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10 UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY
12 REGION 9

13 **In the Matter of:**

Docket No. CAA-09-2020-0070

14 **Ruan Transportation Management
15 Systems, Inc.,**

**CONSENT AGREEMENT FINAL
ORDER PURSUANT TO 40 C.F.R.
§§ 22.13 AND 22.18**

16 **Respondent.**

17 **CONSENT AGREEMENT**

18 The United States Environmental Protection Agency ("EPA"), Region 9, and Ruan
19 Transportation Management Systems, Inc. ("Respondent") agree to settle this matter and
20 consent to the entry of this Consent Agreement ("CAFO"), which simultaneously
21 commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.

22 **I. AUTHORITY, JURISDICTION AND PARTIES**

23
24
25 1. This is a civil administrative penalty assessment proceeding brought under Section
26 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d).

27 2. Complainant is the Director of the Enforcement and Compliance Assurance Division,

28 In the Matter of: Ruan Transportation Management Systems, Inc. J
Consent Agreement and Final Order

1 EPA, Region 9, who has been duly delegated the authority to initiate and settle civil
2 administrative penalty proceedings under Section 113(d) of the Act.

3 3. Respondent is a for hire trucking firm that owns and/or operates heavy duty diesel-fueled
4 vehicles registered to be driven on public highways in California, among other states.

5 4. Pursuant to section 113(d)(l) of the Act, 42 U.S.C. § 7413(d)(l), EPA and the United
6 States Department of Justice jointly determined that this matter, which involves alleged
7 violations that occurred more than one year before the initiation of this proceeding, is appropriate
8 for an administrative penalty assessment.

9 5. The regulations at issue in this action have been incorporated into the federally-approved
10 and federally-enforceable California state implementation plan ("SIP"). In accordance with the
11 notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), EPA issued a
12 Finding and Notice of Violation ("NOV") to Ruan on January 16, 2020, and provided a copy of
13 the NOV to the California Air Resources Board ("CARB"). The NOV provided notice to the
14 Respondent and to CARB that EPA found that the Respondent committed the alleged violations
15 described in Section III of this CAFO and provided the Respondent an opportunity to confer with
16 EPA.

17 **II. STATUTORY AND REGULATORY AUTHORITY**

18 **Clean Air Act**

19 6. Pursuant to Section 107(d) of the Act, 42 U.S.C. § 7407(d), the Administrator
20 promulgated lists of attainment status designations for each air quality control region ("AQCR")
21 in every state. These lists identify the attainment status of each AQCR for each of the criteria
22 pollutants. The attainment status designations for California AQCRs are listed at 40 C.F.R.
23 § 81.305.

1 7. There are multiple AQCRs designated as nonattainment for fine particulate matter
2 (PM2.5) and ozone in California. See 40 C.F.R. § 81.305.

3 8. Section 110(a) of the Act, 42 U.S.C. § 7410(a), requires that all states adopt SIPs that
4 provide for the implementation, maintenance and enforcement of primary and secondary air
5 quality standards.
6

7 9. A person's failure to comply with any approved regulatory provision of a SIP renders the
8 person in violation of an applicable implementation plan and subject to enforcement under
9 Section 113(a)(1) of the Act. 42 U.S.C. § 7413(a)(1).
10

11 **Title 13, Section 2025 of California Code of Regulations: Truck and Bus Regulation**

12 10. In accordance with Resolution 10-44 (December 2010), the California Air Resources
13 Board ("CARB") adopted amendments to the "Regulation to Reduce Emissions of Diesel
14 Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants From In-Use Heavy-
15 Duty Diesel-Fueled Vehicles," codified at title 13, Section 2025 of the California Code of
16 Regulations (the "Truck and Bus Regulation" or "TBR").
17

18 11. The EPA incorporated the TBR as submitted by the CARB into the California SIP,
19 effective May 4, 2012. See 77 Fed. Reg. 20308 (April 4, 2012).

