BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. CAA-10-2021-0003
	)	
EQUILON ENTERPRISES LLC,	)	**CONSENT AGREEMENT**
DBA SHELL OIL PRODUCTS, US,	)	
PUGET SOUND REFINERY	)	
	)	
Anacortes, Washington,	)	
	)	
Respondent.		

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d).

1.2. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Equilon Enterprises LLC, dba Shell Oil Products, US, ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of the CAA is proposed to be assessed.

2.3. EPA and the United States Department of Justice jointly determined, pursuant to 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4, that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty action.

2.4. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CAA together with the specific provisions of the CAA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Background

Risk Management Program Requirements

3.1. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its implementing regulations at 40 C.F.R. Part 68,[1] require the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity to develop and implement a Risk Management Plan ("RMP") and program to detect and prevent or minimize accidental releases of such substances from the stationary source and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

3.2. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), makes it unlawful for any person to operate a stationary source subject to the regulations promulgated under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in violation of such regulations.

3.3. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines an "owner or operator" as any person who owns, leases, operates, controls, or supervises a stationary source.

3.4. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines "person" to include, among other things, a corporation, partnership, or association.

3.5. CAA Section 112(r)(2)(C), 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3 define "stationary source" in relevant part as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are

[1] Part 68 has been revised since 2015. With a few exceptions specifically noted, the changes only resulted in renumbering of provisions relevant to this Consent Agreement. Citations are to the version of Part 68 currently in effect, with a notation where applicable to the citation in effect at the time the violation is first alleged.

located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

3.6. CAA Section 112(r)(2)(B), 42 U.S.C. § 7412(r)(2)(B), and 40 C.F.R. § 68.3 define "regulated substance" as any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), in 40 C.F.R. § 68.130.

3.7. "Threshold quantity" is the quantity specified for regulated substances pursuant to CAA Section 112(r)(5), 42 U.S.C. § 112(r)(5), listed in 40 C.F.R. § 68.130, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

3.8. CAA Section 112(r)(2)(A), 42 U.S.C. § 7412(r)(2)(A), and 40 C.F.R. § 68.3 define "accidental release" as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

3.9. 40 C.F.R. § 68.3 defines "process" as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or a combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

3.10. 40 C.F.R. § 68.3 defines "covered process" as a process that has a regulated substance present in more than a threshold quantity, as determined under 40 C.F.R. § 68.115.

3.11. The regulations at 40 C.F.R. Part 68 classify covered processes into three program levels, designated as Program l, Program 2, and Program 3, which contain specific requirements for owners and operators of stationary sources with processes that fall within the respective programs to ensure that risk management program requirements appropriately match the size and

risks of regulated processes. Program 1 is the least comprehensive and Program 3 is the most comprehensive.

3.12. Under 40 C.F.R. § 68.10(i),[2] a covered process is subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either classified in one of ten North American Industry Classification System ("NAICS") codes or is subject to the Occupational Safety and Health Administration ("OSHA") process safety management ("PSM") standard at 29 C.F.R. § 1910.119.

3.13. A facility with a Program 3 covered process must submit a single RMP as provided in 40 C.F.R. §§ 68.150 through 68.185 that includes a registration that reflects all covered processes; develop and implement a management system as provided in 40 C.F.R. § 68.15; conduct a hazard assessment as provided in 40 C.F.R. §§ 68.20 through 68.42; implement the Program 3 prevention requirements of 40 C.F.R. §§ 68.65 through 68.87; coordinate response actions with local emergency planning and response agencies as provided in 40 C.F.R. § 68.93;[3] develop and implement an emergency response program as provided in 40 C.F.R. §§ 68.90 through 68.96; and submit as part of the RMP the data on prevention program elements for Program 3 processes as provided in 40 C.F.R. § 68.175. 40 C.F.R. § 68.12(a) and (d).

3.14. Under 40 C.F.R. §68.10(a), except in circumstances not relevant to this action, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, must comply with the

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[2] Previously codified at 40 C.F.R. § 68.10(d).
[3] This requirement became applicable as of December 19, 2019.

requirements of Part 68 no later than the latest of the following dates: (1) June 21, 1999; (2) Three years after the date on which a regulated substance is first listed under §68.130; (3) The date on which a regulated substance is first present above a threshold quantity in a process; or (4) For any revisions to Part 68, the effective date of the final rule that revises Part 68.

3.15. Anhydrous ammonia is a regulated substance with a threshold quantity of 10,000 pounds, as listed in 40 C.F.R. § 68.130.

3.16. Table 3 to 40 C.F.R. § 68.130 includes a list of flammable substances, each of which has a threshold quantity of 10,000 pounds, including Butane, 1-Butene, 2-Butene-cis, 2-Butene-trans [2-Butene, (E)], Ethane, Isobutane [Propane, 2-methyl], 2-Methylpropene [1-Propene, 2-methyl-], Pentane, Propane, Isobutane [Propane, 2-methyl] and Propylene (1-Propene).

