Next Generation Compliance: Enforcement Settlement Highlights
(*last edited December 20, 2016*)

Next Generation Compliance (Next Gen) is EPA's initiative to improve human health and the environment by increasing compliance with environmental regulations through advances in pollutant monitoring and information technology to reduce pollution. Elements of Next Gen include designing more effective regulations and permits and using Next Gen tools and approaches in civil enforcement settlements. Using Next Gen tools in enforcement settlements is designed to:

1. Better protect health and the environment and reduce pollution through improved individual case outcomes;
2. Enhance public transparency of facilities' environmental footprints and releases;
3. Streamline or enhance EPA, state, and citizen oversight of settlements;
4. Create additional incentives for, and assurances that, defendants and respondents will fully implement their settlement commitments and, ideally, correct problems before they become violations, without waiting for government inspectors to show up at their facilities;
5. Transform defendants from environmental violators into performance leaders; and
6. Demonstrate new environmental protection approaches ("lab for innovation") of potential future, practical value to industry as effective standard practices for achieving and maintaining compliance.

Below are sixty-six (66) enforcement settlements that include tools and approaches consistent with Next Generation Compliance (Next Gen) principles.[1] The list is illustrative, not exhaustive. All of the listed settlements blend Next Gen and traditional approaches. The settlements are presented by EPA Regional office, starting with multi-regional cases and national cases. The summaries of the settlements are based on materials available at the time of the settlement and subsequent updates. For some of the settlements, activities described as planned or ongoing may now be complete.

Contents

[1] For more information on Next Generation Compliance, please visit http://www2.epa.gov/compliance/next-generation-compliance.

MULTI-REGION/NATIONAL:

U.S. v. Sears Home Improvement Products, Inc. (national settlement): On December 6, 2016, the Court entered a judicial settlement with Sears Home Improvement Products Inc. resolving violations of the federal Lead Renovation, Repair and Painting (RRP) Rule. The violations resulted from work performed by Sears' contractors at home renovation projects across the country. The RRP Rule, promulgated under the Toxic Substances Control Act (TSCA), is intended to ensure that owners and occupants of housing built before 1978, as well as any child-occupied facilities, receive information on lead-based paint hazards before renovations begin. The RRP Rule also ensures that individuals performing such renovations are properly trained and certified by EPA and follow specific work practices to reduce the potential for lead-based paint exposure. The settlement requires Sears to pay a $400,000 civil penalty and maintain its RRP certification. In addition, consistent with Next Generation Compliance principles, Sears will implement a company-wide program to ensure that the contractors it hires to perform work for its customers comply with the RRP Rule. For such projects, Sears must contract with only EPA-certified and state-certified firms and renovators, and ensure they maintain certification, use lead safe work practices, complete an enhanced checklist, and submit the completed checklist to Sears before Sears pays its contractors for any renovation work. Sears will also add a link on its website to EPA's content on lead-safe work practices and use a company-wide system to actively track the RRP firm and renovator certifications of its contractors. In addition, Sears must suspend any contractor that is not operating in compliance with the RRP Rule, investigate all reports of potential noncompliance, and ensure that any violations are corrected and reported to EPA.

Case Information Page (including press release and CD):
https://www.epa.gov/enforcement/sears-home-improvement-products-inc-lead-rrp-rule-settlement

U.S., The State of Alaska, The State of Hawaii, And The Northwest Clean Air Agency v. Subsidiaries of Tesoro Corp. and Par Hawaii Refining (AK, CA, HI, ND, UT, and WA): On September 28, 2016, the Court entered a judicial settlement with subsidiaries of Tesoro Corporation and Par Hawaii Refining resolving Clean Air Act (CAA) violations at six petroleum refineries in Alaska, California, Hawaii, North Dakota, Utah, and Washington. The settlement addresses a range of leak detection and repair and flaring violations at the six refineries, as well as violations of a variety of additional significant CAA programs and state clean air laws, programs, and permits. Under the settlement, the two companies will spend approximately $403 million to install and operate pollution controls and receive third-party compliance and performance audits. Consistent with Next Generation Compliance principles, depending on the requirement, Tesoro and/or Par must purchase and use and gas-imaging cameras to measure and record flare combustion efficiency and infrared cameras to locate and address Volatile Organic Compound (VOC) fugitive emissions that might not be otherwise detected via traditional methods. Tesoro also paid a civil penalty of $10.45 million, of which the United States will receive $8.05 million and the remainder received by Alaska, Hawaii, and the Washington Northwest Clean Air Agency. Tesoro must also spend about $12.2 million to fund three environmental projects in local communities previously impacted by its pollution.

