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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

REGIONAL OFFICE  
EPA REGION VI

IN THE MATTER OF:

Chevron U.S.A. Inc.

RESPONDENT

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Consent Agreement and Final Order  
USEPA Docket No. RCRA-06-2019-0934

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**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

I. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Chevron U.S.A. Inc. ("Respondent" or "Chevron") and specifically concerns five on-shore facilities and five off-shore facilities and generally provides liability protection for an additional 10 off-shore facilities. The Facilities that are covered by this CAFO (the Facilities) include the following:

**On-shore facilities**

- A. Chevron USA Leeville ("Leeville")
- B. Chevron USA Venice ("Venice")
- C. Chevron Preservation and Maintenance Facility ("PMF")
- D. Chevron USA C-Port ("C-Port")
- E. Chevron USA Intercoastal City ("Intercoastal")

Off-shore facilities

- F. Mississippi Canyon Block 650 A Blind Faith ("Blind Faith")
- G. Walker Ridge Block 718 JSM ("JSM")
- H. Viosca Knoll Block 786 A ("Petronius")
- I. Green Canyon Block 641 A ("Tahiti")
- J. South Marsh Island Block 217 ("Tiger Shoal")

Other off-shore facilities:

- K. Eugene Island Block 238 E ("F4X982310531")
- L. Green Canyon Block 205 A ("Genesis" or "F4X982310493")
- M. High Island Block 563 B ("F4X982310597")
- N. Main Pass Block 299 A ("F4X982309957")
- O. Main Pass Block 41 A ("F4X982310536")
- P. Main Pass Block 42 D ("F4X982310497")
- Q. South Timbalier Block 23 CC ("F4X982310570")
- R. Vermillion Block 245 F ("F4X982309858")
- S. Viosca Knoll Block 900 ("F4X982309783")
- T. Walker Ridge Block 29 ("Big Foot" or "F4X982310477")

2. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)<sup>1</sup>.

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<sup>1</sup> On January 24, 1985, the state of Louisiana received final authorization for its base Hazardous Waste Management Program (50 FR 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this ACOC are to the effective statutes and regulations at the time of violations: "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated September 2012, incorporated by reference under 40 C.F.R. § 272.951(c)(1)(i) effective on November 25, 2013. 78 Fed. Reg. 58890 (September 25, 2013); 40 C.F.R. 272.951: Louisiana State-Administered Program: Final Authorization. References and citations to the "EPA-

3. For this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claims in the CAFO.
5. The CAFO resolves only those violations which are alleged herein.
6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

## II. JURISDICTION

7. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

### III. STATUTORY AND REGULATORY BACKGROUND

9. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976 to amend the Solid Waste Disposal Act of 1965, which itself had been amended. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*
10. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA’s RCRA hazardous waste program.
11. Pursuant to its authority under RCRA, EPA has promulgated regulations at 40 C.F.R. Parts 260 through 272 applicable to generators, transporters, and treatment, storage, and disposal facilities. These regulations generally prohibit treatment, storage, and disposal of hazardous waste without a permit or equivalent “interim status.” They prohibit land disposal of certain hazardous wastes, and provide detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.
12. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded under 40 C.F.R. § 261.4(a), or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munition. Materials are solid waste, as defined in 40 C.F.R. § 261.2, if they are abandoned

by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

13. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C. Characteristic hazardous wastes are assigned "D" codes in 40 C.F.R. Part 261, Subpart C, depending on the specific hazardous characteristic that the waste exhibits.
14. A solid waste may also be a hazardous waste if it is listed in 40 C.F.R. Part 261, Subpart D.
15. A characteristic waste may exhibit one of the following traits: ignitable, corrosive, reactive, or toxic.
16. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to 40 C.F.R. § 261.21.
17. A corrosive hazardous waste has a pH of less than or equal to 2.0 or greater than or equal to 12.5 and is assigned the D002 hazardous waste code pursuant to 40 C.F.R. § 261.22, and a reactive hazardous waste is assigned the D003 hazardous waste code pursuant to 40 C.F.R. § 261.23 where it is also defined.
18. A toxic hazardous waste exhibits a characteristic of toxicity, if using the Toxicity characteristic leaching procedure, test method 1311 in "Test method for evaluating solid waste, Physical/Chemical Methods," EPA publication SW-846 as incorporated by reference in 40 C.F.R. § 260.11, the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 in 40 C.F.R. § 261.24 at concentration equal to or greater than listed in that Table, and a toxic waste is assigned D004 through D043.

