



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8 2017 AUG 17 AM 11:55

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: RCRA-08-2017-0001

IN THE MATTER OF:

BIG WEST OIL, LLC &
FLYING J PETROLEUMS, INC.

RESPONDENT

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FINAL ORDER

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

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

SO ORDERED THIS 17th DAY OF August, 2017.

Kathryn E. Hall
Kathryn E. Hall
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2017 AUG 17 AM 11:56

FILED
EPA REGION VIII
HEARING CLERK

_____))
IN THE MATTER OF:))
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Big West Oil, LLC and))
Flying J Petroleums, Inc.,))
))
Respondents.))
_____))

Docket No. **RCRA-08-2017-0001**

**COMBINED COMPLAINT AND
CONSENT AGREEMENT**

Complainant, United States Environmental Protection Agency Region 8 (EPA or Complainant) and respondents Big West Oil, LLC and Flying J Petroleums, Inc. (Respondents), by their undersigned representatives, hereby consent and agree as follows.

I. PRELIMINARY STATEMENT

- 1) This administrative enforcement proceeding is governed by 40 Code of Federal Regulations (C.F.R.) Part 22.
- 2) This Combined Complaint and Consent Agreement (Consent Agreement) is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b), and pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
- 3) EPA has jurisdiction over this matter pursuant to sections 3008(a) and 3008(g) of the Solid Waste Disposal Act, as amended by, *inter alia*, the Resource Conservation and Recovery Act (Act or RCRA), 42 United States Code (U.S.C.) §§ 6928(a) and 6928(g).
- 4) Each of the Respondents is a "person" as defined in section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
- 5) Respondents admit the jurisdictional allegations that are contained or may be contained in paragraphs 1, 2, 3, 4, 21, and 22, and neither admit nor deny EPA's specific factual allegations or legal conclusions contained herein.
- 6) Respondents are entering into this Consent Agreement to settle the alleged claims for various reasons, including to avoid costly litigation.

- 7) Respondents waive their rights to a hearing before any tribunal to contest any issue of law or fact set forth in this Consent Agreement in any proceeding to enforce this Consent Agreement.
- 8) Respondents waive any and all available rights to contest the alleged violations of law set forth in Section II of this Consent Agreement.
- 9) Respondents waive their rights to appeal the Order accompanying this agreement.
- 10) Complainant has concluded that settlement of this matter is in the public interest.
- 11) Complainant and Respondents agree that entry of this Consent Agreement and its incorporation into a final order without further litigation and without adjudication of any issue of fact or law will avoid prolonged and potentially complicated litigation between the parties.
- 12) Upon incorporation into a final order by the EPA Regional Judicial Officer (Final Order), this Consent Agreement applies to and is binding upon Complainant and upon Respondents, and Respondents' officers, directors, agents, successors and assigns. Any change in ownership of, or corporate organization, structure or status of Respondents as such change may relate to Respondents' ownership or operation of each facility (as defined below), shall not alter Respondents' responsibilities under this Consent Agreement, unless EPA, Respondents and the transferee agree in writing to allow the transferee to assume such responsibilities.
- 13) Respondents shall notify EPA at the address specified below thirty (30) days prior to any transfer described in or contemplated under the paragraph immediately above, unless this Consent Agreement has otherwise terminated.
- 14) This Consent Agreement contains all civil penalty and compliance settlement terms agreed to by the parties.
- 15) The State of Utah hazardous waste program has been authorized by EPA to operate in lieu of the federal hazardous waste program in the State of Utah, pursuant to section 3006 of RCRA, 42 U.S.C. § 6926.
- 16) The federal hazardous waste program in the State of Utah is found in, *inter alia*, RCRA, the Utah Solid and Hazardous Waste Act, Utah Code § 19-6-101 *et seq.*, the rules and regulations of the State of Utah implementing the Utah Solid and Hazardous Waste Act (found in rule 315 (R315) of the Utah Administrative Code (Utah Admin. Code)) authorized by EPA, and in regulations promulgated by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (further amending RCRA), Pub. L. 98-616, Nov. 8, 1984, for which the State has not received authorization.
- 17) The State of North Dakota hazardous waste program has been authorized by EPA to operate in lieu of the federal hazardous waste program in the State of North Dakota pursuant to section 3006 of RCRA, 42 U.S.C. § 6926.
- 18) The federal hazardous waste program in the State of North Dakota is found, *inter alia*, in RCRA; the Hazardous Waste Management Act (NDHWMA), Chapter 23-20.3 of the North Dakota Century Code (NDCC); the rules and regulations of the State of North Dakota implementing the NDHWMA (found in Article 33-24 of the North Dakota Administrative Code (NDAC) authorized by EPA; and in

regulations promulgated by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (further amending RCRA), for which the State has not received authorization.