Case Information Page (including press release and CD):
https://www.epa.gov/enforcement/tesoro-and-par-clean-air-act-settlement

U.S. v. Marathon Petroleum Corp. (IN, KY and OH): On May 19, 2015, EPA and DOJ announced a judicial settlement with Marathon Petroleum Corporation (Marathon) resolving Clean Air Act (CAA) violations at 10 Marathon facilities. Marathon violated fuel quality emissions standards and sampling and testing requirements causing excess emissions of air pollutants from motor vehicles. Marathon will pay a $2.9 million penalty and retire 5.5 billion sulfur credits with a current market value of $200,000. It will also spend over $2.8 million on pollution controls to reduce emissions of volatile organic compounds at 14 fuel storage tanks at its distribution terminals in Indiana, Kentucky and Ohio. In addition, Marathon will install geodesic domes, fixed roofs, or secondary rim seals and deck fittings on 14 fuel storage tanks to reduce VOC emissions. During the implementation of the environmental mitigation projects, Marathon will, consistent with Next Generation Compliance principles, use an infrared gas-imaging camera to inspect the fuel storage tanks to identify potential defects that may cause excessive emissions. If defects are found, Marathon will conduct up-close inspections and perform repairs where necessary.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/marathon-petroleum-corporation-clean-air-settlement

U.S. v. Marathon Petroleum Co., LP, and Catlettsburg Refining (IL, KY, LA, MI, OH, and TX): On April 5, 2012, EPA and DOJ announced a judicial settlement with Ohio-based Marathon Petroleum Company (Marathon) to significantly reduce air pollution from all six of the company's petroleum refineries. In addition to paying a $460,000 penalty, as part of the settlement, Marathon was required to install state-of-the-art controls on its combustion devices known as flares and cap the volume of waste gas it will send to its flares. Beginning in 2009, Marathon installed equipment, such as flow monitors and gas chromatographs, to improve the combustion efficiency of its flares. As of the settlement date, Marathon had spent approximately $45 million on this equipment with plans to spend an additional $6.5 million on it, plus further expenditures to comply with the required flaring caps. Importantly, as part of the effort to reach this agreement, Marathon, under the direction and oversight of EPA and consistent with Next Generation Compliance principles, spent more than $2.4 million to develop and conduct pioneering combustion efficiency testing of flares to advance the understanding of the relationship between flare operating parameters and flare combustion efficiency. This included developing the protocol for, and conducting the first-ever test of, emissions from an operating, industrial flare using then-new measurement technology called Passive Fourier Transfer Infrared (PFTIR) Spectroscopy.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/marathon-petroleum-company-lp-and-catlettsburg-refining-llc-settlement-flaring

In the Matter of: Wal-Mart Stores, Inc. (national settlement): On May 28, 2013, Wal-Mart Stores, Inc. (Wal-Mart) pleaded guilty, in criminal cases filed by federal prosecutors, to violating the Clean Water Act (CWA) and Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Wal-Mart had illegally handled and disposed of hazardous materials, and failed to properly handle pesticides that had been returned by customers, at its stores across the country. In conjunction with the guilty pleas, Wal-Mart agreed to pay a $7.628 million penalty to resolve violations of FIFRA and the Resource Conservation and Recovery Act (RCRA). In addition to the criminal plea agreement, as part of an administrative settlement, Wal-Mart will implement a comprehensive, nationwide hazardous waste management program for wastes generated at all of its stores. Per the agreement, Wal-Mart will, consistent with Next Generation Compliance principles, ensure adequate environmental personnel and training at all levels of the company, develop an Environmental Management System (EMS), and maintain a hazardous waste electronic database available to all workers to aid in identifying hazardous

wastes. These steps will enable store employees to scan damaged and torn products to obtain information immediately on how to properly handle each item.

Case Information Page (including press release and CAFO): http://www.epa.gov/enforcement/wal-mart-stores-inc-settlement

U.S. v Lowe's Home Centers, LLC (corporate-wide settlement): On April 17, 2014, EPA and DOJ announced a judicial settlement with Lowe's Home Centers (Lowe's), one of the nation's largest home improvement retailers. The settlement requires Lowe's to pay a $500,000 penalty to resolve violations of the Toxic Substances Control Act (TSCA) Lead Renovation, Repair, and Painting (RRP) Rule. It further requires Lowe's implement a comprehensive, corporate-wide compliance program, at over 1,700 stores nationwide, to ensure that the contractors it hires properly perform their work to minimize lead dust from home renovation activities. These include child-occupied facilities such as day-care centers and pre-schools and any housing built before 1978. For these projects, Lowe's must contract only with EPA or state-certified renovators, ensure they maintain certification, and ensure they use lead safe work practices and checklists during renovations. In addition, Lowe's must suspend anyone that is not operating in compliance with the rule, investigate all reports of potential noncompliance, and ensure that any identified violations are corrected. Consistent with Next Generation Compliance principles, each of Lowe's contractors is required to use and certify to Lowe's enhanced Installer Renovation Recordkeeping Checklist. Lowe's will verify receipt of the Checklist prior to paying the contractors.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/lowes-home-centers-llc-settlement#actions