3.17. As provided in 40 C.F.R. § 68.115(b)(2)(i), except with limited exceptions not relevant here, if a regulated flammable substance is present in a mixture and the concentration of the substance is one percent or greater by weight of the mixture, then, for the purposes of determining whether a threshold quantity is present at the stationary source, the entire weight of the mixture shall be treated as a regulated substance unless the owner or operator can demonstrate that the mixture itself does not have a National Fire Protection Association hazard rating of 4.

Title V Operating Permits

3.18. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and the implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including "major sources" as defined in 42 U.S.C. § 7661(2).

3.19. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, it shall be unlawful for any person to operate a major source and certain other sources, except in compliance with a permit issued by a permitting authority under Title V of the CAA.

3.20. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), and 40 C.F.R. § 70.6(a) require that each Title V permit contain enforceable emission limitations and standards and such other conditions as are necessary to assure compliance with all applicable requirements of the CAA.

3.21. Washington's Title V operating permit program was granted full approval by EPA on August 13, 2001 (66 Fed. Reg. 42439).

3.22. Northwest Clean Air Agency ("NWCAA"), a local air pollution control agency, is the Title V permit issuing authority for facilities in Island, Skagit, and Whatcom Counties in Washington.

General Allegations

3.23. Respondent is a corporation organized in the State of Delaware and does business in the State of Washington under the name Shell Oil Products, US.

3.24. At all times relevant to this Consent Agreement, Respondent has been the owner and operator of the petroleum refinery located at 8505 South Texas Road, Anacortes, Washington ("Facility").

3.25. Respondent is a "person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

3.26. The Facility includes buildings, structures, equipment, installations, or substance-emitting stationary activities from which an accidental release of a regulated substance may

occur; which belong to the same industrial group; which are located on one or more contiguous properties; and which are under the control of the same person (or persons under common control).

3.27. The Facility is therefore a single "stationary source" as defined in 40 C.F.R. § 68.3.

3.28. Respondent has filed RMPs with EPA since June 21, 1999, with its most recent filings on April 22, 2015, April 23, 2020, and September 2, 2020.

3.29. The Facility has 14 Program 3 covered processes at the Facility.

3.30. Each of these 14 covered processes has greater than the 10,000-pound threshold quantity of anhydrous ammonia and/or greater than the 10,000-pound threshold quantity of a flammable mixture of one percent or greater by weight.

3.31. Each of these 14 covered processes is classified as a Program 3 covered process under 40 C.F.R. § 68.10(i)[4] because these processes do not meet the eligibility requirements for Program 1 and these processes are subject to the OSHA PSM requirements in 29 C.F.R. § 1910.119.

3.32. At all times relevant to this Consent Agreement, Respondent operated the Facility under a Title V operating permit issued by NWCAA on November 5, 2014, and revised on May 5, 2015, pursuant to Title V, Section 502 of the CAA, 42 U.S.C. § 7661a ("Shell Title V Permit").

[4] Previously codified at 40 C.F.R. § 68.10(d).

3.33. Condition 2.7.10 of the Shell Title V permit requires the Facility to comply with 40 C.F.R. Part 68.

3.34. EPA and Respondent entered into Tolling Agreements, which toll from November 1, 2019 through March 1, 2021 any applicable statute of limitations for civil claims brought by EPA against Respondent for violations of CAA Section 112(r), 42 U.S.C. § 7412(7), and 40 C.F.R. Part 68 at the Facility.

Violation of Hazard Assessment Requirements

3.35. Under 40 C.F.R. § 68.20, the owner or operator of a stationary source subject to 40 C.F.R. Part 68 is required to, among other things, prepare a worst-case release scenario analysis as provided in 40 C.F.R. § 68.25. In addition, the owner or operator of a Program 2 or 3 covered process must comply with 40 C.F.R. §§ 68.20 to 68.42 for all such covered processes.

3.36. The owner or operator of a Program 2 or Program 3 covered process must analyze and report in its RMP specified worst-case release scenarios resulting from an accidental release of the regulated toxic substances under worst-case conditions identified in 40 C.F.R. § 68.22 and must also identify and analyze at least one alternative release scenario for each regulated toxic substance and at least one alternative release scenario to represent all flammable substances held in covered processes as specified in 40 C.F.R. § 68.28, all in the manner specified in 40 C.F.R. §§ 68.20 to 68.42.

3.37. 40 C.F.R. § 68.30(a) requires the owner or operator to estimate in the RMP the population within a circle with its center at the end point of the release and a radius determined by the distance to end-point defined in 40 C.F.R. § 68.22(a).