19. Listed wastes are assigned with "F," "K," "P," and "U" codes in 40 C.F.R. Part 261, Subpart D, depending on the specific waste generated from a non-specific source, a specific source, or discarded commercial chemical products, off-specification species, container residues and spill residues therefrom.
20. 40 C.F.R. Parts 264 and/or 265 applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.
21. The relevant RCRA statutory and regulatory requirements to this CAFO require that generators of solid waste and hazardous waste must, among other things:
  - A. Determine whether their generated solid wastes are hazardous, pursuant to 40 C.F.R. § 262.11;
  - B. Comply with the statutory notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930;
  - C. Comply with the manifest requirements, pursuant to 40 C.F.R. § 262.20;
  - D. Determine its generator status; and meet the exemption conditions set forth at 40 C.F.R. § 262.34 or comply with the specific requirements set forth at 40 C.F.R. § 270.10.

#### **IV. FACTUAL ALLEGATIONS**

22. Chevron is a Pennsylvania corporation that was incorporated on July 16, 1977.
23. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.
24. Respondent owned and operated the Facilities identified in paragraph 1 above for all years relevant to this CAFO.
25. The primary operation at the on-shore Facilities is supporting the development and production of petroleum and natural gas operations at off-shore facilities, including receiving the hazardous and non-hazardous waste and products resulting from exploration and production activities at the off-shore Facilities and sending them for disposal as appropriate.

26. The primary operation at the off-shore Facilities is the exploration, development, and production of petroleum and natural gas.
27. EPA conducted a RCRA record review of Chevron's activities as a generator of hazardous waste, including a request for additional information from Chevron, and the subsequent review of that information (the "Investigation").
28. EPA concluded that Chevron generates "solid waste" within the meaning of 40 C.F.R. § 261.2, at the facilities identified above.
29. EPA concluded that Chevron generates "hazardous waste" within the meaning of 40 C.F.R. Part 261, Subparts C and D.
30. The exclusions set forth at 40 C.F.R. § 261.4(b)(5) for drilling fluids, produced waters and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy is not applicable to the hazardous waste streams generated at each of the facilities identified above and relevant to the subject matter of this CAFO.
31. At the Facilities identified above, Chevron is a "generator" of "hazardous waste" as that term is defined in 40 C.F.R. § 260.10.
32. As a generator of hazardous wastes, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 40 C.F.R Part 262.

#### **CHEVRON USA LEEVILLE**

33. Chevron owned and was in operation at Leeville for all years relevant to this CAFO.
34. The Leeville facility is located at 25700 Highway 1, Golden Meadow, Louisiana.
35. On March 1, 1990, Leeville obtained EPA ID number LAD000777870.
36. From the investigation of Respondent's operation at its Leeville location, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous

waste streams: D001; D002; D003; D005; D007; D008; D018; D019; D022; D026; D027;  
D030; D032; D033; D034; D035; F002; F003; F005; U135; U154; P076 and P078.

37. From the review of the manifests, EPA determined that at a minimum, during 2014, Leeville generated characteristic hazardous waste U135 (Hydrogen Sulfide), P076 (Nitric Oxide), and P078 (Nitrogen Dioxide). Leeville generated hazardous waste that was not listed in their hazardous waste notification submitted to state and/or EPA in 2014. Leeville did not file subsequent notification for their characteristic waste acute hazardous waste P076 and P078 prior to disposal or within 90 days of generation, with the state or EPA.

#### **CHEVRON USA VENICE**

38. Chevron owned and was in operation at Venice for all years relevant to this CAFO.
39. The Venice facility is located at 184 Chevron Road, Venice, Louisiana.
40. On March 1, 1990, Venice obtained EPA ID number LAD000792283.
41. From the investigation of Respondent's operation at Venice, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous waste streams: D001; D002; D003; D005; D006; D007; D008; D009; D018; D035; F002; U135, U154, P076 and P078.