U.S. v. Detroit Diesel Corp. (national settlement): On October 6, 2016, EPA and DOJ announced a judicial settlement with the Detroit Diesel Corp. (DDC) resolving Clean Air Act (CAA) violations caused by DDC's introduction into commerce of 7,786 model year 2010 heavy duty diesel engines (engines) that lacked valid EPA-issued certificates of conformity (COC). The engines were manufactured in Detroit, Michigan but introduced into commerce across the country. The engines failed to meet the 2010 emissions standards for oxides of nitrogen (NOx), resulting in significant excess NOx emissions. In addition to paying a $14 million civil penalty, the settlement requires DDC to spend a total of $14.5 million on clean diesel projects. These projects include spending at least $10.875 million to replace older, high-polluting school buses with new school buses that meet current, more-protective emissions standards and at least $3.635 million to replace or repower high-polluting switch locomotives used in ports to move goods short distances. Consistent with Next Generation Compliance principles, DDC will post information about these projects on a public website in order to inform the public of its actions under the settlement.

Case Information Page (including press release and CD): https://www.epa.gov/enforcement/detroit-diesel-corp-clean-air-act

In the Matter of: Tanner Industries (East Providence, R.I. and Inkster, MI): On July 12, 2011, EPA Regions 1 and 5 filed a pair of administrative settlements resolving Clean Air Act (CAA) 112(r) violations by Tanner Industries (Tanner) at its Rhode Island and Michigan plants. Tanner, which operates ammonia distribution facilities across the country, violated risk management program requirements intended to prevent chemical accidents. Specifically, Tanner failed to implement its Risk Management Program, failed to address risks associated with their facilities being unstaffed except when

ammonia was received or distributed, and failed to adequately coordinate emergency response plans with local emergency response agencies to protect the public in the event of a release of ammonia. Under the two administrative settlements, Tanner paid $56,700 in penalties. Consistent with Next Generation Compliance principles, Tanner spent an additional $345,000 to install and operate ammonia leak detection systems at 14 of its facilities across the country. The systems send alarm signals to emergency response personnel to better enable them to address accidental ammonia releases.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/2011+press+releases/9884f5d5e5e6368c852578d300642a3e?opendocument

U.S. v. Trader Joe's Company (national settlement): On June 21, 2016, EPA and DOJ announced a Clean Air Act (CAA) judicial settlement with Trader Joe's Company (Trader Joe's), a privately held chain of specialty grocery stores in the U.S. with 461 stores in 43 states and Washington, D.C. Trader Joe's failed, among other things, to promptly repair leaks of R-22, a hydrochlorofluorocarbon (HCFC), an ozone-depleting substance and potent greenhouse gas that is used as a coolant in refrigerators. Under the settlement, Trader Joe's will pay a $500,000 civil penalty and reduce greenhouse gas emissions from refrigeration equipment at 453 of its stores. Trader Joe's will spend an estimated additional $2 million over three years to reduce coolant leaks from refrigerators and other equipment and improve company-wide compliance. Consistent with Next Generation Compliance principles, Trader Joe's will implement a corporate refrigerant compliance management system which includes verifying that repair contractors have uploaded required leak repair data into an electronic data management system before their invoices are paid. Trader Joe's must also detect and repair leaks through a new quarterly leak monitoring program designed to proactively obtain environmental performance information before the company is out of compliance. In addition, Trader Joe's must achieve and maintain an annual corporate-wide average leak rate of no more than 12.1 percent – well below the grocery store sector average of 25 percent – through 2019, use non-ozone depleting refrigerants at all new stores and major remodels and, at no fewer than 15 of these stores, use advanced refrigerants which have significantly less global warming potential compared to typical refrigerants.

Press Release: https://www.epa.gov/newsreleases/united-states-settles-trader-joes-reduce-ozone-depleting-and-greenhouse-gas-emissions-0
Consent Decree: https://www.epa.gov/sites/production/files/2016-06/documents/traderjoes-cd.pdf

