

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In The Matter Of: ) Docket No. CWA-05-2019-0001  
)  
BASF Corporation ) Proceeding to Assess a Class I Civil Penalty  
Elyria, Ohio ) Under Section 311(b)(6) of the Clean Water  
Respondent. ) Act, 33 U.S.C. § 1321(b)(6)  
)  
\_\_\_\_\_ )

Consent Agreement and Final Order

Preliminary Statement



1. This is an administrative action commenced and concluded under Section 311(b)(6)(A)(ii) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6)(A)(ii), and Sections 22.1(a)(6), 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. Complainant is the Director of the Superfund Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is BASF Corporation, a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). See 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 terms of this CAFO, including the assessment of the civil penalty specified below.

### **Jurisdiction and Waiver of Right to Judicial Review and Hearing**

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

8. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 311(b)(6)(B)(i), 33 U.S.C. § 1321(b)(6)(B)(i); its right to seek federal judicial review under Section 311(b)(6)(G) of the CWA, 33 U.S.C. § 1321(b)(6)(G), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO.

### **Statutory and Regulatory Background**

#### **Prohibition of oil or hazardous substance discharges**

9. Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil or hazardous substances into or upon, among other things, the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.

#### **Spill prevention, control and countermeasure plan requirements**

10. Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), provides that the President shall issue regulations establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore and offshore facilities, and to contain such discharges. The authority to promulgate these regulations for non-transportation-related onshore facilities has been delegated to EPA by Executive Order 12777 (Oct. 18, 1991).

11. The oil pollution prevention regulations at 40 C.F.R. Part 112 implement the requirements of Section 311(j)(1)(C) of the CWA, and set forth procedures, methods, equipment, and other requirements to prevent the discharge of oil and hazardous substances from non-transportation-related onshore facilities into or upon, among other things, the navigable waters of the United States and adjoining shorelines. *See* 40 C.F.R. § 112.1(a)(1).

12. The oil pollution prevention regulations at 40 C.F.R. Part 112 apply to, among other things, owners and operators of non-transportation-related onshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to their location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 C.F.R. § 110.3, into or upon the navigable waters of the United States or adjoining shorelines, and have an aboveground oil storage capacity of more than 1,320 U.S. gallons or a completely buried oil storage capacity greater than 42,000 U.S. gallons. *See* 40 C.F.R. §§ 112.1(b) and (d)(2).

13. 40 C.F.R. § 112.3 requires the owner or operator of a subject facility to prepare in writing and implement a Spill Prevention Control and Countermeasure Plan (“SPCC Plan”) in accordance with the requirements of 40 C.F.R. Part 112.

14. 40 C.F.R. § 112.7 requires the owner or operator of a subject facility to prepare the SPCC Plan in writing. If the SPCC Plan does not follow the sequence specified at 40 C.F.R. § 112.7, then the facility must prepare an equivalent SPCC Plan which the owner or operator must supplement with a section cross-referencing the location of requirements listed in 40 C.F.R. Part 112 and the equivalent requirements in the other SPCC Plan.

15. 40 C.F.R. § 112.7(a)(2) requires that where an SPCC Plan does not conform to the applicable requirements of 40 C.F.R. §§ 112.7(g), 112.7(h)(2), 112.7(h)(3) and 112.8-112.15,

except certain secondary containment requirements, the owner or operator of a subject facility must state the reasons for nonconformance in that SPCC Plan and describe in detail alternate methods and how it will achieve equivalent environmental protection.

16. 40 C.F.R. § 112.7(a)(3)(ii) requires the owner or operator of a subject facility to address discharge prevention measures in its SPCC Plan, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.).

17. 40 C. F. R. § 112.7(a)(4) requires that an owner or operator of a subject facility that has not submitted a response plan under 40 C.F.R. § 112.20, provide information and procedures in its SPCC Plan to enable a person reporting a discharge as described in 40 C.F.R. § 112.1(b) to relate certain information set forth at 40 C.F.R. § 112.7(a)(4).

18. 40 C.F.R. § 112.7(a)(5) requires that an owner or operator of a subject facility, unless it has submitted a response plan under § 112.20, organize portions of the SPCC Plan describing procedures it will use when a discharge occurs in a way that will make those procedures readily usable in an emergency, and include appropriate supporting material as appendices.

19. 40 C.F.R. § 112.7(b) requires that where experience indicates a reasonable potential for equipment failure (such as loading, unloading equipment, tank overflow, rupture or leakage, or any other equipment known to be a source of discharge), a facility include in its Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

20. 40 C.F.R. § 112.7(e) requires the owner or operator of a subject facility to conduct inspections and tests required by 40 C.F.R. Part 112 in accordance with written procedures developed for the facility and to keep the written procedures and inspection records and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years.