#### **CHEVRON PRESERVATION AND MAINTENANCE FACILITY ("PMF")**

42. Chevron owned and was in operation at PMF for all years relevant to this CAFO.
43. PMF is located at 2219 W. Park Avenue, Gray, Louisiana.
44. On September 10, 2012, PMF obtained EPA ID number LAD000077222
45. From the investigation of Respondent's operation at its PMF facility, EPA discovered that during 2016, Respondent generated the following hazardous waste streams: D001; D005; D007; D008; D018; D035, D039, F002 and U210.



46. From the review of the manifests, EPA determined that at a minimum, during 2016, PMF generated characteristic hazardous waste code D039 (Tetrachloroethylene) and U210 (Tetrachloroethylene). PMF generated hazardous waste streams that were not listed in their hazardous waste notification submitted to state and/or EPA in 2016. PMF did not file a subsequent notification for their hazardous waste D039 (Tetrachloroethylene) and U210 (Ethene, Tetrachloroethylene) prior to disposal or within 90 days of generation, with the state or EPA.

#### **CHEVRON INTRACOASTAL CITY**

47. Chevron owned and was in operation at Intracoastal for all years relevant to this CAFO.

48. Intracoastal is located at 25293 Louisiana Highway 333, Abbeville, Louisiana.

49. On March 1, 1990, Intercoastal obtained EPA ID number LAD980698369.

50. From the investigation of Respondent's operation at its Intracoastal facility location, EPA discovered that during the period of 2014 through 2016, Respondent generated the following hazardous waste streams: D001; D002; D005; D006; D007; D008; D009; D018, D021, D022, D026, D027 and D035.

51. From the review of the manifests, EPA determined that at a minimum, during 2014, Intracoastal generated characteristic hazardous waste code D021 (Chlorobenzene) and D022 (Chloroform). Intracoastal generated hazardous waste streams that were not listed in their hazardous waste notification submitted to the state and/or EPA in 2014. Intracoastal did not file a subsequent notification for their hazardous waste streams D021 (Chlorobenzene) and D022 (Chloroform) prior to disposal or within 90 days of generation with the state or EPA.

#### **CHEVRON USA C-PORT**

52. Chevron owned and was in operation at C-Port for all years relevant to this CAFO.

53. C-Port is located at 635 AT Gisclair, Golden Meadow, Louisiana.
54. On February 9, 2015, C-Port obtained EPA ID number LAR000085290.
55. From the investigation of Respondent's operation at its C-Port facility, EPA discovered that during the period of 2014 through 2016, Respondent generated the following hazardous waste streams D002 (Corrosive); D005 (Barium) and D008 (Lead).

**MISSISSIPPI CANYON 650 A BLINDFAITH "BLINDFAITH"**

56. Chevron owned and was in operation at Blindfaith for all years relevant to this CAFO.
57. The offshore Facility is located approximately 100 miles offshore at latitude N 28° 20' 30" and longitude 88° 15' 56".
58. On or about October 17, 2011, Region 6 issued EPA ID F4X982310449.
59. From the investigation of Respondent's operation at its Blindfaith location, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous waste streams: D001; D002; D003; D005; D007; D008; D012; D017; D018; D035; and U154.
60. From the review of the bills of lading ("BOLs") and manifests, EPA determined that at a minimum, during 2014 and 2016, Blindfaith generated hazardous waste in amounts disqualifying the facility for the conditionally exempt small quantity generator ("CESQG") exemption and during 2015 generated hazardous waste in amounts disqualifying the facility for the exemptions applied to both CESQG and small quantity generator ("SQG"). Blindfaith operated as an SQG for 2014, 2016 and as a large quantity generator ("LQG") for 2015, triggering SQG requirement for 2014 and 2016, and triggering LQG requirement for 2015.

**WALKER RIDGE BLOCK 718 JSM "JSM"**

61. Chevron owned and was in operation at JSM for all years relevant to this CAFO.

62. The offshore Facility is located approximately 100 miles offshore at latitude N 27° 19' 33" and longitude 90° 42' 51".
63. On or about October 17, 2011, Region 6 issued EPA ID F4X982310469.
64. From the investigation of Respondent's operation at JSM, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous waste streams: D001; D002; D005; D007; D008; D018; D019; D022; D030; D032; D033, D034; D035; D039; F002; F076; F078; U135; U154 and U210
65. From the review of the BOLs and manifests, EPA determined that at a minimum, during 2016 JSM generated hazardous waste in the amount disqualifying the facility for the CESQG exemption and during 2014 and 2015 generated hazardous waste in amounts disqualifying the facility for the exemptions of CESQG and SQG. JSM operated as a SQG for 2016 and as LQG for 2014 and 2015, triggering SQG requirement for 2016, and triggering LQG requirement for 2014 and 2015.