U.S., The State of Alaska, The State of Hawaii, and The Northwest Clean Air Agency v. Tesoro Refining & Marketing Company LLC, et al. (AK, CA, HW, ND, UT, WA): On July 18, 2016, EPA and DOJ announced a $425 million Clean Air Act (CAA) civil judicial settlement with subsidiaries of Tesoro Corp., and Par Hawaii Refining. The settlement addresses a range of leak detection and repair and flaring violations and other CAA violations at six refineries. Under the settlement, the two companies will spend about $403 million to install and operate pollution control equipment. Tesoro will also pay a $10.45 million civil penalty. The settlement incorporates the latest technological approaches and pollution control equipment to reduce flaring and make the flaring that does occur as efficient as possible. In addition, the settlement requires Tesoro to use a series of state-of-the-art Next Generation Compliance tools to monitor pollution. Tesoro will use infrared gas-imaging cameras at four refineries to supplement the company's enhanced leak detection and repair program. These cameras are able to locate fugitive volatile organic compound emissions that may not be otherwise detected and to address these fugitive emissions and in doing so protect refinery employees from them. Tesoro will also spend

about $12.2 million to fund three pollution mitigation projects in local communities previously impacted by pollution. In addition to using infrared cameras, Tesoro will install ultra-low NOx burners on a furnace at its Salt Lake City refinery.

Press Release: https://www.epa.gov/newsreleases/oil-refiners-reduce-air-pollution-six-refineries-under-settlement-epa-and-department
Consent Decree: https://www.justice.gov/sites/default/files/enrd/pages/attachments/2016/07/18/2-1_-_consent_decree.pdf

REGION 1

U.S. and the Commonwealth of Massachusetts v. City of Haverhill, MA (Haverhill, MA): On August 19, 2016, EPA and DOJ announced a judicial settlement with the City of Haverhill, Massachusetts (Haverhill) resolving multiple Clean Water Act (CWA) violations stemming from Haverhill's discharge of pollutants into its storm water drainage system in violation of its permits and failure to properly operate and maintain its sewer system and treatment plant. Under the settlement, Haverhill will pay a $125,000 penalty, implement a $176,000 riverbank restoration project, and implement injunctive relief to correct its stormwater and sewage-related violations. The injunctive relief will include implementing construction site post-development stormwater controls, a sanitary sewer collection system management program, and a combined sewer control plan, and implement optimization projects and capital improvements for its wastewater treatment facility. In addition, consistent with Next Generation Compliance principles, the City will, for one year, perform continuous electronic monitoring of each of its active CSO outfalls in order to record the date and time when flow from each outfall commences, the date and time when such flows cease, and the total volume released during each activation. After one year, the City will maintain permanent meters on a subset of its outfalls. Also, the City will submit email notification within 24 hours of any CSO discharge to various state departments, a local river watershed council, agents for the downstream communities to advise them of the discharge and continue to issue email notification on successive days until the discharges have ceased.

Press Release: https://www.justice.gov/usao-ma/pr/federal-state-settlement-haverhill-will-address-pollution-merrimack-river

In the Matter of Mann Distribution LLC and 3134 Post LLC (Warwick, RI): On March 2015, EPA Region 1 issued an Administrative Order on Consent (Order) to Mann Distribution LLC and 3134 Post Road LLC (Respondents) for Resources Conservation and Recovery Act (RCRA) and Clean Air Act 112(r)(1) general duty clause violations at its chemical distribution facility in Warwick, Rhode Island. EPA found unsafe conditions including, among other things, failure to have a fire suppression system, failure to inspect a fire alarm, co-location of incompatible chemicals, and many RCRA generator violations. Among other compliance requirements, the Order requires Respondents to implement an independent third-party inspection program. Consistent with Next Generation Compliance principles, the third-party program has strong auditor competence, independence, reporting, and oversight provisions.

Administrative order: available upon request from EPA Region 1

U.S. v. City of Lawrence (Lawrence, MA): This judicial settlement, entered by the federal court in July 2015, resolves Clean Water Act (CWA) violations by the City of Lawrence for discharging untreated sewage without permit authorization. It also resolves violations by the City of its permit controlling storm water discharges. The settlement includes a schedule for the City to develop sewer system management programs to investigate and rehabilitate its sewer system to minimize the discharge of untreated sewage. In addition, the City must institute programs to detect and eliminate sources of wastewater contamination of its stormwater system and control runoff from land redevelopment projects. Consistent with Next Generation Compliance principles, the settlement requires the City to develop a geographical information system (GIS) map of its wastewater collection, storage, and transmission system and Municipal Separate Storm Sewer System (MS4), and use the GIS System to identify planned and completed work on the wastewater and MS4 systems and identify the location of illicit discharges. Also, the settlement requires the City to include, in its emergency response plan, procedures to make the public aware of sanitary sewer overflows (SSOs) and measures to prevent public access to, and contact with, areas affected by SSOs.

