

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of

Hovensa L.L.C.,

Respondent.

Proceeding under Section 113 of the
Clean Air Act, 42 U.S.C. §7413.

ADMINISTRATIVE ORDER

Index No. CAA-02-2011-1012

ADMINISTRATIVE ORDER

1. This Administrative Order (“Order”) is issued to Hovensa L.L.C. (“Hovensa” or “Respondent”) pursuant to Section 113(a)(3)(B) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(a)(3)(B). Section 113(a)(3) grants to the Administrator of the U.S. Environmental Protection Agency (“EPA”) the authority to issue an order requiring a person to comply with Section 112 of the Act. This authority was delegated by the Administrator to the Regional Administrators, and within EPA Region 2, it was redelegated to, among others, the Director of the Emergency and Remedial Response Division.

STATUTORY AND REGULATORY BACKGROUND

2. Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), authorizes the Administrator to promulgate release prevention, detection, and correction requirements regarding regulated substances in order to prevent accidental releases of regulated substances. EPA promulgated such requirements in regulations at Title 40 of the Code of Federal Regulations (“CFR”) Part 68 in order to implement Section 112(r)(7) of the Act. These regulations set forth the requirements of risk management programs that must be established and implemented at affected stationary sources. The regulations at 40 CFR Part 68, Subparts A through G, require owners and operators of stationary sources to, among other things, develop and implement: (1) a management system to oversee the implementation of the risk management program elements; and (2) a risk management program that includes, but is not limited to, a hazard assessment, a prevention program, and an emergency response program. Pursuant to 40 CFR Part 68, Subparts A and G, the risk management program for a stationary source that is subject to these requirements is to be described in a risk management plan (“RMP”) that must be submitted to EPA.

3. Sections 112(r)(3) and (5) of the Act, 42 U.S.C. §§ 7412(r)(3) and (5), require the Administrator to promulgate a list of regulated substances, with threshold quantities. EPA promulgated a regulation known as the List Rule, at 40 CFR Part 68, Subpart F, which implements Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), and which lists the regulated substances and their threshold quantities.

4. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. §7412(r)(7), and 40 CFR §§ 68.10(a), 68.12, and 68.150, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as that term is defined at 40 CFR § 68.3, shall comply with the requirements of 40 CFR Part 68 (including, but not limited to, submission of an RMP to EPA) no later than June 21, 1999, or three years after the date on which such regulated substance is first listed under 40 CFR § 68.130, or the date on which the regulated substance is first present in a process at a stationary source above the threshold quantity, whichever is latest.

5. The regulations at 40 CFR Part 68 separate the covered processes into three categories, designated as Program 1, Program 2, and Program 3, which contain specific requirements for owners and operators of stationary sources with processes that fall within the respective programs. A covered process is subject to Program 3 requirements, as per 40 CFR § 68.10(d), if the process does not meet one or more of the Program 1 eligibility requirements set forth in 40 CFR § 68.10(b), and is (a) listed in one of the specific North American Industry Classification System codes found at 40 CFR § 68.10(d)(1); or (b) is subject to the United States Occupational Safety and Health Administration (“OSHA”) process safety management standard set forth in 29 CFR § 1910.119.

6. 40 CFR § 68.12(d) requires that the owner or operator of a stationary source with a Program 3 process undertake certain tasks, including, but not limited to, development and implementation of a management system (as provided in 40 CFR § 68.15), the development of a hazard assessment (as provided in 40 CFR § 68.20-68.42), the implementation of prevention program requirements, which include mechanical integrity (as provided in 40 CFR §§ 68.65-68.87), the development and implementation of an emergency response program (pursuant to 40 CFR §§ 68.90-68.95), and the submission as part of the RMP of data on prevention program elements for Program 3 processes (as provided in 40 CFR § 68.175).

7. 40 CFR § 68.190(a) requires that the owner or operator of a stationary source shall review and update the RMP as specified under 40 CFR § 68.190(b) and submit it to EPA. 40 CFR § 68.190(b)(1) requires that the owner or operator of a stationary source shall revise and update the RMP submitted under 40 CFR § 68.150 within five years of its initial submission or most recent update, whichever is later.

