinator written notice that the notice required in this subparagraph was given. A transfer of property rights at the Site will not affect Respondent's obligation to comply fully with this CAFO.

5.8. *Site Access.* To determine compliance with this CAFO and to conduct actions in accordance with this CAFO, Respondent shall provide EPA or its authorized representatives access to the Site upon reasonable notice. This CAFO does not affect EPA's authority to enter,

inspect, sample, or monitor compliance under any law, permit, court order, or agreement or Respondent's rights regarding the same.

5.9. *Site Data.* Upon request by either EPA or the Coeur d'Alene Tribe of Indians, Respondent shall provide the requestor access to all data and laboratory documentation resulting from the activities conducted pursuant to this CAFO. This paragraph does not require Respondent to disclose privileged or confidential information or communications, including attorney-client communications or attorney work product, and Respondent's claims of privilege or confidentiality are expressly reserved.

5.10. *Record Preservation.* Respondent shall preserve and retain, and shall instruct its consultant, contractor, and other persons acting on its behalf, to preserve and retain all records and documents relating in any manner to the Requirements of Part V of this CAFO for three years after Respondent has paid the administrative penalty in accordance with Part IV of this CAFO and EPA has issued a written approval of Respondent's final report. At the end of that three-year period, EPA may request Respondent to provide EPA with copies of any records and documents related to the activities conducted pursuant to this CAFO, subject to Respondent's claims of privilege or confidentiality, which are expressly reserved. If EPA requests records and documents, Respondent shall, at no cost to EPA but subject to a claim of privilege, provide EPA the original or copies of the records and documents within 30 days of EPA's request. If EPA makes no request at the end of the three-year period, Respondent may dispose of the records and documents.

5.11. *Modification.* EPA may, after consultation with Respondent, make a preliminary determination that tasks in addition to those defined in Part V of this CAFO, or modification of

tasks defined in Part V of this CAFO, are necessary to accomplish the Well Closure Requirements. EPA shall notify Respondent of preliminary determinations in writing, and Respondent shall have seven days from receipt to submit a written response. Modifications of this CAFO, including oral modifications, shall be memorialized in writing and shall take effect only when agreed to in writing by all parties.

5.12. *Failure to comply.* Failure to timely and appropriately implement to EPA's satisfaction any element of Part V of this CAFO shall be deemed a violation of this Order and the SDWA.

5.13. *Scope of the CAFO.*

5.13.1. This CAFO is not and shall not be construed to be a permit under the SDWA, nor shall it in any way relieve or affect Respondent's obligation under the SDWA, or any other applicable federal or Tribal laws, regulations or permits. Compliance with this CAFO shall not constitute a defense to any actions commenced pursuant to applicable laws, regulations, or permits.

5.13.2. This CAFO shall not be construed to preempt or preclude in any way any future administrative order issued by EPA or judicial action brought by the United States. This CAFO shall not be construed to resolve any claims for administrative or civil penalties that are not set out in this CAFO and that may be assessed or sought by EPA or the United States.

5.13.3. This CAFO shall in no way affect the rights of EPA or the United States against any person not a party to this CAFO.

5.13.4. Nothing in this CAFO shall be deemed to constitute a precedent by any

party for any future administrative order, consent decree or civil action relating to the Site and/or any restoration work undertaken at the Site.

Well Investigation

5.14. *Well Investigation Requirements.* To successfully implement the well investigation requirements, Respondent must comply with the standards and requirements specified in Paragraphs 5.15 through 5.18.

5.15. *Investigation Plan.* Within 10 days of the effective date of the Final Order, Respondent will submit an Investigation Plan to the EPA Project Coordinator for determining the characteristics and location of the injection point of Respondent's MVWDW.

5.15.1. EPA will review and approve or disapprove the Investigation Plan and will notify Respondent regarding the results of the review, including any additional requirements or recommendations.

5.15.2. If the Investigation Plan is disapproved, Respondent will have 14 days from the time that it receives EPA's notice to revise the Investigation Plan and resubmit the same to the EPA Project Coordinator for additional review.

5.16. *Investigation.* Respondent will have 14 days from the time that it receives notice from EPA that the Investigation Plan is approved to start field work implementing the Investigation Plan.

5.17. *Sampling Requirements.*

5.17.1. Respondent must propose an appropriate location for sampling for each injection well to be closed.

5.17.2. Respondent must have written approval of a sampling plan or a sampling decision tree from EPA prior to sampling, and that written approval must explicitly state that the sampling plan or a sampling decision tree is approved.

5.17.3. Respondent must collect an end-point sample from the MVWDW, beneath any suspected points of discharge. Respondent must select the sampling location based on the construction of the injection well and likelihood of detecting any contaminants that were injected beneath the ground surface.

5.17.4. Respondent must select a certified or accredited laboratory to analyze the end-point sample for the following constituents:

1. Volatile organic compounds by the most current version of EPA Method 8260;
2. Semivolatile organic compounds by EPA Method 8270; and
3. Arsenic, cadmium, chromium, and lead by an EPA or state-approved method for total metals analysis.