Press Release: https://www.justice.gov/usao-ma/pr/settlement-agreement-ensures-lawrence-addresses-water-pollution

In the Matter of Cashman Dredging & Marine Contracting, Co., LLC /Cashman-Weeks NB, JV (Quincy, MA): On October 13, 2015, EPA Region 1 filed an administrative settlement of an action against Cashman Dredging & Marine Contracting Co., LLC /Cashman-Weeks NB, JV (Cashman) for violating the Marine Protection, Research and Sanctuaries Act (MPRSA). The violations related to dredging of the Portland, Maine and New Bedford, Massachusetts Harbors in a manner inconsistent with an authorization and permit issued by the U.S. Army Corps of Engineers (USACE). Cashman dumped dredged material at locations within the Portland Disposal Site and the Rhode Island Sound Disposal Site, outside of the coordinates authorized by the USACE. Per the settlement, Cashman paid a $42,000 penalty and agreed to implement an innovative technology Supplemental Environmental Project (SEP). Under the SEP, Cashman, consistent with Next Generation Compliance principles, will: (1) purchase and install a GPS Interlock for Scow Barge Dumping (GeoFence) on each of its five scows; (2) collect data on the operation and performance of the GeoFence; (3) draft a technical paper based on the collected data; (4) give a presentation on the GeoFence at an industry conference or symposium; and (5) share information on its operation within the dredging industry. The GeoFence is comprised of a small computer, a GPS, and a relay, which will be custom installed on each of Respondent's scows, to track the current position of the scow relative to the MPRSA permitted dump site coordinates. Other than in emergency situations when the system can be overrode, the system will prevent dumping until the scow is inside the permitted dump site coordinates. This will eliminate the element of human error, a common cause of MPRSA unauthorized dumping.

Press Release: https://www.epa.gov/newsreleases/companies-fined-and-take-action-comply-ocean-dumping-requirements
Consent Agreement and Final Order:
https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/CAFOs%20and%20ESAs/D544433341366D2885257EDE001BC7C3/$File/MPRSA-01-2015-0035%20CAFO.pdf

In the Matter of Connecticut Freezers, Inc. and Maritime International, Inc. (New Haven, CT): On May 7, 2013, EPA Region 1 reached an administrative settlement with Maritime International, Inc. and Connecticut Freezers Inc. resolving violations of the Clean Air Act (CAA) General Duty Clause,

Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and Section 304(c) of the Emergency Planning and Community Right-to-Know Act (EPCRA). The settlement included a $50,000 penalty and required the companies to, consistent with Next Generation Compliance principles, install a state-of-the-art ammonia detection system at the East Harford facility with more detectors than before. This system is integrated with emergency controls to shut down refrigeration machinery upon detecting concentrations of concern of ammonia. Additionally, the companies reduced the potential for ammonia releases at the New Bedford Bridge Terminal by replacing an ammonia liquid pump with a hermetically-sealed pump to nearly eliminate the potential for ammonia releases from pump failure. The companies also upgraded evaporator valve stations with state-of-the art valves to reduce risk of ammonia release from valve failure and reduce stress on other system components.

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/6d651d23f5a91b768525735900400c28/f76a2982a75bebca85257b88006e7c9d!OpenDocument

U.S. and State of Maine v. City of Bangor (Bangor, ME): This judicial settlement, lodged on August 26, 2015, resolves violations by the City of Bangor, Maine of Clean Water Act (CWA) requirements pertaining to its wastewater treatment and stormwater systems. While the City complied fully with the terms of an earlier enforcement settlement with EPA and had a federal CWA discharge permit issued by the State of Maine, sewer overflows and water quality violations had nevertheless continued. Therefore, in addition to requiring further CSO remedial work and general improvement to the City's collection system operation and maintenance, the August 26, 2015 settlement requires the City to take additional steps to address Sanitary Sewer Overflow (SSO) and maintain stormwater noncompliance. Consistent with Next Generation Compliance principles, the settlement includes advanced monitoring and electronic data submission on a monthly basis, including submitting real-time data on electronic-flow monitoring from all of the City's significant CSO outfalls. The City's Municipal Separate Storm Sewer System (MS4) Illicit Discharge Detection and Elimination (IDDE) plan also includes point-source advanced monitoring techniques such as microbial source tracking.

Press Release: https://www.epa.gov/enforcement/reference-news-release-under-settlement-bangor-maine-takes-additional-action-address
Consent Decree: https://www.epa.gov/sites/production/files/2015-12/documents/cityofbangor-cd.pdf

In the Matter of Pioneer Valley Refrigerated Warehouse (Chicopee, MA): In a July 16, 2015 administrative settlement with EPA Region 1, Pioneer Valley Refrigerated Warehouse (Pioneer) agreed to pay a $41,000 penalty and spend an additional $322,100 on environmental projects to improve the safety of the surrounding community. Consistent with Next Generation Compliance principles, the environmental projects are designed to reduce the likelihood of anhydrous ammonia releases and limit severity of any ammonia release that might occur. The settlement requires Pioneer to replace two ammonia liquid pumps at the facility with hermetically sealed pumps which will nearly eliminate the potential for ammonia releases from pump failure. It also requires Pioneer to replace six existing compressor control systems with state-of-the-art computerized compressor control systems that have integrated shutdown controls to shut the compressors down in cases of excessively high pressure or temperature. In addition, Pioneer must install and operate a centralized, computerized control system to monitor and control the entire refrigeration system at a facility building. The new control system can prevent or minimize ammonia releases by triggering the automatic shutdown of certain components or

refrigeration zones if readings hit specified set-points and enables the remote control and shutdown of these components.