21. 40 C.F.R. § 112.7(g) requires that an owner or operator of a subject facility describe in its SPCC Plan how it secures master flow and drain valves and prevents unauthorized access to starter controls on oil pumps.

22. 40 C.F.R. § 112.8(c)(3)(iv) requires the owner or operator of a subject facility to keep adequate records of drainage events.

23. 40 C.F.R. § 112.8(c)(6) requires the owner or operator of a subject facility to determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests or inspections, and the frequency and type of testing and inspections, which take into account container size, configuration, and design.

24. 40 C.F.R. § 112.8(c)(8) requires the owner or operator of a subject facility to engineer or update each container installation in accordance with good engineering practice to avoid discharges. The owner or operator must specifically provide for each container one of the devices listed at 40 C.F.R. § 112.8(c)(8).

#### **General provisions and enforcement of the CWA**

25. Pursuant to Section 311(b)(4) of the CWA, 33 U.S.C. § 1321(b)(4), and Executive Order 11735 (Aug. 3, 1973), EPA determined by regulation the quantities of oil and any hazardous substances the discharge of which may be harmful to the public health or welfare or environment of the United States, which are codified at 40 C.F.R. Part 110. Under 40 C.F.R. § 110.3, discharges of oil which may be harmful include discharges of oil that: (a) violate applicable water quality standards; or (b) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

26. Appendix A to 40 C.F.R. Part 112, Memorandum of Understanding between the Secretary of Transportation and EPA, defines “non-transportation-related” facility to include: oil production facilities including all equipment and appurtenances related thereto; oil refining facilities including all equipment and appurtenances related thereto; oil storage facilities including all equipment and appurtenances related thereto, as well as fixed bulk plant storage and terminal oil storage facilities; industrial, commercial, agricultural or public facilities which use and store oil; and waste treatment facilities, including in-plant pipelines, effluent discharge lines, and storage tanks.

27. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as the waters of the United States, including the territorial seas. The regulations at 40 C.F.R. § 112.2 (1993) further define “navigable waters” to include: all navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the CWA and tributaries of such waters; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

28. Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2, define “onshore facility” as any facility of any kind located in, on, or under any land within the United States, other than submerged land.

29. Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), and 40 C.F.R. § 112.2, define “oil” as oil of any kind and in any form, including but not limited to: petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

30. Section 311(a)(6)(B) of the CWA, 33 U.S.C. § 1321(a)(6)(B), and 40 C.F.R. § 112.2, define “owner or operator” in the case of an onshore facility as any person owning or operating such onshore facility.

31. Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2, define “person” as including an individual, firm, corporation, association, and a partnership.

32. Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), and 40 C.F.R. § 112.2 define “discharge” to include, but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

33. EPA may assess a class I civil penalty against any owner, operator, or person in charge of any onshore facility who fails or refuses to comply with any regulations issued under Section 311(j) of the CWA, 33 U.S.C. 1321(j), pursuant to Section 311(b)(6)(A)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(A) (ii).

34. EPA may assess a class I civil penalty of up to \$16,000 per violation for each day of violation up to a maximum of \$32,500 for violations that occurred after January 12, 2009 through December 6, 2013, and up to a maximum of \$37,500 for violations that occurred after December 6, 2013, under Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i), and 40 C.F.R. Part 19.

### **Factual Allegations and Alleged Violations**

35. Respondent owns and operates a manufacturing facility at 120 Pine Street, Elyria, Ohio (“facility”).

36. Respondent is a corporation, and is therefore a “person” as defined in Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7) and 40 C.F.R. § 112.2.

37. Respondent is an “owner” and “operator” of the facility within the meaning of Section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2.

38. At the facility, Respondent stores greater than 1,320 gallons of oil in above ground tanks, oil-filled operational equipment, drums and totes.

39. Respondent engages in drilling, producing, gathering, storing, processing, refining, transferring, using, distributing or consuming oil or oil products at the facility.

40. The facility is on land within the United States is therefore an “onshore facility” as defined in Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

41. Respondent stores oil at the facility and the facility is therefore an onshore “non-transportation-related” facility within the meaning of 40 C.F.R. Part 112, Appendix A.

42. The facility has a total oil storage capacity of 12,300 gallons.

43. The facility is located adjacent to and approximately 30 feet above the East Branch Black River.

44. The East Branch Black River directly borders the facility to the north, east and west.

45. From the facility, the East Branch Black River flows less than one mile into the Black River.

46. The Black River flows north/northwest from Elyria and discharges to Lake Erie.

47. The Black River is a navigable in fact water.

48. Lake Erie is a navigable in fact water.

49. The oil that Respondent stores, handles, refines and processes at the facility could reasonably be expected to discharge to the Black River.