19) The State of Wyoming hazardous waste program has been authorized by EPA to operate in lieu of the federal hazardous waste program in the State of Wyoming, pursuant to section 3006 of RCRA, 42 U.S.C. § 6926.

20) Since 1996, the federal hazardous waste program in the State of Wyoming is found *inter alia*, in RCRA, the Wyoming Environmental Quality Act, §§ 35-11-101 *et seq.* (Wyoming EQA), the rules and regulations of the State of Wyoming implementing the Wyoming EQA (found in Chapters 1 through 13 of the Wyoming Department of Environmental Quality (WDEQ) Hazardous Waste Rules and Regulations (WDEQ/HWRR)) authorized by EPA, and in regulations promulgated by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (further amending RCRA), for which the State has not received authorization.

21) Pursuant to section 3006 of RCRA, 42 U.S.C. § 6926, the requirements of a permit issued by a State under an authorized hazardous waste program shall have the same force and effect as a permit issued by the Administrator of EPA.

22) Pursuant to section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified the States of Utah, North Dakota and Wyoming, that it is issuing this Consent Agreement.

II. EPA'S GENERAL ALLEGATIONS

II.A UTAH

23) Since at least July 23, 2010, and continuing to the date of this Consent Agreement, Big West Oil, LLC (BWO) has owned and operated an active petroleum refinery known as the Big West Refinery, having an address of 333 West Center Street, North Salt Lake, Utah 84054-2805 (EPA ID no. UTD045267127) (UT Facility).

24) Husky Oil Corporation, a former owner and operator of the UT Facility, treated, stored or disposed of hazardous waste as that term is defined at 40 C.F.R § 260.10, in a land treatment unit known as the Land Treatment Area (LTA) from approximately 1962 to 1982. (EPA cites to the federal rule because the relevant period was prior to EPA's authorization of the State program in 1984.) The LTA was a hazardous waste management unit, operating pursuant to the "interim status" requirements of RCRA. *See* section 3005(e) of RCRA, 42 U.S.C. § 6925(e).

25) On or about August 1, 1985, RMT Properties, Inc., a former owner and/or operator of at least a portion of the Facility, submitted a closure/post-closure plan to the State of Utah for the LTA. In June 1986, the State approved the closure/post-closure plan.

26) On or about July 23, 2010, BWO, and FJ Management, Inc. (FJM), formerly known as Flying J Inc., among other debtors, exited bankruptcy proceedings initiated in December 2008, under Chapter 11 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the District of Delaware (Docket 08-13384).

27) Since at least exiting bankruptcy proceedings, and through the date of this Complaint, BWO has been a wholly owned subsidiary of FJM.

- 28) Since at least July 23, 2010, BWO has been responsible for post-closure care of the LTA.
- 29) Utah Admin Code R315-7-15, 40 C.F.R. § 265.145 (Section 265.145) required BWO to establish financial assurance for post-closure care of the LTA. The requirement to obtain financial assurance can be satisfied by using one or more of six specified methods, including by passing the financial test set forth in Section 265.145(e)(1).
- 30) Pursuant to section 3007 of RCRA, 42 U.S.C. § 6927, by letter dated August 1, 2013, EPA requested certain information from BWO relating, among other things, to BWO's compliance with the financial assurance requirements of Utah Admin Code R315-7-15 and Section 265.145 (UT EPA Request for Information).
- 31) By letter dated October 10, 2013, and attachments thereto, BWO responded to the UT EPA Request for Information.
- 32) In September 2013, BWO submitted a risk assessment report for the LTA in support of BWO's position that the LTA met the criteria for an industrial risk-based closure.
- 33) By letter dated September 27, 2013, the State of Utah Department of Environmental Quality approved BWO's LTA Risk Assessment Report, confirmed that closure and post-closure care work was complete, and released BWO from financial assurance obligations for the LTA.
- 34) At no point for the period from July 23, 2010, through September 27, 2013, did BWO establish or provide any form of financial assurance for post-closure care of the LTA as required by Utah Admin Code R315-7-15, and 40 C.F.R. § 265.145(e)(6).