DEFINITIONS

8. Section 112(r)(2)(B) of the Act, 42 U.S.C. § 7412(r)(2)(B), defines “regulated substance” as a substance listed pursuant to Section 112(r)(3) of the Act. The list of substances regulated under Section 112(r) of the Act is set forth at 40 CFR § 68.130.

9. Section 112(r)(2)(C) of the Act, 42 U.S.C. § 7412(r)(2)(C), and the regulations at 40 CFR § 68.3 define “stationary source” as, inter alia, any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are 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.

10. As used herein, the term “extremely hazardous substance” shall mean an extremely hazardous substance within the meaning of Section 112(r)(1) of the Act.

11. 40 CFR § 68.3 defines “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the Act, as amended, listed in 40 CFR § 68.130, and determined to be present at a stationary source as specified in 40 CFR § 68.115.
12. 40 CFR § 68.3 defines “process,” in relevant part, as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.
13. 40 CFR § 68.3 defines “covered process” as a process that has a regulated substance present in more than a threshold quantity as determined under 40 CFR § 68.115.
14. 40 CFR § 60.2 defines “opacity” as the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
15. As used herein, the term “day” shall mean calendar day.
16. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Act or any of its implementing regulations, in which case the statutory and/or regulatory definitions apply.

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

17. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the Act, 42 U.S.C. § 7602(e).
18. Respondent is the owner and/or operator of a facility located at One Estate Hope, Christiansted, St. Croix, U.S.V.I. (the “Facility”). The Facility, a petroleum refining facility, is a stationary source pursuant to Section 112(r)(2)(C) of the Act and 40 CFR § 68.3. The Caribbean Sea borders the Facility, and residences are located nearby.
19. On or about June 18, 1999, Respondent submitted an initial RMP to EPA for the Facility. Additional submittals and updates were made, with the most recent submittal made on or about July 8, 2008. The July 8, 2008 RMP submitted by Respondent listed 40 covered processes and identified them as subject to Program 3 requirements. The process chemicals listed in Respondent’s 2008 RMP include mostly flammable mixtures of regulated substances, and also anhydrous ammonia. The regulated substances in the flammable mixtures listed in Respondent’s 2008 RMP include butane, 1-butene, 2-butene, 2-butene-cis, 2-butene-trans [2-butene, (E)], cyclopropane, ethane, ethylene [ethene], hydrogen, isobutane [propane, 2-methyl], isopentane [butane, 2-methyl-], methane, pentane, 1-pentene, propane, and propylene [1-propene].
20. Anhydrous ammonia, butane, 1-butene, 2-butene, 2-butene-cis, 2-butene-trans [2-butene, (E)], cyclopropane, ethane, ethylene [ethene], hydrogen, isobutane [propane, 2-methyl], isopentane [butane, 2-methyl-], methane, pentane, 1-pentene, propane, and propylene [1-propene] are regulated substances pursuant to Section 112(r)(2) and (3) of the Act and 40 CFR § 68.3. The threshold quantity for each of these regulated substances, as listed in 40 CFR § 68.130, is 10,000 pounds. Regulated substances are, and have been, present at the Facility in quantities exceeding the threshold quantities.

21. The Facility includes Program 3 processes, as that term is described in 40 CFR § 68.10(d), because it has processes that do not meet the requirements set forth in 40 CFR § 68.10(b) for Program 1 processes, and because such processes are subject to the OSHA process safety management standard set forth in 29 CFR § 1910.119.