20 12. As stated in Section 2025(a) of the TBR, the purpose of the regulation is "to reduce
21 emissions of diesel particulate matter (PM), oxides of nitrogen (NOx) and other criteria
22 pollutants from in-use diesel-fueled vehicles."
23

24 13. Pursuant to Section 2025(b) of the TBR, the TBR "applies to any person, business, ...
25 that owns or operates, leases, or rents, affected vehicles that operate in California. Affected
26 vehicles are those that operate on diesel-fuel, dual-fuel, or alternative diesel-fuel that are
27 registered to be driven on public highways, were originally designed to be driven on public
28

1 highways whether or not they are registered, ... and have a gross vehicle weight rating (GVWR)
2 greater than 14,000 pounds.”

3 14. Section 2025(d)(17) of the TBR defines “Diesel Particulate Filter” (“DPF”) as “an
4 emission control technology that reduces diesel particulate matter emissions by directing the
5 exhaust through a filter that physically captures particles but permits gases to flow through...”

7 15. Section 2025(d)(18) of the TBR defines “Diesel Particulate Matter (PM)” as “the
8 particles found in the exhaust of diesel-fueled compression ignition engines...”

9 16. Section 2025(d)(28) of the TBR defines “Fleet” as “one or more vehicles, owned by a
10 person, business, or government agency, traveling in California and subject to this regulation...”

12 17. Section 2025(d)(29) of the TBR defines “Fleet Owner” as either the person registered as
13 the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its
14 equivalent in another state, province, or country; as evidenced on the vehicle registration
15 document carried in the vehicle.”

16 18. Section 2025(d)(42) of the TBR defines “Motor Carrier” as “the same as defined in
17 California Vehicle Code Section 408 for fleets other than those that are comprised entirely of
18 school buses”

20 19. Section 408 of the California Vehicle Codes defines “Motor Carrier” as “the registered
21 owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500 , who operates or
22 directs the operation of any such vehicle on either a for-hire or not-for-hire basis.”

24 20. Section 2025(d)(47) of the TBR defines “Person” as “an individual, corporation, business
25 trust, estate, trust, partnership, Limited Liability Company, association, joint venture,
26 government, governmental subdivision, agency, or instrumentality, public corporation, or any
27 other legal or commercial entity.”

1 21. Section 2025(g) of the TBR requires Fleet Owners to comply with the following
2 compliance schedule for all vehicles in the Fleet with a GVWR greater than 26,000 pounds:

3 -Vehicles with an engine model year of 1996 through 1999 must be equipped with a DPF
4 by January 1, 2012.

5 -Vehicles with an engine model year of 2000 through 2004 must be equipped with a DPF
6 by January 1, 2013.

7 -Vehicles with an engine model year of 2005 through 2006 must be equipped with a DPF
8 by January 1, 2014.

9
10 22. Section 2025(x)(2) of the TBR provides that “[a]ny in-state or out-of-state motor carrier,
11 California broker, or any California resident who operates or directs the operation of any vehicle
12 subject to this regulation shall verify that each hired or dispatched vehicle is in compliance with
13 the regulation and comply with the record keeping requirements of section 2025(s)(4).”

14
15 23. Section 2025(x)(3) of the TBR provides that “[c]ompliance may be accomplished by
16 keeping at the business location, a copy of the Certificate of Reported Compliance with the In-
17 Use On-Road Diesel Vehicle Regulation for each fleet, or in the vehicle.”

18
19 **Title 13, Section 2477 of California Code of Regulations:**
20 **Transport Refrigeration Units Regulation**

21 24. In accordance with Resolution 10-39 (November 2010), CARB adopted the “Airborne
22 Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU
23 Generator Sets, and Facilities Where TRUs Operate,” codified at title 13, Section 2477 of the
24 California Code of Regulations (the “TRU Regulation”).

25
26 25. The EPA incorporated the TRU Regulation as submitted by the CARB into the California
27 SIP, effective July 18, 2016. See 81 Fed. Reg. 39424 (June 16, 2016).