3.38. 40 C.F.R. § 68.30(b) requires that the presence of institutions (schools, hospitals, prisons), parks and recreation areas, and major commercial, office, and industrial buildings shall be noted in the RMP.

3.39. There are at least two neighboring industrial facilities that are within the 0.43-mile radius from the butane storage spheres at the Facility that Respondent used as the point of release in the alternative release scenario for flammables in Respondent's April 22, 2015 RMP.

3.40. From at least April 2015 to April 2020, the RMP for the Facility did not note any major commercial, office, or industrial areas as receptors in its RMP in describing the alternative release scenario for flammables.

3.41. Respondent's updated RMP submitted on April 2020, included a revised alternative release scenario with a 0.26-mile radius, and identified major commercial, office, and industrial buildings within the zone of potential impact.

3.42. Respondent's failure to identify all major industrial areas in describing the alternative release scenario for flammables in its RMP violated 42 U.S.C. § 7412(r)(7) and 40 C.F.R. § 68.30(b), as well as Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and Condition 2.7.10 of the Shell Title V Permit.

Violation of Process Safety Information Requirements

3.43. Under 40 C.F.R. § 68.65, the owner or operator of a Program 3 covered process is required to complete a compilation of written process safety information before conducting any process hazard analysis required by Part 68. The compilation of written process safety information is to enable the owner or operator and the employees involved in operating the

process to identify and understand the hazards posed by the regulated processes involving the regulated substances.

3.44. Under 40 C.F.R. § 68.65 (b), (c), and (d), this process safety information must include information pertaining to the hazards of the regulated substance in the process; information pertaining to the technology of the process; and information pertaining to the equipment in the process. These provisions specify for each category the specific information required to be compiled.

3.45. 40 C.F.R. § 68.65(d)(1)(ii) requires that process safety information pertaining to the equipment in the process include piping and instrumentation diagrams ("P&IDs").

3.46. During an August 2015 inspection, EPA identified at least seven instances in which P&IDs for covered processes at the Facility did not accurately reflect the design of covered process equipment as installed.

3.47. Respondent revised its P&IDs in approximately January 2020 to address the deficiencies identified by EPA.

3.48. Respondent's failure to have P&IDs that accurately depicted the equipment in the process violated 42 U.S.C. § 7412(r)(7) and 40 C.F.R. § 68.65(d)(1)(ii), as well as Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and Condition 2.7.10 of the Shell Title V Permit.

Violation of Operating Procedure and Management of Change Requirements

3.50. 40 C.F.R. § 68.69(a) requires the owner or operator to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information and that address specified elements, including normal shutdowns.

3.51. These operating procedures are required to address, among other things, normal shutdown. 40 C.F.R. § 68.69(a)(1)(vi).

3.52. 40 C.F.R. § 68.75(a) requires the owner or operator to establish written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process. The procedures must assure that certain considerations, such as the impact on safety and health and necessary modifications to operating procedures, are addressed prior to making any change. 40 C.F.R. § 68.75(b).

3.53. On February 20, 2015, operators at the Facility did not properly complete one or more steps in an operating procedure when shutting down the East Flare during a partial shutdown/turnaround operation at the Facility.

3.54. Respondent also failed to follow its management of change procedures when operators decided to deviate from the applicable standard operating procedures.

3.55. As a result of these failures, un-combusted vapors containing hydrogen sulfide, dimethyl sulfide, mercaptans, pyrophoric iron, benzene, and other hazardous substances were released from the East Flare, resulting in strong odors that reached the Swinomish Reservation, the City of La Conner, and surrounding areas.

3.56. More than 550 people on the Swinomish Reservation, the City of La Conner, and surrounding areas were impacted by this release, some of whom sought medical attention.

3.57. Respondent's failure to implement its operating procedures and/or management of change procedures when shutting down the East Flare on February 20, 2015 violated 42 U.S.C. § 7412(r)(7) and 40 C.F.R. §§ 68.69(a)(1)(vi) and 68.75(a) and (b), as well as Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and Condition 2.7.10 of the Shell Title V Permit.

Violation of Mechanical Integrity Requirements

3.58. Under 40 C.F.R. § 68.73(a) and (b), the owner or operator of a Program 3 covered process is required to establish and implement written procedures to maintain the on-going integrity of pressure vessels and storage tanks, piping systems, relief and vent systems and devices, emergency shutdown systems, controls (including monitoring devices and sensors, alarms, and interlocks), and pumps (collectively, "subject process equipment").

3.59. Under 40 C.F.R. § 68.73(d)(1) through (3), the owner or operator of a Program 3 covered process is required to perform inspections and tests on subject process equipment using procedures that follow recognized and generally accepted good engineering practices at a frequency consistent with applicable manufacturer's recommendations and good engineering practices, more frequently if determined to be necessary by prior operating experience.