50. Lake Erie is “navigable waters” under Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 112.2 (1993).



51. The Black River is “navigable waters” under Section 502(7) of the CWA, 33 U.S.C. 1362(7), and 40 C.F.R. § 112.2 (1993).

52. The East Branch Black River is “navigable waters” under Section 502(7) of the CWA, 33 U.S.C. 1362(7), and 40 C.F.R. § 112.2 (1993).

53. Respondent is subject to the spill prevention, control and countermeasure plan regulations and is therefore required to prepare and implement a SPCC Plan in accordance with the requirements of 40 C.F.R. Part 112.

54. Respondent has submitted to EPA an SPCC Plan for the facility bearing a date of April 2004 and that Respondent claims to have implemented beginning in 2008 (“2008 SPCC Plan”).

55. On or about August 6-8 and 13-15, 2013, authorized representatives of EPA conducted an inspection of the facility (“August 2013 Inspection”) to determine Respondent’s compliance with the oil pollution prevention regulations at 40 C.F.R. Part 112.

56. On or about August 6-8, 2013, during the August 2013 Inspection, Respondent submitted to EPA an SPCC Plan for the facility allegedly certified by a Professional Engineer (PE) on July 13, 2013 (“July 2013 SPCC Plan”).

57. Respondent claims to have implemented the July 2013 SPCC Plan beginning on August 8, 2013.

58. On or about August 13, 2013, during the August 2013 Inspection, Respondent submitted to EPA an SPCC Plan allegedly certified by a PE on August 12, 2013 (“August 2013 SPCC Plan”).

59. Respondent claims to have implemented the August 2013 SPCC Plan beginning on August 12, 2013.

60. On or about February 24, 2015, EPA issued to Respondent an information request pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

61. Respondent has submitted to EPA an SPCC Plan for the facility allegedly certified by a PE on May 1, 2015 (“May 2015 SPCC Plan”).

62. Respondent claims to have implemented the May 2015 SPCC Plan beginning on or about May 1, 2015.

63. Respondent’s failure to supplement the facility SPCC Plan with a section correctly cross-referencing the location of requirements listed in 40 C.F.R. Part 112 and the equivalent requirements in that SPCC Plan, from at least on or about June 4, 2013 to on or about April 30, 2015, violated 40 C.F.R. § 112.7.

64. Respondent’s failure to address in the facility SPCC Plan discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.), from at least on or about June 4, 2013 to on or about August 11, 2013, violated 40 C.F.R. § 112.7(a)(3)(ii).

65. Respondent’s failure to include in the facility SPCC Plan information and procedures to enable a person reporting a discharge as described in 40 C.F.R. § 112(b) to relate all of the information required at 40 C.F.R. § 112.7(a)(4), from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.7(a)(4).

66. Respondent’s failure to organize portions of the facility SPCC Plan describing complete and correct procedures Respondent would use when a discharge occurs, in a way that made them readily usable in an emergency, from at least on or about June 4, 2013 to on or about April 30, 2015, violated 40 C.F.R. § 112.7(a)(5).

67. Respondent's failure to include in the facility SPCC Plan a prediction of the direction of oil which could be discharged from the facility as a result of major equipment failure at both the Diesel Fuel Tank and at Diesel Fuel Tank 2, from at least on or about June 4, 2013 to on or about August 12, 2013, violated 40 C.F.R. § 112.7(b).

68. Respondent's failure to keep written procedures for inspections and tests required by 40 C.F.R. Part 112 with the facility SPCC Plan, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.7(e).

69. Respondent's failure to describe in the facility SPCC Plan how Respondent secures all master flow and drain valves and prevents unauthorized access to starter controls on all oil pumps, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.7(g).

70. Respondent's failure to provide in the facility SPCC Plan a written commitment of manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.7(k)(2)(ii)(B).

71. Respondent's failure to keep adequate records of drainage of rainwater from a facility diked area to an open watercourse, bypassing the facility treatment system, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.8(c)(3)(iv).

72. Respondent's failure to determine, in accordance with industry standards, the frequency and type of integrity testing and inspections for each aboveground container at the facility, which take into account container size, configuration, and design, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.8(c)(6).

73. Respondent's failure to determine, in accordance with industry standards, the appropriate qualifications for personnel performing integrity tests and inspections on aboveground containers at the facility, from at least on or about June 4, 2013, to on or about April 30, 2015, violated 40 C.F.R. § 112.8(c)(6).