1 26. In accordance with Resolution 11-35 (October 2011), CARB amended the TRU
2 Regulation, codified at title 13, Section 2477 of the California Code of Regulations (the
3 “Amended TRU Regulation”).

4 27. The EPA incorporated the Amended TRU Regulation as submitted by the CARB into the
5 California SIP, effective June 18, 2018. See 83 Fed. Reg. 23232 (May 18, 2018).

6 28. Pursuant to Section 2477(b) of the TRU Regulation, and Section 2477.2(a) of the
7 Amended TRU Regulation, the TRU Regulation and Amended TRU Regulation apply to owners
8 and operators of diesel-fueled TRUs and TRU gen sets that operate in California, regardless of
9 where the vehicle is based.
10

11 29. Section 2477(d)(52) of the TRU Regulation defines “Owner” as “any person that legally
12 holds the title (or its equivalent) showing ownership of a TRU or TRU gen set, excluding [listed
13 exemptions].” See also Section 2477.4(70) of the Amended TRU Regulation.
14

15 30. Section 2477(d)(51) of the TRU Regulation defines “Operator” as “any person, party or
16 entity that operates a TRU or TRU gen set for the purposes of transporting perishable goods,
17 excluding [listed exemptions].” See also Section 2477.4(68) of the Amended TRU Regulation.
18

19 31. Section 2477(d)(53) of the TRU Regulation defines “Owner/Operator” as “a requirement
20 applies to the owner and/or operator of a TRU or TRU gen set, as determined by agreement or
21 contract between the parties if the two are separate business entities.” See also Section
22 2477.4(71) of the Amended TRU Regulation.
23

24 32. Section 2477(d)(65) of the TRU Regulation defines “Transport Refrigeration Unit
25 (TRU)” as refrigeration systems powered by integral internal combustion engines designed to
26 control the environment of temperature sensitive products that are transported in trucks and
27 refrigerated trailers. TRUs may be capable of both cooling and heating.” See also Section
28

1 2477.4(91) of the Amended TRU Regulation.

2 33. Section 2477(d)(66) of the TRU Regulation defines “TRU Generator Set (TRU gen set)”
3 as a generator set that is designed and used to provide electric power to electrically driven
4 refrigeration units of any kind. This includes, but is not limited to gen sets that provide electricity
5 to electrically powered refrigeration systems for semi-trailer vans and shipping containers.” See
6 also Section 2477.4(93) of the Amended TRU Regulation.
7

8 34. Pursuant to Section 2477(e)(1)(A) and (B) of the TRU Regulation, and Section 2477.5(a)
9 and (b) of the Amended TRU Regulation, no owner or owner/operator shall operate a TRU or
10 TRU gen set in California with a rated brake horsepower greater than or equal to 25 horsepower
11 unless it meets the following in-use emission category performance standards and in-use
12 compliance dates:
13

14 -A TRU or TRU gen set with a model year of 2001 must meet Low Emission TRU
15 category performance standard (“LETRU”) by December 31, 2008, and Ultra Low
16 Emission TRU category performance standard (“ULETRU”) by December 31, 2015.
17

18 -A TRU or TRU gen set with a model year of 2003 must meet LETRU by December 31,
19 2010, and ULETRU by December 31, 2017.

20 -A TRU or TRU gen set with a model year of 2004 must meet ULETRU by December
21 31, 2011.
22

23 -A TRU or TRU gen set with a model year of 2008 must meet ULETRU by December
24 31, 2015.

25 **III. ALLEGATIONS**

26 35. At all times relevant to this CAFO, Ruan was a “Person” as that term is defined under
27 Section 2025(d)(47) of the TBR.
28

1 36. At all times relevant to this CAFO, Ruan was a person or business that owned and/or
2 operated diesel-fueled vehicles that have a GVWR greater than 14,000 pounds and are registered
3 to be driven on public highways in California, among other states.

4
5 37. At all times relevant to this CAFO, the TBR applied to Respondent.