5.17.5. Respondent must provide analytical results to EPA within seven days of receiving the results from the laboratory, not to exceed 21 days after sample collection.

5.17.6. Respondent must provide the analytical results of the end point sample to EPA no later than 20 weeks after the date the Final Order becomes effective.

5.18. EPA will evaluate the analytical results against MCLs and Risk-based Soil Screening Levels to determine whether any exceedance(s) exists. EPA will provide Respondent written notice of its determination.

5.18.1. EPA will compare analytical results against MCLs. If an MCL has not been established for a required analyte or is otherwise inapplicable, EPA will compare

the analytical results against Risk-based Soil Screening Levels (“RSSL”), as specified in the Regional Screening Level (RSL) Soil to Groundwater Supporting Table, May 2014.

5.18.2. An exceedance exists if an analytical result exceeds the relevant MCL or RSSL. A qualified exceedance exists if an analytical result exceeds the relevant MCL or a RSSL, but does not exceed the natural background concentration of that contaminant.

5.18.3. If EPA believes that an exceedance may be at or below background levels, EPA will consult Final Technical Memorandum (Rev. 3) Estimation of Background Concentrations in Soil, Sediment, and Surface Water in the Coeur d'Alene and Spokane River Basins (URS Greiner and CH2M Hill, October 2001) in making its determination whether that exceedance is a qualified exceedance.

5.18.4. If EPA determines that an exceedance that is not a qualified exceedance exists, Respondent will have 14 days from the time that it received EPA’s written notice to respond to EPA’s determination.

5.19. *Investigation Report.* If the investigation results lead Respondent to conclude that no fluids were discharged from the alleged MVWDW, Respondent may submit an Investigation Report to the EPA Project Coordinator.

5.19.1. The Investigation Report will document the results of the investigation and will include a section detailing Respondent’s basis for believing that no fluids were discharged from the MVWDW.

5.19.2. EPA will review the Investigation Report, and will notify Respondent of the results of the review.

5.19.3. If EPA concludes that fluids were not discharged from the alleged MVWDW, the MVWDW investigation will be complete and Respondent will not be required to conduct further work under Paragraphs 5.20 through 5.23 of this CAFO.

5.19.4. If EPA concludes that fluids were not discharged from the alleged MVWDW prior to soil sample(s) being collected under Paragraph 5.17, Respondent will not be required to collect soil sample(s).

Well Closure

5.20. *Well Closure Requirements.* To successfully implement the well closure requirements, Respondent must comply with the standards and requirements specified in Paragraphs 5.21 through 5.22.

5.21. *Well Closure.*

5.21.1. Respondent must submit a Closure Plan for the MVWDW to EPA within 30 days of receiving analytical results for the end-point sample, as specified in Paragraph 5.17. Respondent may request an extension for additional time if Respondent is preparing an Investigation Report, as described in Paragraph 5.19.

5.21.2. Respondent's Closure Plan must close the MVWDW in accordance with 40 C.F.R. §§ 144.82, 144.89 and 146.10(c), and include, as applicable, removal of all contaminated liquids, sludge, and soil from in and around the injection well and provisions for confirmatory soil sampling. See Attachment 1: Guidance for Underground Injection Control Class V Well Closures.

5.21.3. Because the Coeur d'Alene Tribe of Indians has not established soil cleanup levels at this time, sample results will be compared to State of Idaho soil cleanup

levels or screening standards, SDWA maximum contaminant levels, and other EPA regulatory or risk-based screening and cleanup levels as appropriate to determine whether the materials are contaminated at levels that endanger drinking water resources (and require additional work by Respondent).

5.21.4. EPA will review and approve or disapprove the Closure Plan and notify Respondent regarding the results of review, including any additional requirements or recommendations. Respondent must complete all required revisions and resubmit the Closure Plan within 14 calendar days of receiving notice that the plan has been disapproved.

5.21.5. Respondent must close the well within 30 days of receiving notice that its Closure Plan has been approved, following the approved Closure Plan.

5.21.6. Respondent must submit to EPA a Final Well Closure Report for the well within 30 days of receipt of analytic results from any confirmatory soil sampling, or if confirmatory soil sampling is not necessary, within 30 days of closing the well. The Final Well Closure Report will document all closure activity for the subject well, including a narrative statement describing the closure procedures, photographic documentation of all closure activities, and confirmatory sample results and waste manifests from the closure of the injection well, in accordance with Attachment I and Part V of this CAFO.

5.21.7. EPA will review and approve or disapprove the Final Well Closure Report. All revisions to the Final Well Closure Report must be completed within 14 calendar days of notice that the report has been disapproved.