Press Release: https://www.epa.gov/newsreleases/under-epa-settlement-chicopee-mass-cold-storage-warehouse-company-improves-public

REGION 2

U.S. v. Total Petroleum Puerto Rico (Puerto Rico and the U.S. Virgin Islands): On March 9, 2015, EPA and DOJ announced a settlement with Total Petroleum Puerto Rico Corp. (Total Petroleum) resolving Resource Conservation Recovery Act (RCRA) violations at 35 gas stations with Underground Storage Tanks (USTs). USTs typically hold large quantities of gasoline and can cause significant environmental damage if allowed to leak. Total Petroleum agreed to pay a $426,000 penalty, implement compliance measures valued at approximately $1 million, and undertake a $600,000 Supplemental Environmental Project (SEP). Consistent with Next Generation Compliance principles, the injunctive relief requires Total Petroleum to install fully-automated electronic release detection monitoring systems at 137 of its facilities with USTs. The systems will include probing sensors that are connected to an on-site computer console unit with audible and visible alarms to alert nearby gas station personnel of leaks. Further, Total Petroleum will connect at least 125 of the facilities to a central monitoring location and provide quarterly reports to EPA on its operation of both systems.

Press Release: https://www.epa.gov/newsreleases/total-petroleum-puerto-rico-corp-agrees-spend-16-million-improve-leak-detection-least
Consent Decree:
http://www.justice.gov/sites/default/files/enrd/legacy/2015/04/13/Total_Petroleum_Consent_Decree.PDF

U.S. v. Chevron Puerto Rico, LLC (Puerto Rico): On July 26, 2011, EPA and DOJ announced a judicial settlement with Chevron Puerto Rico, LLC (Chevron) resolving Resources Conservation and Recovery Act (RCRA) violations at approximately 100 of Chevron's Underground Storage Tank (UST) facilities in Puerto Rico. Per the settlement, Chevron will pay a $600,000 penalty and spend approximately $2 million to improve leak detection methods and operations at its service stations. Consistent with Next Generation Compliance principles, Chevron will install fully-automated leak detection systems on USTs at approximately 155 of its facilities in Puerto Rico and continue operating them for at least five years. The automated systems are designed to detect releases before they enter the environment. Chevron will provide quarterly reports on the operation of the systems to the EPA. Chevron will also spend approximately $3.5 million on two Supplemental Environmental Projects (SEPs). Under the first SEP, Chevron will install a centralized monitoring system at approximately 155 Chevron-owned service stations with USTs. The centralized system will monitor each station's UST systems with 24/7 surveillance of release detection. The systems include sensor status information and centralized record keeping, in addition to onsite audible and visible alarms that will alert station personnel of leaks and other potentially dangerous events. Under the second SEP, Chevron will install sensors under dispenser pans in all of its facilities and connect them to a centralized monitoring system. (The owner of Chevron's facilities is now Puma Energy Caribe LLC (PCA) which is the responsible party for completing the SEPs.)

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/1e5ab1124055f3b28525781f0042ed40/6afd9bb37d5f7771852578d9004dba29!OpenDocument
Consent Decree: available upon request from EPA Region 2

U.S. v. Virgin Islands Water and Power Authority (Virgin Islands): On September 30, 2016, the presiding U.S. court entered the United States' judicial settlement agreement with the Virgin Islands Water and Power Authority (VIWAPA) that EPA and DOJ had lodged on September 24, 2015. The settlement agreement lays out the steps VIWAPA's will take to end its persistent violations of the Clean Air Act (CAA) at its St. Thomas and St. John power generation facilities. The settlement requires VIWAPA to comply with all applicable provisions of the CAA, including the New Source Performance Standards (NSPS), the facility's PSD and Title V Operating Permit, and the National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Reciprocal Internal Combustion Engines (RICE NESHAP). The settlement also requires VIWAPA to pay a $1,300,000 penalty and perform injunctive relief requirements at both power generation facilities. Consistent with Next Generation Compliance requirements, these requirements include installing audible alarms at the St. Thomas Facility to alert operators if the power plant is approaching an emission limit to help the operators identify and address conditions that could lead to violations before the equipment fails to maintain compliance within its established operating ranges. VIWAPA will also install a video camera to record the stack emissions. The facility will then use the video feed to determine when to take emission readings. VIWAPA will also post on its website the kWh of power generated, on a monthly basis, by renewables, by burning LPG/LNG, and by burning fuel oil, respectively.