6 38. At all times relevant to this CAFO, Ruan was a "Fleet Owner" of a "Fleet" of vehicles as
7 those terms are defined under Section 2025(d)(28) and (29), respectively, of the TBR.

8 39. At all times relevant to this CAFO, Ruan was a "Motor Carrier" as that term is defined
9 under Section 2025(d)(42) of the TBR.

10
11 40. In 2015, Respondent was a Fleet Owner of three (3) diesel-fueled Fleet vehicles that a)
12 had an engine model year 2006; b) had a GVWR greater than 26,000 pounds; and c) were not
13 equipped with DPFs by the compliance deadline of January 1, 2014.

14 41. In 2018, Respondent was a Fleet Owner of one (1) diesel-fueled Fleet vehicle that a)
15 had an engine model year 2006; b) had a GVWR greater than 26,000 pounds; and c) was not
16 equipped with a DPF by the compliance deadline of January 1, 2014.

17
18 42. Respondent violated Section 2025(g) of the TBR by failing to equip four (4) diesel-
19 fueled Fleet vehicles identified in the preceding two paragraphs.

20 43. Within the period of January 1, 2015, through April 2, 2019, Respondent operated or
21 directed the operation of 1,375 vehicles subject to the TBR and failed to verify that each hired or
22 dispatched vehicle was in compliance with the TBR.

23
24 44. Within the period of January 1, 2015, through April 2, 2019, Respondent violated Section
25 2025(x)(2) of the TBR by failing to verify that each of 1,375 vehicles subject to the TBR that
26 Ruan hired or dispatched was in compliance with the TBR.

1 45. At all times relevant to this CAFO, Ruan was an “Owner” and/or “Operator” and/or
2 “Owner/Operator” as those terms are defined under Section 2477(d)(52), (51) and (53),
3 respectively, of the TRU Regulation, and Section 2477.4(a)(70), (68) and (71), respectively, of
4 the Amended TRU Regulation.
5

6 46. At all times relevant to this CAFO, the TRU Regulation or Amended TRU Regulation
7 applied to Respondent.

8 47. Respondent owned or operated a TRU or TRU gen set with rated brake horsepower
9 greater than or equal to 25 horsepower (“≥ 25 HP”) that a) had a model year of 2001; b)
10 operated in California within the period of January 1, 2015, to April 2, 2019; and c) failed to
11 meet LETRU by December 31, 2008, and ULETRU by December 31, 2015.
12

13 48. Respondent owned or operated a TRU or TRU gen set with ≥ 25 HP that a) had a model
14 year of 2003; b) operated in California within the period of January 1, 2015, to April 2, 2019;
15 and c) failed to meet LETRU by December 31, 2010, and ULETRU by December 31, 2017.
16

17 49. Respondent owned or operated a TRU or TRU gen set with ≥ 25 HP that a) had a model
18 year of 2004; b) operated in California in 2018; and c) failed to meet ULETRU by December
19 31, 2011.

20 50. Respondent owned or operated a TRU or TRU gen set with ≥ 25 HP that a) had a model
21 year of 2008; b) operated in California in 2015; and c) failed to meet ULETRU by December
22 31, 2015.
23

24 51. Respondent owned or operated three (3) TRUs or TRU gen sets with ≥ 25 HP that a) had
25 a model year of 2008; b) operated in California in 2017; and c) failed to meet ULETRU by
26 December 31, 2015.
27
28

1 52. Respondent violated Section 2477(e)(1)(A) and (B) of the TRU Regulation or Section
2 2477.5(a) and (b) of the Amended TRU Regulation by failing to timely meet LETRU and/or
3 ULETRU in seven (7) TRUs or TRU gen sets identified in the preceding five (5) paragraphs.

4 **IV. RESPONDENT'S ADMISSIONS**

5
6 53. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,
7 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over
8 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section III
9 of this CAFO; (iii) consents to the terms of this CAFO, including the assessment of the civil
10 administrative penalty under Section V of this CAFO; (iv) waives any right to contest the
11 allegations contained in Section III of this CAFO; and (v) waives the right to appeal the proposed
12 Final Order contained in this CAFO.