3.60. During an August 2015 EPA inspection of the Facility and in documents provided in follow-up to that inspection, Respondent was unable to produce written maintenance procedures for the inspection and testing of underground piping at the Facility that follow recognized and generally accepted good engineering practices at a frequency consistent with applicable manufacturer's recommendations, good engineering practices, and prior operating experience.

3.61. Respondent subsequently provided information to EPA showing that Respondent had established written procedures for maintaining the on-going integrity of underground piping consistent with the requirements of 40 C.F.R. § 68.73(b) and (d)(1), (2), and (3) in February 2018.

3.62. Respondent's failure to establish and implement written procedures for maintaining the on-going integrity of underground piping through inspection and testing procedures that followed recognized and generally accepted good engineering practices at a frequency consistent with applicable manufacturer's recommendations, good engineering practices, and prior operating experience violated 42 U.S.C. § 7412(r)(7) and 40 C.F.R. § 68.73(b) and (d)(1), (2), and (3), as well as Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and Condition 2.7.10 of the Shell Title V Permit.

Violation of Five-Year Accident Reporting Requirement

3.63. Under 40 C.F.R. § 68.168, the owner or operator of a stationary source subject to 40 C.F.R. Part 68 is required to submit as part of its Risk Management Plan the information provided in 40 C.F.R. § 68.42(b) on each accident covered by 40 C.F.R. § 68.42(a) regarding its five-year accident history.

3.64. Under 40 C.F.R. § 68.195(a), the owner or operator of a stationary source for which a Risk Management Plan was submitted shall correct its plan for any accidental release meeting the five-year accident history reporting criteria of 40 C.F.R. § 68.42 and occurring after April 9, 2004, within six months of the release or by the time the Risk Management Plan is updated under 40 C.F.R. § 68.190, whichever is earlier.

3.65. Under 40 C.F.R. § 68.42(a), the owner or operator is required to include in the five-year accident history all accidental releases from covered processes that resulted in deaths, injuries or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage or environmental damage.

3.66. 40 C.F.R. § 68.42(b) specifies the information required to be included in the Risk Management Plan for each accidental release covered by 40 C.F.R. § 68.42(a).

3.67. The February 2015 release is subject to reporting under 40 C.F.R. § 68.42(a).

3.68. Under 40 C.F.R. § 68.190(b)(1), Respondent was required to submit an update to its Risk Management Plan on April 22, 2015.

3.69. The Risk Management Plan submitted by Respondent on April 22, 2015 did not report any of the information required by 40 C.F.R. § 68.42(b) for the February 2015 Release.

3.70. Respondent's failure to include in its five-year accident history in its Risk Management Plan submitted on April 22, 2015 the information required by 40 C.F.R. § 68.42(b) violated 42 U.S.C. § 7412(r)(7) and 40 C.F.R. §§ 68.42, 68.168, and 68.190(b)(1), as well as Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and Condition 2.7.10 of the Shell Title V Permit.

Enforcement Authority

3.71. Violations of CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68 are subject to federal enforcement under Section 113(a)(3) of the CAA, 42. U.S.C. § 7413(a)(3).

3.72. Violations of Title V program requirements and permits are subject to federal enforcement under Section 113(a)(3) of the CAA, 42. U.S.C. § 7413(a)(3).

3.73. Under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $48,192 per day of violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 113(e)(l) of the CAA, 42 U.S.C. § 7413(e)(l). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is $191,514 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: http://www2.epa.gov/financial/makepayment. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

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

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
R10_RHC@epa.gov

Javier Morales
U.S. Environmental Protection Agency
morales.javier@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

a. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7413(d)(5), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

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

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.16. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

12-29-2020

FOR RESPONDENT:

JOHN WHITE, General Manager
Equilon Enterprises LLC,
dba Shell Oil Products US,
Puget Sound Refinery

DATED:

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. CAA-10-2021-0003
	)	
EQUILON ENTERPRISES LLC,	)	**FINAL ORDER**
DBA SHELL OIL PRODUCTS, US,	)	
PUGET SOUND REFINERY	)	
	)	
Anacortes, Washington,	)	
	)	
Respondent.		

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under the CAA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

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

SO ORDERED this _____ day of _____, 20___.

_____

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of:** Equilon Enterprises LLC, dba Shell Oil Products, US, **Docket No.: CAA-10-2021-0003**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Julie Vergeront
U.S. Environmental Protection Agency
Region 10
Vergeront.julie@EPA.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was sent by electronic mail to :

Aselda Thompson
Legal Counsel
Equilon Enterprises LLC
dba Shell Oil Products, US
Aselda.Thompson@shell.com

DATED this ____ day of _____, 20____. _____

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10