Press Release: https://www.epa.gov/newsreleases/virgin-islands-water-and-power-authority-signs-legal-agreement-epa-and-us-department

U.S. v. Adirondack Energy Products (Plattsburgh, Massena, Malone, Moira and Canton, NY): On April 23, 2013, EPA and DOJ announced a Resources Conservation and Recovery Act (RCRA) judicial settlement addressing the failure of Adirondack Energy Products, Inc. (Adirondack) and its affiliated companies to comply with proper maintenance and operation of underground storage tank (UST) system requirements. Under the settlement, these owners of nine gas stations in New York State's North Country paid a $46,000 penalty and will spend a minimum of $112,000 to improve how their gas stations detect leaks. Consistent with Next Generation Compliance principles, Adirondack updated conventional leak detection devices at all nine gas stations with more technologically-advanced leak detection equipment. This equipment now collects the leak detection data and transmits it electronically to a handheld mobile device carried by the companies' Environment, Health and Safety Officer and Systems and Equipment Manager. Adirondack and its affiliated companies also hired a third-party contractor to conduct an environmental compliance audit at all of the gas stations and, in 2014, held an outreach seminar for regional UST owner/operators on the UST regulations.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/1949a2460e85256e85257b56005a0742!OpenDocument

In the Matter of: Cayey Municipal Solid Waste Landfill (Cayey, PR); In the Matter of: Arroyo Municipal Solid Waste Landfill (Arroyo, PR): On September 29, 2016, EPA Region 2 announced administrative settlements regarding the Arroyo and Cayey municipal landfills in Puerto. The

settlements were achieved under the Resource Conservation and Recovery Act (RCRA) and require the municipalities to take actions to address conditions at each landfill which EPA found may present an imminent and substantial endangerment to human health or the environment. The settlements require the municipalities to improve landfill operations, expand and improve their recycling programs, install a limited landfill gas collection and control system to mitigate environmental harm and health risks from methane and hazardous air pollutant releases, introduce new composting programs, determine whether recovery of gas from the landfills to use or sell and photovoltaic power generation systems are viable for the landfills, and permanently close the landfills according to agreed-upon schedules. The municipalities must also develop educational and outreach programs to inform schools, municipal facilities, small businesses, and households of the recycling and composting initiatives. In addition, consistent with Next Generation Compliance principles, the onsite managers of Cayey and Arroyo Municipal Solid Waste Landfills in Puerto Rico are required, weekly, to electronically provide photographic documentation to EPA of the municipalities' progress towards closing the landfills and remaining in compliance. The municipalities also must provide either print or digital photographs demonstrating they have posted notice signs informing the public that that the landfills are subject to administrative orders.

Press Release: https://www.epa.gov/newsreleases/epa-reaches-legal-agreements-close-two-landfills-puerto-rico
Arroyo Administrative Order on Consent: https://www.epa.gov/sites/production/files/2016-09/documents/arroyoconsentordersigned9.19.2016.pdf
Cayey Administrative Order on Consent: https://www.epa.gov/sites/production/files/2016-09/documents/cayey_landfill_final_order.pdf

U.S. v. The New York Racing Association, Inc. (Ozone Park, NY): On September 30, 2016, EPA and DOJ announced a judicial settlement with The New York Racing Association, Inc. (NYRA), a not-for-profit corporation that operates the Aqueduct Racetrack in Ozone Park, New York. The settlement resolves Clean Water Act (CWA) violations from discharges of polluted wastewater containing animal wash water, detergent, and feed waste into New York's storm sewer systems. These discharges led ultimately to Jamaica Bay, a water of the United States. The settlement requires NYRA to pay a $150,000 penalty. In addition, NYRA must implement injunctive relief which includes submitting a process wastewater elimination plan, a plan for horse washing procedures, and other certifications and reports. Consistent with Next Generation compliance principles, NYRA must install a telemetry monitoring system to continuously monitor and alert employees in real-time of any flow from the racetrack into Jamaica Bay during dry weather. The settlement requires the NYRA to post its weekly stormwater inspection results, compliance status reports, and quarterly compliance reports on the NYRA's public website. The settlement further includes a stormwater reduction supplemental environmental project (SEP) at NYRA's Belmont Racetrack facility, which will reduce stormwater runoff through rainfall interception and evapotranspiration.