22. According to information obtained by EPA, including information provided by Respondent, there have been a number of incidents and releases at and from the Facility including the following, listed below:

- a. An incident on or about October 28, 2009, in which approximately 211 pounds of anhydrous ammonia were released through a flare because of a failed pressure control valve.
- b. An incident on or about November 16, 2009, in which approximately 237 pounds of anhydrous ammonia were released through a flare because of a failed pressure control valve.
- c. An incident on or about September 19, 2010, in which approximately 179 pounds of hydrogen sulfide were released from the No. 2 Distillate Unifier.
- d. An incident on or about September 30, 2010 when the Fluid Catalytic Cracking Main Column Bottoms Stripper Tower over-pressured and relieved slurry oil into the low pressure flare system and the high pressure flare system. Opacities were caused by heavy slurry oil being combusted in the flaring systems.
- e. Another incident on or about September 30, 2010, involving the loss of electrical generation and an emergency shutdown of the Fluid Catalytic Cracking Unit. The emergency Fluid Catalytic Cracking unit shutdown led to the shutdown of two electrical generating gas turbines. The refinery load shed system activated causing a power outage which affected several units in the refinery. The resulting unit shutdowns led to the release of gases to a flare causing an opacity. One of the West Refinery Sulfur plants also shut down sending gases to the West Incinerator resulting in an opacity.
- f. An incident on or about October 6, 2010, in which there was a flare opacity exceedance (greater than 20%) of oil vapor involving the Fluid Catalytic Cracking Unit Wet Gas Scrubber. A malfunctioning valve resulted in a diversion of hydrocarbon from the reactor into the regenerator, and the incomplete combustion of hydrocarbon in the regenerator caused discoloration of the Wet Gas Scrubber plume and the opacity exceedance.
- g. An incident on or about December 9, 2010 in which there was a release of hydrocarbons and hydrogen sulfide from the Delayed Coker Unit. According to information provided by Respondent, approximately 85 pounds of hydrogen sulfide were released. The release affected residences, cars, businesses, a school, a daycare facility, and reportedly resulted in more than 30 people seeking treatment at the local hospital.
- h. An incident on or about December 20, 2010, in which there was a small gas release from multiple pinhole leaks in a pipe in the Delayed Coker Unit.

- i. An incident on or about January 4, 2011, in which there was a release of approximately 1,500 pounds of sulfur dioxide.
- j. An incident on or about January 6, 2011, in which there was a release of acid gas containing a high concentration of hydrogen sulfide from a pipe at a refinery sulfur unit.
- k. A fire on or about February 11, 2011 at the No. 4 Distillate Desulfurizer.
- l. In May 2011, a release of hydrogen sulfide.

23. From January 24 - 28, 2011, EPA inspectors conducted a compliance evaluation at the Facility (the "Inspection") to, among other things, determine Respondent's compliance with certain requirements of the Act. The Inspection focused on the following processes, which were involved with the September 19, 2010, September 30, 2010, and December 9, 2010 releases: the No. 2 Distillate Unifier; the Fluid Catalytic Cracking Unit; and the Delayed Coker Unit. The Inspection also focused on the anhydrous ammonia storage drum (Dimersol Unit).

24. In addition to the Inspection, EPA staff have been present at the Facility and in St. Croix in response to incidents and releases at and from the Facility, including oversight of Respondent's actions in response to the December 9, 2010 release.

25. EPA obtained information from Respondent before and after the inspection, including information on incidents and releases, including information pertaining to a February 11, 2011 fire involving the No. 4 Distillate Desulfurizer.

26. According to information obtained by EPA, Respondent failed to develop and implement a management system to oversee the implementation of the risk management program elements pursuant to the requirements of 40 CFR § 68.15, and failed to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements, as required by CFR § 68.15(b).

27. During the inspection, Respondent failed to provide adequate documentation to EPA to demonstrate that it had complied with 40 CFR § 68.25(a)(ii) and (iii).

28. 40 CFR § 68.36(a) requires that the owner or operator shall review and update the offsite consequence analyses at least once every five years. According to information obtained by EPA, Respondent's Hazard Assessment documentation was developed in the late 1990's and early 2000's, and its reported Worst Case and Alternate Case release scenario information has remained unchanged in its submitted Risk Management Plans, except for the addition of a Worst Case release scenario in May 2002.

29. According to information obtained by EPA, Respondent failed to maintain records required by 40 CFR § 68.39(e).

30. According to information obtained by EPA, Respondent failed to maintain up-to-date and accurate written process safety information for all equipment in covered processes. 40 CFR

§ 68.65 requires that the owner or operator shall complete a compilation of written process safety information before conducting any required process hazard analysis.