II.B. NORTH DAKOTA

- 35) Since at least May 26, 2010, and continuing to the date of this Complaint, Flying J Petroleums, Inc. (FJP) has owned and operated a facility that was a former petroleum refinery in or near Williston, North Dakota on County Road 1804 (EPA ID no. NDT390010049) (ND Facility).
- 36) Since at least the time FJM exited bankruptcy proceedings, and through the date of this Complaint, FJP has been a wholly owned subsidiary of FJM.
- 37) The ND Facility was constructed in the early 1950s. Refining activities have been shut down since 1984 and commercial product storage activities ceased in 1986.
- 38) On May 26, 2010, the North Dakota Department of Health (NDDOH) issued FJP permit number HW-007 for the ND Facility, titled Hazardous Waste Permit (2010 Permit). The 2010 Permit was modified in 2013. No sections of the 2010 Permit cited herein were affected by the 2013 modification, and the 2010 Permit, as amended, remains in effect as of the date of this Consent Agreement.
- 39) The 2010 Permit requires FJP to "administer post-closure maintenance and monitoring of four hazardous waste disposal units" (Closed Units), and "investigate any releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility . . . and take appropriate corrective action"

- 40) Part III.F.1 of the 2010 Permit states that with regard to financial assurance for post-closure care, FJP “shall demonstrate continuous compliance with section 33-24-05-77 NDAC by providing documentation of financial assurance as required by section 33-24-05-81 NDAC. . . .”
- 41) Pursuant to section 3007 of RCRA, 42 U.S.C. § 6927, by letter dated August 1, 2013, EPA requested certain information from FJP relating, among other things, to FJP’s compliance with Part III.F.1 of the 2010 Permit (ND EPA Request for Information).
- 42) By letter dated October 8, 2013, and attachments thereto, FJP responded to the ND Request for Information.
- 43) At no point from July 23, 2010, through at least October 8, 2013, did FJP demonstrate continuous compliance with the financial assurance requirements of section 33-24-05-77 NDAC, as required by the 2010 Permit.

II.C. WYOMING

- 44) Since on or about May 30, 2011, FJP has owned and operated a facility that was a former petroleum refinery near Cody, Wyoming (EPA ID No. WYD006230189) (WY Facility). The portion of the Facility principally relating to this Consent Agreement is located approximately one mile northeast of Cody, Wyoming, immediately south of Park County Road 2 AB.
- 45) The WY Facility was constructed in the 1930s. All refining and other operations ceased in 1982.
- 46) According to the 2013 Permit (defined below), the WY Facility was owned by Husky Oil Company and related persons from approximately 1938 until Yellowstone Refining Company (YRC) purchased the Facility in 1986. Subsequently, Flying J Transportation LLC (Flying J Transportation) “absorbed” YRC, and Flying J Transportation conveyed the WY Facility to FJP on or about May 30, 2011.
- 47) At all times relevant to this Consent Agreement, FJP was a wholly owned subsidiary of FJM.
- 48) Hazardous waste, as defined in 40 C.F.R. § 261.3, was treated, stored, or disposed of at the WY Facility in hazardous waste management units, as defined in 40 C.F.R. § 260.10. (EPA cites to the federal rules here because the relevant period was prior to EPA’s authorization of the State program in 1996.) The hazardous waste management units at the WY Facility are in what is referred to as the waste management area (WMA).
- 49) In approximately 1988, YRC certified that it had closed the WMA in compliance with an approved closure plan. In August 1991, YRC submitted a “post-closure permit” application to WDEQ for the WMA.
- 50) On August 2, 1996, WDEQ issued YRC permit number WYD006230189, titled State of Wyoming Department of Environmental Quality Permit for a Hazardous Waste Management Facility (1996 Permit). The Permit requires the Permittee “to provide post-closure care for the WMA, to conduct corrective action investigations for on-site and off-site releases of hazardous waste or hazardous waste constituents, to implement any corrective actions deemed necessary, and to manage all hazardous wastes at the facility in accordance with this Permit”.
- 51) FJP became responsible for compliance with the 1996 Permit on or about May 30, 2011.

52) Part I.J.1 of the 1996 Permit requires that the Permittee conduct post-closure care at the WMA for thirty years (period to end on December 5, 2018), or for a shorter or longer period of time as determined by the Director of WDEQ.