**SOUTH MARSH ISLAND BLOCK 217 TIGER SHOAL**

66. Chevron owned and was in operation at Tiger Shoal for all years relevant to this CAFO.
67. The offshore Facility is located within 200 nautical miles from the shore.
68. Tiger Shoal did not submit any notification of hazardous waste activities to EPA and did not obtain an EPA Identification number as a generator of hazardous waste for 2014. Chevron applied for an EPA ID number in April 2015.
69. From the investigation of Respondent's operation at its Tiger Shoal location, EPA discovered that during 2014, Respondent generated the following hazardous waste streams: D001; D002; D005; D007; D008; D009; D018; D019; D021; D022; D026; D027; D035.

70. From the review of the BOLs and manifests, EPA determined that at a minimum, during 2014, Tiger Shoal generated hazardous waste in the amount disqualifying the facility for the CESQG exemption. Tiger Shoal operated as an LQG for 2014, triggering LQG requirement for 2014.

**GREEN CANYON BLOCK 641 A TAHITI "TAHITI"**

71. Chevron owned and was in operation at Tahiti for all years relevant to this CAFO.

72. The offshore Facility is located approximately 100 miles offshore at latitude N 27° 19' 33" and longitude 90° 42' 51."

73. On or about January 12, 2015, Region 6 issued EPA ID F4X982310480.

74. From the investigation of Respondent's operation at its Tahiti location, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous waste streams: D001; D002; D005; D007; D008; D009; D018; D035 and U154.

75. From the review of the BOLs and manifests, EPA determined that at a minimum, during 2014, 2015 and 2016 generated hazardous waste in amounts disqualifying the facility for the CESQG exemption. Tahiti operated as an SQG for 2014, 2015 and 2016, triggering SQG requirement for 2014, 2015 and 2016.

**VIOSCA KNOLL 786 "PETRONIUS"**

76. Chevron owned and was in operation at Petronius for all years relevant to this CAFO.

77. The offshore Facility is located approximately 100 miles offshore at latitude N 29° 05' 04" and longitude 88° 42' 16".

78. On or about June 27, 2000, Region 6 issued EPA ID F4X982310452.

79. From the investigation of Respondent's operation at its Petronius location, EPA discovered that during the period of 2014 through 2016 Respondent generated the following hazardous

waste streams: D001; D002; D005; D007; D008; D018; D035; P076; P078; U135; U154 and F002.

80. From the review of the BOLs and manifests, EPA determined that at a minimum, during 2014 and 2015 generated hazardous waste in amounts disqualifying the facility for the CESQG exemption and during 2014 and 2016 generated hazardous waste in amounts disqualifying the facility for the CESQG exemption and the SQG exemption. Petronius operated as an SQG for 2014, 2015 and operated as an LQG for 2015, triggering SQG requirement for 2014 and 2015, and triggering LQG requirement for 2016.

## V. COUNTS

### First Count

#### *(Failure to file Subsequent RCRA 3010 Notification)*

81. The allegations in Paragraphs 1-80 are re-alleged and incorporated herein by reference.
82. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with EPA or the authorized state a notification stating the location and general description of such activity and the identified characteristic or listed hazardous waste handled by such person. No identified characteristic or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
84. During the Investigation, EPA determined that for the periods relevant to this CAFO, Chevron did not file with the EPA Administrator a subsequent notification of hazardous waste activities for the facilities. Specifically, Respondent did not describe all its waste activities and the identified characteristic or listed hazardous waste generated and managed at

the facilities identified in Paragraph 1 (Facilities A through I and K through T) of this CAFO as required by section 3010(a) of RCRA, 42 U.S.C § 6930(a).