31. According to information obtained by EPA, the Facility failed to document that equipment complies with recognized and generally accepted good engineering practices, as required by 40 CFR § 68.65(d)(2).

32. According to information obtained by EPA, Respondent failed to properly identify process hazards when conducting a process hazard analysis and revalidation, pursuant to the requirements of 40 CFR § 68.67(c)(1), and failed to adequately evaluate a range of the possible safety and health effects of failure of controls, as required by 40 CFR § 68.67(c)(7).

33. According to information obtained by EPA, Respondent failed to assure that the process hazard analysis team's recommendations were resolved in a timely manner and failed to complete actions as soon as possible, as required by 40 CFR § 68.67(e).

34. According to information obtained by EPA, Respondent failed to develop and implement all necessary written operating procedures for safely conducting activities involved in each covered process pursuant to the requirements of 40 CFR § 68.69(a), and written operating procedures which were developed did not include all elements required by 40 CFR 68.69(a)(2).

35. According to information obtained by EPA, Respondent failed to annually certify that the operating procedures are current and accurate, as required by 40 CFR § 68.69(c).

36. According to information obtained by EPA, Respondent failed to develop and implement safe work practices to provide for the control of hazards during operations, including employees and contractors, pursuant to the requirements of 40 CFR § 68.69(d).

37. According to information obtained by EPA, Respondent failed to provide initial training to all employees involved in operating a process, and failed to sufficiently train employees involved in operating processes in operating procedures, pursuant to the requirements of 40 CFR § 68.71(a).

38. According to information obtained by EPA, Respondent failed to provide refresher training pursuant to the requirements of 40 CFR § 68.71(b) to all employees involved in operating a process.

39. According to information obtained by EPA, Respondent failed to implement written procedures to maintain the ongoing integrity of process equipment, as required by 40 CFR § 68.73(b).

40. According to information obtained by EPA, Respondent failed to perform inspections and tests on process equipment pursuant to the requirements of §68.73(d), failed to ensure proper frequency inspections and tests pursuant to the requirements of §68.73(d)(3), and failed to document the results of inspections or tests on process piping pursuant to the requirements of §68.73(d)(4).

41. According to information obtained by EPA, Respondent failed to correct deficiencies in equipment that are outside acceptable limits before further use or in a safe and timely manner with necessary means taken to assure safe operation, as required by 40 CFR § 68.73(e).
42. According to information obtained by EPA, Respondent failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures pursuant to the requirements of 40 CFR § 68.75(a).
43. According to information obtained by EPA, Respondent failed to train employees whose job tasks will be affected by a change in the process in the change prior to start-up of the process or affected part of the process, as required by 40 CFR § 68.75(c).
44. According to information obtained by EPA, Respondent did not follow their Pre-Start Up Safety Review procedure and did not obtain all signatures and authorizations when placing process equipment back into service, and did not conduct a Pre-Start Up Safety Review, as required by 40 CFR § 68.77, before starting up process equipment.
45. According to information obtained by EPA, Respondent failed to promptly implement compliance audit findings and recommendations, as required by 40 CFR § 68.79(d).
46. According to information obtained by EPA, Respondent failed to establish a system to promptly address and resolve incident report findings and recommendations, as required by 40 CFR § 68.81(e), and Respondent did not timely address and resolve incident report findings and recommendations.
47. According to information obtained by EPA, Respondent failed to comply with the requirements of 40 CFR § 68.87(b) regarding the contractor TISI, which performed work at the Facility in February 2011.
48. According to information obtained by EPA, Respondent failed to coordinate its emergency response plan with the community emergency response plan developed under the Emergency Planning and Community Right-To-Know Act, or EPCRA, as required by 40 CFR § 68.95(c).
49. According to information obtained by EPA, Respondent provided information as part of its July 8, 2008 RMP submission which indicated that Process Hazard Analyses (PHAs) had not been conducted or performed on time, that internal compliance audits had not been conducted or performed on time, and that operating procedures were not being certified annually as required by 40 CFR §§ 68.67(f), 68.79(a) and 68.69(c), respectively.
50. Based on information available to EPA, including information gathered during and as a result of the inspection performed by EPA at the Facility and the Findings of Fact set forth above, EPA has determined that Respondent's failures to comply with the requirements of 40 CFR Part 68 constitute violations of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7).