13
14 **V. CIVIL ADMINISTRATIVE PENALTY**

15
16 54. Respondent agrees to the assessment of a penalty in the amount of ONE HUNDRED
17 TWENTY-FIVE THOUSAND DOLLARS (\$125,000) as final settlement of the civil claims
18 against Respondent arising under the CAA as alleged in Section III of this CAFO.

19 55. Respondent shall pay the assessed penalty no later than thirty (30) days after the effective
20 date of the CAFO. The assessed penalty shall be paid by certified or cashier's check, payable to
21 "Treasurer, United States of America," or paid by one of the other methods listed below and sent
22 as follows:

23
24 Regular Mail:
25 U.S. Environmental Protection Agency
26 Fines and Penalties
27 Cincinnati Finance Center
28 PO Box 979077
St. Louis, MO 63197-9000

1 Wire Transfers:

2 Wire transfers must be sent directly to the Federal Reserve Bank in New York
3 City with the following information:

4 Federal Reserve Bank of New York

5 ABA = 021030004

6 Account = 68010727

7 SWIFT address = FRNYUS33

8 33 Liberty Street

9 New York, NY 10045

10 Field Tag 4200 of the Fedwire message should read "D 68010727
11 Environmental Protection Agency"

12 Overnight Mail:

13 U.S. Bank

14 1005 Convention Plaza

15 Mail Station SL-MO-C2GL

16 ATTN Box 979077

17 St. Louis, MO 63101

18 ACH (also known as REX or remittance express):

19 US Treasury REX/Cashlink ACH Receiver ABA = 051036706

20 Account Number: 310006, Environmental Protection Agency

21 CTX Format Transaction Code 22 - checking

22 Physical location of US Treasury Facility

23 5700 Rivertech Court

24 Riverdale, MD 20737

25 Remittance Express (REX) 1-866-234-5681

26 On Line Payment:

27 This payment option can be accessed from the information below:

28 www.pay.gov

Enter "sfo1.1" in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed,
contact the EPA Cincinnati Finance Center at 513-487-2091

56. Concurrently, a copy of the check or notification that the payment has been made by one
of the other methods listed above, including proof of the date payment was made, shall be sent
with a transmittal letter indicating Respondent's name, the case title, and the docket number to
the following addressees:

Regional Hearing Clerk:

In the Matter of: Ruan Transportation Management Systems, Inc. 11
Consent Agreement and Final Order

1 R9HearingClerk@epa.gov

2 Janice Chan:
3 Chan.Janice@epa.gov

4 57. Payment of the above civil administrative penalty shall not be used by Respondent or any
5 other person as a tax deduction from Respondent's federal, state, or local taxes.

6 58. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph
7 54 by the deadline specified in Paragraph 55, then Respondent shall pay to EPA a stipulated
8 penalty of \$2,000 per day in addition to the assessed penalty. Stipulated penalties shall accrue
9 until such time as the assessed penalty and all accrued stipulated penalties are paid and shall
10 become due and payable upon written request by EPA. In addition, failure to pay the civil
11 administrative penalty by the deadline specified in Paragraph 55 may lead to any or all of the
12 following actions:
13

14 a. The debt being referred to a credit reporting agency, a collection agency, or to the
15 Department of Justice for filing of a collection action in the appropriate United States District
16 Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity,
17 amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to
18 review.
19

20 b. The debt being collected by administrative offset (i.e., the withholding of money payable
21 by the United States to, or held by the United States for, a person to satisfy the debt the
22 person owes the Government), which includes, but is not limited to, referral to the Internal
23 Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.
24

25 c. EPA may (i) suspend or revoke each Respondent's licenses or other privileges; or (ii)
26 suspend or disqualify each Respondent from doing business with EPA or engaging in
27

1 programs EPA sponsors or funds. 40 C.F.R. § 13.17.