85. Respondent did not file with EPA an adequate and timely notification of its hazardous waste activities at the facilities during the period from 2014 and 2016 for onshore facilities, including Leeville, Venice, PMF, and Intracoastal, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
86. Respondent did not file with EPA an adequate and timely notification of its hazardous waste activities at the facilities during the period from 2014, 2015 and 2016 for the offshore facilities Blindfaith, JSM, Petronius, and Tahiti in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

Second Count

*(Failure to file adequate initial RCRA 3010 Notification and obtain an EPA ID number)*

87. The allegations in Paragraphs 1-80 are re-alleged and incorporated herein by reference.
88. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with EPA or the authorized state a notification stating the location and general description of such activity and the identified characteristic or listed hazardous waste handled by such person. No identified characteristic or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
89. During the Investigation, EPA determined that for 2014, Tiger Shoal did not obtain an EPA ID number. Chevron applied for an EPA ID number in April 2015.

90. During the investigation, EPA determined that for the years relevant to this CAFO, Chevron did not file with the Administrator an initial notification of hazardous waste activities for this facility. Specifically, Respondent did not obtain an EPA ID number, did not notify of all hazardous waste activities, including location and general description of such activities and identify characteristic or listed hazardous waste generated and managed at the facility identified in paragraph 1.J of this CAFO as required by Section 3010(a) of RCRA, 42 U.S.C § 6930(a).
91. Respondent did not file initial notification nor obtain an EPA ID number for 2014 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a) and 40 C.F.R. 262.12(b).

*Third Count*

*(Failure to fully Comply with the applicable Generator Requirement)*

93. The allegations in Paragraphs 1-80 are realleged and incorporated herein by reference.
94. EPA determined that from 2014 through 2016 hazardous waste remained on-site, at each of the facilities listed in paragraph 1.A through E and K through T of this CAFO, Chevron was registered and operated as an LQG.
95. EPA determined that from 2014 through 2015 hazardous waste remained on-site, at each of the facilities listed in paragraph 1 (Facilities F through J) of this CAFO, Chevron operated as an SQG in some instances and as an LQG in other instances.
96. Specifically, Chevron operated at the following facilities as an LQG: (i) Leeville since 1990: (ii) Venice since 1990: (iii) C-Port since 2015 and (iv) Intracoastal since 1990.
97. Specifically, Chevron operated at the following facilities as an LQG: (i) Blind Faith for 2015: (ii) JSM for 2014 and 2015: (iii) Tiger Shoal for 2014. (iv) Petronius for 2016. Further,

Chevron operated at the following facilities as an SQG: (i) Blind Faith for 2014 and 2016:  
(ii) JSM for 2016 : (iii) Tahiti for 2014, 2015 and 2016: (iv) Petronius for 2014 and 2015.

98. From the investigation and a review of Chevron Responses, EPA determined that for the facilities listed in paragraph 1. A through J and K through T of this CAFO, Chevron's contingency plans, emergency procedures and training for the respective employees were inadequate and did not comply with the requirement of 40 C.F.R. §§ 262.34(a)(4) and (5), respectively, for LQGs and SQGs.
99. From the Investigation and review of Chevron's Response, EPA determined that for the periods that Chevron operated as a LQG and /or SQG at the Facilities identified in paragraphs 36, 41, 46, 51, 55, 60, 65, 70, 75 and 80, in this CAFO, Chevron failed to fully or adequately meet the exemption condition set forth at 40 C.F.R. §§ 262.34(a)(4) and (5), and, therefore, violated 40 C.F.R § 262.34.

**Fourth Count**

*(Failure to comply with the biennial reporting requirements)*

100. The allegations in Paragraphs 1-80 are re-alleged and incorporated herein by reference.
101. Pursuant to 40 C.F.R. § 262.41(a), an LQG who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a Biennial Report to EPA's Regional Administrator, by March 1 of each even-numbered year. EPA did not receive the Biennial Reports for JSM for 2015.
102. Respondent did not submit the requisite numbers of biennial reports for years when it operated as an LQG in violation of 40 C.F.R. § 262.41.

**VI. COMPLIANCE ORDER**



103. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within three hundred and sixty-five (365) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:

- a. Respondent shall certify that it has assessed all of its solid waste streams at the Facilities to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the Facilities in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal restrictions.
- b. Respondent shall certify that it has accurately and adequately complied with the notification requirements contained in Section 3010 of RCRA, 42 U.S.C. § 6930, for the Facilities.
- c. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph "a" above.
- d. If Respondent cannot comply within three hundred and sixty-five (365) calendar days of the effective date of this CAFO, Respondent shall notify EPA and request an extension of time, including a timetable for compliance. EPA will grant an extension of up to three hundred and sixty-five (365) calendar days.

104. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed

to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

105. Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency  
Enforcement and Compliance Assurance Division  
Waste Enforcement Branch  
Compliance Enforcement Section (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
Attn: Tripti Thapa

Also, all required notices shall be sent by email to Tripti Thapa at [thapa.tripti@epa.gov](mailto:thapa.tripti@epa.gov).

## **VII. TERMS OF SETTLEMENT**

### **A. Penalty Provisions**

106. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Factual Allegations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, the Parties have agreed that Respondent be assessed a civil penalty of three hundred and fifty thousand dollars (\$350,000). However, Respondent has elected to undertake a Supplemental Environmental Project ("SEP") to mitigate the assessed penalty. The SEP Respondent has chosen to undertake will provide much needed emergency equipment to the Fourchon Fire Department. (A detailed summary of the equipment is attached to this CAFO.) Respondent will pay 25% of the proposed penalty (\$87,500) as required to the United States Treasury within 45 days of the effective date of this CAFO. Respondent will undertake a SEP valued at \$262,500 to mitigate the remaining 75% of the

penalty (\$262,500). However, the proposed SEP is not valued at a one to one mitigation rate; therefore, a premium must be added to the mitigated amount. The Region has elected to give an 80% mitigation rate to the proposed SEP. Therefore, Respondent must pay \$52,500 in addition to the actual valuation of the SEP (\$262,500) making the total SEP cost \$315,000.

107. Respondent shall pay \$87,500 to the United States Treasury within forty-five (45) calendar days of the effective date of this CAFO.

108. The following are Respondent's options for transmitting the penalties:

Checks sent via U.S. Postal Mail (including certified mail) or U.S. Postal Service Express

Mail should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Checks sent via Overnight Mail (non-U.S. Postal Service) should be remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfers should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (In the Matter of Chevron U.S.A. Inc., Docket No. RCRA-06-2019-0934) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

109. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102

Mark Potts, Chief  
Waste Enforcement Branch (ECD)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2105  
Attention: Tripti Thapa

Respondent's adherence to this request will ensure proper credit is given when monies are received by EPA.

110. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid

penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

### **VIII. Supplemental Environmental Project (SEP)**

As described above, Respondent has elected to undertake a \$315,000 SEP to mitigate the proposed penalty of \$350,000 pursuant to the penalty section above.

#### **III. Description of the SEP:**

- a) Respondent shall complete the following SEP, which the parties agree is intended to secure significant environmental or public health protection and improvements. Not more than one hundred and eighty (180) days from the effective date of this CAFO, Respondent shall purchase, and ensure delivery of, equipment for the Fourchon Fire Department as described in the attachments to this CAFO. The equipment purchased shall further the goals of the Fourchon Fire Department to protect human health and abate releases of hazardous wastes from facilities, such as Respondent's on-shore and off-shore facilities identified in this document. Chevron shall be responsible for purchasing the identified equipment and ensuring that it is delivered to the Port Fourchon Fire Department. However, EPA acknowledges that there are many variables in the timing of delivery of the identified equipment, many of which are beyond the control of Respondent. Therefore, EPA expects Chevron to engage in reasonable measures to ensure timely delivery of the identified goods. EPA understands that some

aspects of delivery may be beyond the control of Respondent and EPA will grant reasonable requests for an extension of time to implement this SEP based on those aspects of equipment delivery that are outside the control of Respondent.

- b) Respondent's actions will result in an increase to the capacity of the Fourchon Fire Department to respond to spills, releases, and other incidents at Respondent's on-shore and off-shore facilities where hazardous wastes and other hazardous substances are potentially stored, handled, or transported.
- c) Respondent shall perform the SEP activities in accordance with the terms and schedule of the SEP project.

112. The total expenditure for the SEP shall be no less than \$315,000 as described above.

Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

113. Respondent shall submit a final SEP Completion Report to EPA within sixty days (60) of the completion of this project. The SEP Completion Report shall contain the following information:

- a) A detailed description of the SEP as implemented;
- b) A description of any operating or logistical problems encountered and the solutions thereto;
- c) Itemized final costs with copies of receipts for all expenditures;
- d) Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
- e) A description of the environmental, emergency preparedness, and/or public health benefits resulting from implementation of this SEP.