ORDER

51. Based upon the foregoing Findings of Fact and Conclusions of Law, and other information available to EPA, it is hereby ordered that Respondent comply with the requirements set forth

below. All activities specified below shall be initiated by Respondent upon receipt of this Order and shall be completed no later than the periods mentioned for their completion, as specified herein.

Parties Bound

52. The provisions of this Order shall apply to Respondent and its officers, agents, servants, employees, and successors and to all persons, firms, and corporations acting under, through, or for Respondent.

Work to be Performed

53. All aspects of the work to be performed by Respondent pursuant to this Order shall be under the direction and supervision of a qualified project coordinator, the selection of which shall be subject to approval by EPA. Within fifteen days after the effective date of this Order, Respondent shall notify EPA in writing of the name and qualifications of the project coordinator, including primary support entities and staff, which is proposed to be used in carrying out work under this Order. If at any time Respondent proposes to use a different project coordinator, Respondent shall notify EPA and shall obtain approval from EPA before the new project coordinator performs any work under this Order.

54. Respondent shall take at least the following steps to come into compliance with the requirements of Section 112(r) of the Act and 40 CFR Part 68:

- a. Within thirty days of the effective date of this Order, Respondent shall submit a schedule to EPA for coming into compliance with the requirements of 40 CFR Part 68 for Program 3 facilities regarding of all its RMP covered processes, including, but not limited to, all violations identified in the Findings of Fact and Conclusions of Law set forth, above, and in EPA's July 25, 2011 inspection report which resulted from the Inspection, a copy of which has been provided to Respondent. The schedule should include a review of all RMP covered processes, and a schedule identifying when all elements which must be corrected will be addressed. In particular, the review should address the issue of actions which will be taken to prevent future releases, incidents, and fires at the Facility, such as the need for the timely performance of inspections, maintenance work, and repairs, and adherence to the Respondent's internal procedures. The schedule should provide that all such activities or "work" to be performed shall be undertaken as soon as possible, but in no event greater than one year from the effective date of the Order. The schedule should include a provision regarding the submission of bi-monthly status reports to EPA during the performance of such activities pursuant to this Order.
- b. EPA will review the schedule submitted pursuant to subparagraph 54.a., above, and will either approve it or direct Respondent to make changes and resubmit the schedule. If so directed, Respondent will submit the revised schedule within 14 days of receipt of EPA's comments.

- c. Upon receipt of approval by EPA of the schedule submitted pursuant to subparagraphs 54.a. and b. above, Respondent shall proceed to implement the activities set forth in such approved schedule.
- d. Within thirty days of completion of the activities set forth in the approved schedule pursuant to subparagraphs 54.a. through c., above, Respondent shall submit a report to EPA detailing the activities conducted and documenting that Respondent has completed each of the activities included in the schedule, and has come into compliance with the requirements of 40 CFR Part 68 for Program 3 facilities for all of its RMP covered processes, including, but not limited to, all violations identified in the Findings of Fact and Conclusions of Law set forth above and in EPA's July 25, 2011 inspection report which resulted from the Inspection. Respondent's report shall include the following certification, signed by a duly authorized officer of Respondent:

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.

- e. The submissions required by the above subparagraphs shall be made to:

Jean H. Regna, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel
290 Broadway - 17th Floor
New York, New York 10007-1866
Phone: (212) 637-3164
Fax: (212) 637-3104
regna.jean@epa.gov

and

Ellen Banner
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
Response and Prevention Branch
2890 Woodbridge Avenue
Edison, New Jersey 08837
Phone: (732) 321-4348
banner.ellen@epa.gov.

55. EPA will review the documentation submitted pursuant to Paragraph 54, above. If EPA determines that the actions taken or documentation submitted is insufficient to demonstrate compliance with the requirements of Section 112(r) of the Act, 42 U.S.C. § 7412(r), and 40 CFR Part 68, EPA shall so notify Respondent in writing. Respondent shall undertake all actions

directed by EPA within thirty (30) days of Respondent's receipt of EPA's comments, unless a greater period is specified in the notice.