53) The 1996 Permit remained in effect until the effective date of a WDEQ permit for the WY Facility (also numbered WYD006230189) issued to FJP on December 13, 2013, and titled State of Wyoming Department of Environmental Quality Solid and Hazardous Waste Division Permit for a Hazardous Waste Management Facility (2013 Permit). The effective date of the 2013 Permit is approximately January 12, 2014. The 2013 Permit remains in effect as of the date of this Consent Agreement.

54) Part I.J.1 of the 1996 Permit requires that post-closure care be conducted “in accordance with WDEQ/HWRR Chapter 10, Section 7(h), the Post-Closure Plan, Permit Attachment I-6, and this Permit”.

55) Part I.L.1 of the 1996 Permit states that with regard to financial assurance for post-closure care “[t]he Permittee shall demonstrate continuous compliance with WDEQ/HWRR Chapter 5 Sections 1(d) and 1(1), as applicable, by providing documentation of financial assurance. . . .”

56) Part IV.F of the 1996 Permit requires the Permittee to “maintain financial assurance during the post-closure period in accordance with Parts I.L and III.H of this Permit”.

57) WDEQ/HWRR Chapter 5 Section 1(d) requires that responsible persons establish and maintain financial assurance for the WMA by using one or more of six methods.

58) Pursuant to section 3007 of RCRA, 42 U.S.C. § 6927, by letter dated August 1, 2013, EPA requested certain information from FJP relating, among other things, to FJP’s compliance with the 1996 Permit (WY EPA Request for Information).

59) By letter dated October 7, 2013, and attachments thereto, FJP responded to the WY EPA Request for Information.

60) By letter dated August 2, 2012, FJP provided WDEQ with an original copy of a bond dated and effective July 20, 2012 (2012 Bond).

61) WDEQ/HWRR Chapter 5 Section 1(d)(ii)(C) requires that a standby trust fund meeting the requirements WDEQ/HWRR Chapter 5 Section 1(d)(i) be established.

62) No evidence of the standby trust required in connection with the 2012 Bond was provided in FJP’s response to the WY EPA Request for Information.

63) In the August 2, 2012 letter to the State, FJP explained to WDEQ that the 2012 Bond was intended to provide financial assurance only until such time as its corporate parent FJM provided an effective corporate guarantee for financial assurance for post-closure care at the WY Facility. As of the date of FJP’s response to the WY EPA Request for Information, FJM had not provided an effective corporate guarantee.

64) At no time for the period from on or about May 30, 2011 until at least July 20, 2012, did FJP obtain or maintain financial assurance for the WMA.

III. DESCRIPTION OF VIOLATIONS

65) From at least July 23, 2010, until September 27, 2013, BWO failed to comply with the requirement to continuously obtain and maintain financial assurance for post-closure care of the LTA at the UT Facility, as required by Utah Admin Code R315-7-15, and 40 C.F.R. § 265.145(e)(6). *See* section 3004(a) of RCRA, 42 U.S.C. § 6924(a).

66) From at least July 23, 2010, until at least October 8, 2013, FJP failed to comply with the financial assurance requirements of section 33-24-05-77 NDAC for the Closed Units at the ND Facility, in violation of the 2010 Permit, and section 3005(a) of RCRA, 42 U.S.C. § 6925(a). *See also* section 3004(a) of RCRA, 42 U.S.C. § 6924(a).

67) From on or about May 30, 2011 through at least July 20, 2012, FJP failed to comply with the 1996 Permit financial assurance requirements for the WMA at the WY Facility, in violation of the 1996 Permit, and section 3005(a) of RCRA, 42 U.S.C. § 6925(a). *See also*, section 3004(a) of RCRA, 42 U.S.C. § 6924(a).

IV. CIVIL PENALTY

68) Pursuant to sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), the EPA has determined that a civil penalty of 260,000 dollars (\$260,000.00) is appropriate to settle this matter.

69) Respondents consent and agree to pay a civil penalty in the amount of 260,000 dollars (\$260,000.00) in the manner described below.

70) Payment by Respondents of the full penalty amount is due within thirty (30) calendar days of the Effective Date of this Consent Agreement. If the due date for payment falls on a weekend or legal federal holiday, the due date is the next business day. Payment must be received by 11:00 A.M. Eastern Time to be considered received that day.

71) Payment shall be made by one of the following methods. The payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall designate the name and docket number of this case, be in the amount stated above, and be payable to "Treasurer, United States of America". The payment shall be sent as follows:

If sent by regular U.S. mail:

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

If sent by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

If sent by wire transfer: Wire transfers must indicate the name and docket number of this case and be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: U.S. Environmental Protection Agency

Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

On-line Debit and Credit Card payment: There is now an On-Line Payment Option available through the Dept. of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV [Enter “sfo 1.1” in the search field. Open form and complete required fields.]