2 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest,
3 penalties charges, and administrative costs will be assessed against the outstanding amount
4 that Respondents owe to EPA for Respondents' failure to pay the civil administrative penalty
5 by the deadline specified in Paragraph 55. Interest will be assessed at an annual rate that is
6 equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax
7 and loan account rate) as prescribed and published by the Secretary of the Treasury in the
8 Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R.
9 § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40
10 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondents' overdue
11 debt will be based on either actual or average cost incurred, and will include both direct and
12 indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another
13 department or agency (e.g., the Department of Justice, the Internal Revenue Service), that
14 department or agency may assess its own administrative costs, in addition to EPA's
15 administrative costs, for handling and collecting Respondents' overdue debt.
16
17
18

19 **VI. RESPONDENT'S CERTIFICATION**

20 59. In executing this CAFO, Respondent certifies that it is now fully in compliance with the
21 TBR and Amended TRU Regulation.
22

23 **VII. RETENTION OF RIGHTS**

24 60. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability
25 for federal civil penalties for the violations and facts specifically alleged in Section III of this
26 CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability
27 for violations of any provision of any federal, state, or local law, statute, regulation, rule,
28

1 ordinance, or permit not specifically alleged in Section III of this CAFO; or (ii) any criminal
2 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it
3 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address
4 any violation of this CAFO or any violation not specifically alleged in Section III of this CAFO.
5 This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply
6 with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.
7

8 **VIII. ATTORNEYS' FEES AND COSTS**

9 61. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
10 proceeding.
11

12 **IX. EFFECTIVE DATE**

13 62. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective
14 on the date that the final order contained in this CAFO, having been approved and issued by
15 either the Regional Judicial Officer or Regional Administrator, is filed.
16

17 **X. BINDING EFFECT**

18 63. The undersigned representative of Complainant and the undersigned representative of
19 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions
20 of this CAFO and to bind the party he or she represents to this CAFO.
21

22 64. The provisions of this CAFO shall apply to and be binding upon Respondent and its
23 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,
24 and assigns.

25 xx

26 xx

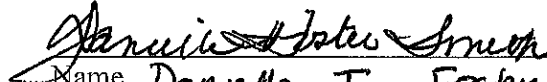
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FOR RESPONDENT, Ruan Transportation Management Systems, Inc.:

Sept. 11, 2020

DATE


Name Danette I. Foster Smith
Title VP & General Counsel

FOR COMPLAINANT:

AMY MILLER-
BOWEN

Digitally signed by AMY
MILLER-BOWEN
Date: 2020.09.15 10:14:31
-07'00'

DATE

Amy C. Miller-Bowen, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

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FINAL ORDER

Complainant and Respondent, having entered into the foregoing Consent Agreement,
IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2020-0070) be entered,
and that Respondent shall pay a civil administrative penalty in the amount of ONE HUNDRED
TWENTY-FIVE THOUSAND DOLLARS (\$125,000) and comply with the terms and
conditions set forth in the Consent Agreement. This Consent Agreement and Final Order shall
become effective upon filing.

**Steven L.
Jawgiel**


Digitally signed by Steven L. Jawgiel
Date: 2020.09.21 10:06:11 -07'00'

DATE

STEVEN JAWGIEL
Regional Judicial Officer
U.S. Environmental Protection Agency,
Region 9

CERTIFICATE OF SERVICE

This is to certify that the original of the fully executed Consent Agreement and Final Order in the matter of Ruan Transportation Management Systems Inc. (CAA-09-2020-0070) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following:

FOR RESPONDENT: Danielle I. Foster-Smith, Esq.
 Vice President and General Counsel
 Ruan Transportation Management Systems
 Email: dasmith@ruan.com

FOR COMPLAINANT: Brian P. Riedel, Esq.
 Assistant Regional Counsel
 EPA - Region 09
 Email: Riedel.Brian@epa.gov

Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX

Date