56. Respondent shall provide EPA and its representatives, including its contractors, with access to Respondent's Facility for the purpose of assessing Respondent's compliance with this Order and with the Act. Respondent shall also provide EPA and its representatives, including contractors, with access to all records relating to Respondent's implementation of this Order.

57. Respondent shall preserve all documents and information relating to the activities carried out pursuant to this Order for six years after completion of the work required by this Order. At the end of the six-year period, Respondent shall notify EPA at least thirty (30) days before any such documentation or information is destroyed that such documents and information are available for inspection. Upon request, Respondent shall provide EPA with the originals or copies of such documents and information.

58. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 CFR Part 2, Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law, or otherwise determined by EPA to be confidential or subject to restricted access under applicable law.

ENFORCEMENT

59. Section 113(a)(3) of the Act provides that upon failure to comply with an order issued under Section 113(a)(3)(B), the EPA Administrator may, *inter alia*, issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day of violation, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation. Pursuant to 40 CFR Part 19, Adjustment of Civil Monetary Penalties for Inflation, this penalty maximum was increased to \$32,500 per day for violations occurring on or after March 15, 2004 through January 12, 2009, and to \$37,500 per day for violations occurring after January 12, 2009. Furthermore, for any person who knowingly violates the provisions of the Act, Section 113(c) of the Act provides for criminal penalties or imprisonment, or both.

60. This Order shall not relieve Respondent of its obligation to comply with all applicable federal, State, and local laws, regulations, and other legal requirements, including but not limited to Section 112(r) of the Act, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Compliance with this Order shall not relieve Respondent of any liability for penalties pursuant to Section 113(d) of the Act or pursuant to any other federal, state, or local laws and regulations.

61. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, other extremely hazardous substance, or other substance on, at, or from Respondent's Facility. EPA reserves the right to bring an action against Respondent assessing or seeking penalties and/or other relief for any violations, including, without limitation, the violations referred to in the Findings of Fact and Conclusions of Law set forth above and/or any other violations of Section 112(r) of the

Act. Respondent may be subject to an administrative or civil action for penalties and/or injunctive relief, pursuant to Sections 113(b) and (d) of the Act, based on the violations which are the subject of this Order and/or any other violations of Section 112(r) of the Act. This Order shall not constitute or be construed as a release of any liability that Respondent or any other person may be subject to under the Act, CERCLA, or any other law. EPA also reserves all of its rights to obtain access to Respondent's Facility and require Respondent's submission of information to EPA.

62. Nothing herein shall be construed as an extension of time for complying with any statutory or regulatory requirement under the Act or any other law.

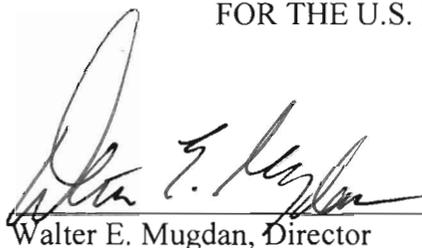
EFFECTIVE DATE;
OPPORTUNITY FOR A CONFERENCE

63. Respondent may request a conference with EPA concerning the violations alleged in, and the requirements of, this Order. Respondent has the right to be represented by counsel at such a conference. If a conference is held, this Order shall become effective the day after the conference, unless the effective date is extended by EPA. If a conference is not timely requested as set forth in the following paragraph, the Order shall become effective eight (8) days after Respondent's receipt of the Order.

64. A request for a conference must be made in writing in time for EPA's receipt no later than seven (7) days after Respondent's receipt of this Order. The written request for a conference may be sent by fax, mail, or e-mail. The conference shall be held within five (5) days of the request unless that time period is extended by EPA, in its sole discretion. The conference may be conducted in person or by telephone.

65. The request for a conference and other inquiries concerning this Order should be addressed to Jean H. Regna, at her address set forth in Paragraph 54.e above.

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



Walter E. Mugdan, Director

Date: August 24, 2011

Emergency and Remedial Response Division
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866