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Daniela Golden
RCRA CERCLA Enforcement Unit
Technical Enforcement Program (8ENF-RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

and

Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

72) In the event payment is not received by the specified due date, interest accrues from the date of the Final Order, not the Effective Date (on the 1st late day, 30 days of interest will have accrued), at a

rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received.

73) In addition, a handling charge of fifteen dollars (\$15.00) shall be assessed the 31st day from the due date of any payment, and for each subsequent thirty-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.

74) Respondents agree that the penalty never shall be claimed as a federal or other tax deduction or credit.

V. OTHER TERMS AND CONDITIONS

75) Failure by Respondents to comply with any of the terms of this Consent Agreement shall constitute a breach of this Consent Agreement and may result in the initiation of an administrative enforcement action, or referral of the matter to the U.S. Department of Justice for enforcement of this Consent Agreement and for such other relief as may be appropriate.

76) Nothing in this Consent Agreement shall be construed as a waiver by Complainant of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondents' failure to perform pursuant to the terms of this Consent Agreement.

77) Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to bind the parties to the terms and conditions of this Consent Agreement and to execute and legally bind that party to this Consent Agreement.

78) This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete, full and final settlement of the civil penalty owed for the violations and facts alleged in this Consent Agreement.

79) Respondents' full compliance with this Consent Agreement shall resolve Respondents' liability (to include any liability of affiliates, officers, directors, employees, agents, successors and assigns) for civil penalties under sections 3008(a) and (g) of the Act, 42 U.S.C. §§ 6928(a) and (g), for the violations and facts alleged in Sections II and III of this Consent Agreement and for any other allegations related to the violations and facts alleged in Sections II and III as could reasonably have been identified up to the date of EPA's execution of this Consent Agreement.

80) Nothing in this Consent Agreement shall relieve Respondents of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

81) Each party shall bear its own costs and attorneys' fees in connection with all issues associated with this Consent Agreement.

82) This Consent Agreement will terminate upon full payment of the penalty in this matter.

VI. EFFECTIVE DATE

83) Respondents and Complainant agree to the issuance of a Final Order in this matter. Upon full execution of this Consent Agreement EPA will file the execution original with the Regional Hearing Clerk, and request that the Regional Judicial Officer issue a final order. A copy of this Consent Agreement, as so filed, will be transmitted to the Respondents.

84) If the Regional Judicial Officer issues a Final Order in this matter, it will be filed with the Regional Hearing Clerk and a copy of the Consent Agreement and Final Order will be transmitted to the Respondents. The Consent Agreement and Final Order will become effective on the date of filing with the Regional Hearing Clerk.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8,
Complainant

Date:

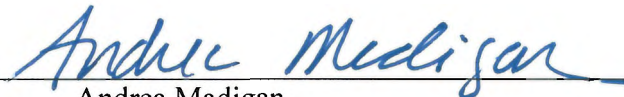
8/15/17



Aaron Urdiales
Director, RCRA/CERCLA Technical Enforcement
Program
Office of Enforcement, Compliance
and Environmental Justice

Date:

8/16/17



Andrea Madigan
Supervisory Attorney, Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

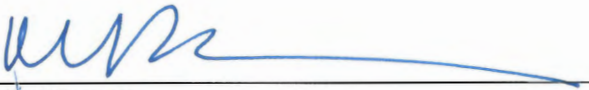
BIG WEST OIL, LLC
Respondent

Date: 3/8/2017

By: 
Mark Keim
President

FLYING J PETROLEUMS, INC.
Respondent

Date: 8/8/17

By: 
Marney DeVroom
Corporate Secretary

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT and FINAL ORDER** in the matter of **BIG WEST OIL, LLC AND FLYING J PETROLEUMS, INC.**; **DOCKET NO.: RCRA-08-2017-0001** was filed with the Regional Hearing Clerk on August 17, 2017.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Douglas Naftz, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on August 17, 2017, to:


Respondent

Marney DeVroom
Senior Corporate Counsel, FJ Petroleums, Inc.
185 South State Street, Suite 1300
Salt Lake City, Utah 84111

And emailed to:

Jessica Chalifoux
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

August 17, 2017


Melissa Haniewicz
Regional Hearing Clerk