5.21.8. At the time of Respondent's submission of the Investigation Plan, Closure Plan and Final Well Closure Report to EPA, and any subsequent revisions to those Reports, Respondent must submit informational copies of those reports to the following representatives of the Coeur d'Alene Tribe of Indians:

Chairman Chief Allan
Coeur d'Alene Tribe
850 A Street
P.O. Box 408
Plummer, Idaho 83851

Alfred Nomee
Natural Resource Director
Coeur d'Alene Tribe
850 A Street
P.O. Box 408
Plummer, Idaho 83851

Scott Fields
Water Resources Program Manager
Coeur d'Alene Tribe
850 A Street
P.O. Box 408
Plummer, Idaho 83851

Tiffany Allgood
Environmental Programs Manager
tallgood@cdatribe-nsn.gov

5.22. *Performance Standards for Well Closure.* Closures of the Class V injection well must be conducted in a manner that protects Underground Sources of Drinking Water and complies with all applicable laws and regulations related to removal of materials from the well and adjacent to the well: 40 C.F.R. §§ 144.12(a), 144.82, 144.89, and 146.10(c).

5.23. *Reporting Requirements.* The schedule of activities under the Requirements of Paragraph 5.21 may be summarized as follows:

Deliverables	Due Date
Closure Plan for the injection well	Within 30 days* of receipt of lab results for the end-point sample.
Deadline to finish closure work for the injection well	Within 30 days of receipt of Closure Plan approval.
Final Well Closure Report of all closure activities due	Within 30 days* of receipt of confirmatory sample results.

The above table is merely a visual aid and the details within the table do not replace the criteria within Paragraph 5.21. Asterisks shown in the table denote where exceptions exist.

5.24. *Termination and Satisfaction:* In accordance with Paragraph 5.21, Respondent shall submit to EPA the Final Well Closure Report documenting the completion of all requirements described in Paragraphs 5.21 and 5.22. Upon receipt of the final report, EPA may schedule an inspection of the subject well with Respondent and other interested tribal and/or federal agencies. EPA will notify Respondent in writing whether the compliance with this CAFO is fully completed and the EPA Project Coordinator will notify Respondent of the result by telephone as promptly as possible. With the exception of Paragraphs 5.8 through 5.10, this CAFO shall terminate after Respondent pays the administrative penalty in accordance with Part IV of this CAFO and EPA issues written approval of Respondent’s Final Well Closure Report.

General Provisions

5.25. Failure to comply with the terms of CAFO may subject Respondent to additional civil penalties for each day of continued noncompliance under Section 1423(c)(1) of the Act, 42 U.S.C. § 300h-2(c)(1), as modified by 40 C.F.R. Part 19.

5.26. Nothing in this CAFO shall be construed to relieve Respondent of applicable requirements of federal, state or local laws. EPA reserves the right to take enforcement action as

authorized by law for any violation of this CAFO or any other applicable requirements.

5.27. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

5.28. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part VI, below.

5.29. The provisions of this CAFO shall bind Respondent and its agents, servants, employees, successors, and assigns.

5.30. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

03/17/15



Print Name: Shawn Stewart

Title: General Counsel
ESSENTIAL OIL RESEARCH FARM, LLC

DATED:

FOR COMPLAINANT:

3/23/2015



EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

VI. FINAL ORDER

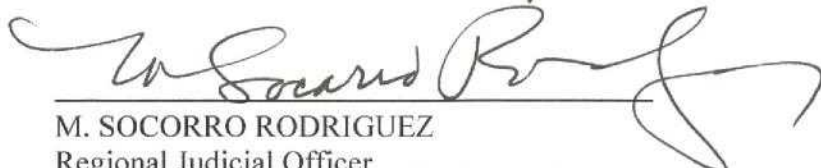
6.1. The terms of the foregoing Parts I-V are ratified and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of settlement.

6.2. This CAFO constitutes a settlement by EPA of all claims for administrative penalties under the SDWA for the violations alleged in Part III. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO 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 CAFO does not waive, extinguish or otherwise affect Respondent's obligations to comply with all applicable provisions of the SDWA and regulations promulgated or permits issued thereunder.

6.3. Pursuant to Section 1423(c)(3) of the Act, 42 U.S.C. § 300h-2(c)(3), and 40 C.F.R. § 22.45(c), EPA provided public notice of Consent Agreement and Final Order served on the parties, and provided public notice that any interested person may, within 30 days of the effective date of the Final Order, obtain judicial review of the penalty order pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

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

SO ORDERED this 1th day of April, 2015.


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Certificate of Service


The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of Essential Oil Research Farm, LLC, d/b/a Young Living Lavender Farms, Docket No.: SDWA-10-2015-0021**, 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 document was delivered to:

Chris Bellovary, Esquire
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Linda B. Jones, Esquire
Holland & Hart LLP
800 West Main Street, Suite 1750
Boise, Idaho 83702

DATED this ^{CSH} 7 day of April 2015. 
Candace H. Smith
Regional Hearing Clerk
EPA Region 10