Respondent agrees that failure to submit the final SEP Completion Report shall be deemed a violation of this CAFO and Respondent shall become liable for the stipulated penalties.

114. After receipt of the SEP Completion Report, EPA will notify the Respondent, in writing, regarding any deficiencies in the SEP Report itself along with a grant of an additional thirty days for Respondent to correct any deficiencies; whether EPA concludes that the project has been completed satisfactorily; or whether EPA determines that the project has not been completed satisfactorily and seeks stipulated penalties. EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten days of receipt of such notification. EPA and Respondent shall have an additional thirty days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty-day period, then EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA that are necessary to comply with the terms of this CAFO or applicable law, including actions necessary to complete the SEP, to obtain the intended benefits of the SEP or which otherwise result from any failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA.

115. In the SEP Completion Report Respondent shall certify the truth and accuracy of each of the following:

- 1) That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$315,000;
- 2) That, as of the date of executing this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- 3) That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Agreement;
- 4) That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- 5) That Respondent will not receive reimbursement for any portion of the SEP from another person or entity; notwithstanding the foregoing sentence, Respondent may seek and receive reimbursements, offsets, or other recovery pursuant to contract, tort or equitable claims against third persons which assert that professional errors and/or omissions or other breach of duty by such persons caused Respondent to incur the costs imposed under this Agreement or otherwise incurred by Respondent;
- 6) That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and
- 7) Respondent has performed a reasonable inquiry to ensure that this SEP does not inadvertently augment federal appropriations by certifying the following:



- a) Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP, and
- b) Respondent has inquired of the Fourchon Fire Department as to whether it is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by implementer that it is not a party to such a transaction.

116. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation of any such underlying research and data to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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**Responsible Official for Chevron USA Inc.**

117. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP and/or to the extent that the actual

expenditures for the SEP do not equal or exceed the cost of the SEP, then Respondent shall be liable for stipulated penalties according to the provisions set forth below:

a) Except as provided below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$315,000.

b) If the SEP is not completed in accordance with the requirements of this document, but the Complainant determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) Respondent certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, then Respondent shall not be liable for any stipulated penalty.

c) If the SEP is completed in accordance with this document, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$52,500.

d) If the SEP is completed in accordance with this document, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

e) For failure to submit the SEP Completion Report, Respondent shall pay a stipulated penalty in the amount of \$1,000 for each day after the report was originally due, until the report is submitted.

118. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in

accordance with the provisions of the general penalty payment outlined above. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language prominently displayed: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act."

#### **IX. GENERAL TERMS**

119. This Consent Agreement and Order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law; nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP undertaken pursuant to this Agreement.
120. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.
121. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in the Compliance Order. Unless the EPA, Region 6 objects in writing within sixty

(60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

122. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT  
AGREEMENT AND FINAL ORDER:**

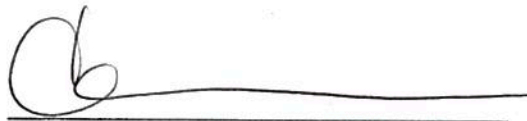
FOR THE RESPONDENT:

Date: 12/12/19

  
Chevron U.S.A. Inc.  
1400 Smith Street  
Houston, Texas 77002

FOR THE COMPLAINANT:

Date: 12-13-19


A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

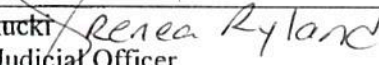
Cheryl T. Seager, Director  
Enforcement and Compliance  
Assurance Division

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case 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 Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 17 DEC 2019

  
Thomas Rucki  
Regional Judicial Officer

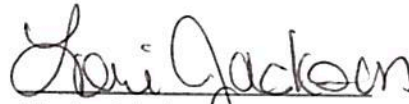
  
Renea Ryland

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of December, 2019, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1202 Elm Street, Ste 500, Dallas, Texas 75270, and that a true and correct copy of the CAFO was sent to the following by the method below:

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED 70010360000366749421

Mr. Robert Malinoski, Esquire  
Chevron U.S.A. Inc.  
1400 Smith Street  
Houston, Texas 77002

  
Ms. Lori Jackson  
Paralegal