74. Respondent's failure to engineer or update each container installation in accordance with good engineering practice to avoid discharges, from at least on or about June 4, 2013 to at least on or about May 4, 2015, violated 40 C.F.R. § 112.8(c)(8).

75. Respondent's failure to state the reasons for the Used Oil Tank's nonconformance with 40 C.F.R. § 112.8(c)(8), or describe in detail alternate methods and how Respondent would achieve equivalent environmental protection, from at least on or about June 4, 2013, to at least on or about May 4, 2015, violated 40 C.F.R. § 112.7(a)(2).

#### **Civil Penalty**

76. Based on analysis of the factors specified in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), the facts of this case, and the *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act*, dated August 1998, Complainant has determined that an appropriate civil penalty to settle this action is \$22,500.

77. Within 30 days of the effective date of this CAFO, Respondent must pay a \$22,500 civil penalty by one of the following methods:

1) For checks sent by regular U.S. Postal Service mail: send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must note Respondent's name, the code "OSLTF – 311," and the docket number of this CAFO.

2) For checks sent by express mail (non-U.S. Postal Service which won't deliver mail to P.O.

Boxes): send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must note Respondent's name, "OSLTF – 311," and the docket number of this CAFO.

78. Respondent must send a notice of payment to EPA that states Respondent's name and the docket number of this CAFO at the following addresses when it pays the penalty:

Ellen Riley (SC-5J)  
Enforcement Officer  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Kris Vezner (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

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

80. If Respondent does not pay timely the civil penalty, Complainant may request the United States Department of Justice to 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 under Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

81. Respondent must pay the following on any amount overdue under this CAFO: the interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings; a nonpayment penalty each quarter during which the assessed penalty is overdue, which shall be 20 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. *See* 33 U.S.C. § 1321(b)(6)(H).

#### **General Provisions**

82. The parties consent to service of this CAFO by email at the following email addresses: vezner.kris@epa.gov (Complainant) and lmcafee@bdlaw.com (for Respondent).

83. Full payment of the penalty as described in paragraph 77, above, and full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this CAFO.

84. Full payment of a penalty described in paragraph 77, above, and full compliance with this CAFO shall not in any case affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

85. This CAFO does not affect Respondent's responsibility to comply with the CWA and other applicable federal, state, or local laws and permits.

86. Respondent certifies that it is complying with all statutory and regulatory provisions set forth as potential violations of the Clean Water Act, 33 U.S.C. § 1251, et seq., in a May 8, 2018 pre-filing notice letter that the United States issued to Respondent.

87. This CAFO constitutes a “prior violation” as that term is used in EPA’s *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* to determine Respondent’s “history of prior violations” under Section 311(b)(8) of the CWA 33 U.S.C. § 1321(b)(8).

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

89. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

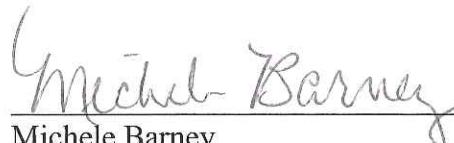
90. Each party agrees to bear its own costs and attorney fees in this action.

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

92. The effective date for this CAFO is thirty days after it is filed with the Regional Hearing Clerk.

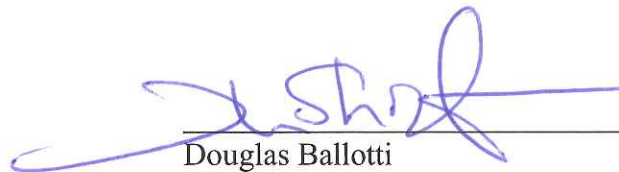
**BASF Corporation, Respondent**

12-19-18  
Date

  
Michele Barney  
Site Director  
BASF Corporation

**United States Environmental Protection Agency, Complainant**

1/29/2019  
Date


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



**Consent Agreement and Final Order  
In the Matter of: BASF Corporation  
Docket No.**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days after 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.

By:   
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

Date: 1/29/19

**Consent Agreement and Final Order**  
**In the matter of: BASF Corporation**  
**Docket Number: CWA-05-2019-0001**

**Certificate of Service**


I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CWA-05-2019-0001, which was filed on 2/1/19, in the following manner to the following addressees:

Copy by e-mail to Respondent: BASF Corporation  
lmcafee@bdlaw.com

Copy by e-mail to Attorney for Complainant: Kris P. Vezner  
vezner.kris@epa.gov

Copy by e-mail to Attorney for Respondent: Laura McAfee  
lmcafee@bdlaw.com

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

Dated: 2/1/19   
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5