Case Information Page (including press release and CD): https://www.epa.gov/enforcement/new-york-racing-association-nyra-clean-water-act-settlement

In the Matter of: Ridgewood Water (Ridgewood, NJ): On June 18, 2015, EPA Region 2 issued an Administrative Order (AO) to the Village of Ridgewood, New Jersey to address Safe Drinking Water Act (SDWA) violations associated with the Respondent's public water system that serves over 61,000 people. An EPA and NJ Department of Environmental Protection (NJDEP) sanitary survey had

identified an increased vulnerability to fecal contamination and a failure by the Respondent to notify NJDEP of E. coli in the source water. The AO requires the Respondent to evaluate, assess, and monitor its source water wells to determine the conditions that led to the fecal contamination and develop corrective action recommendations and schedules to correct violations and deficiencies. Consistent with Next Generation Compliance principles, Ridgewood will post the monitoring data, as it becomes available, in a series of quarterly progress updates on their website at http://water.ridgewoodnj.net/index.php?option=com_content&view=article&id=119&Itemid=108.

Administrative Order: available upon request from EPA Region 2

U.S. v. County of Westchester (Westchester Co., NY): On May 21, 2015, EPA and DOJ announced a judicial settlement with Westchester County (Westchester) to resolve violations from its failure to operate its Water District No. 1 in compliance with Safe Drinking Water Act (SDWA) regulations. These regulations are designed to protect the public from Cryptosporidium, a parasite that can cause severe gastrointestinal illness. Westchester agreed to pay a penalty of $1,108,771. Westchester will also make improvements worth approximately $10 million to bring its district into compliance with the SDWA's Enhanced Water Treatment Rule. Consistent with Next Generation Compliance principles, Westchester will enhance its monitoring of source water for Cryptosporidium and make the monitoring results available to the public on its website at http://environment.westchestergov.com/facilities/county-water-district-1.

Press Release: http://www.justice.gov/usao-sdny/pr/manhattan-us-attorney-announces-consent-decree-resolving-westchester-county-s
Consent Decree: http://www.justice.gov/file/440981/download

In the Matter of: Nassau County (Nassau Co., NY): On September 28, 2012, EPA Region 2 filed an administrative settlement resolving Resource Conservation and Recovery Act (RCRA) violations by Nassau County, New York. Nassau County was responsible for numerous violations of RCRA's requirements for underground storage tanks (USTs), including failures to upgrade and properly close UST systems, provide overfill protection, and perform release detection and record maintenance for tanks and piping. In addition to requiring Nassau County to pay a $400,000 penalty, the settlement requires it, consistent with Next Generation Compliance principles, to install fully-automated release detection systems and overfill alarms with automatic shutoff devices on USTs at all of its facilities. The settlement also requires Nassau County to implement two Supplemental Environmental Projects (SEPs). To complete one of the SEPs, Nassau County will spend at least $950,000 to install and operate a centralized monitoring system at all of the Respondent's facilities in Nassau County that have a UST. The centralized system integrates monitoring of each station's UST systems with 24/7 surveillance of release detection. The systems include sensor status information and centralized record keeping, in addition to onsite audible and visible alarms to alert station personnel of leaks and other potentially dangerous events. Nassau County will operate this system for at least three years and will provide quarterly reports to the EPA on its progress.

Consent Agreement and Final Order:
http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/F383966E956F9CCF85257A88001B84BB/$File/Nassau127506.CAFO.pdf

U.S. v. Jersey City Municipal Utilities Authority (Jersey City, NJ): On July 19, 2011, EPA and DOJ announced a judicial settlement with the Jersey City Municipal Utilities Authority (JCMUA) resolving Clean Water Act (CWA) violations caused by JCMUA's failure to properly operate and maintain its combined sewer system (CSS). The violations caused untreated sewage to be released into the Hackensack River, Hudson River, Newark Bay, and Penhorn Creek. JCMUA paid a $375,000 penalty, implemented a $550,000 Supplemental Environmental Project, and invested more than $52 million in repairs and upgrades to its infrastructure. In addition, JCMUA was required to conduct evaluations to identify the problems within the system that led to the releases of untreated sewage. Consistent with Next Generation Compliance principles, the settlement also required JCMUA to install a telemetry system and implement a telemetry pilot study designed to detect overflows and tidal intrusion. The study utilized depth measurement for detecting Combined Sewer Overflow discharges and tide gate closure sensors for detecting tidal intrusion at locations within the CSS.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/jersey-city-municipal-utilities-authority-jcmua-settlement
Consent Decree: https://www.epa.gov/sites/production/files/documents/jcmua-cd.pdf

REGION 3

U.S. and State of Pennsylvania, City of Philadelphia, State of Oklahoma, and State of Ohio v. Sunoco (Philadelphia, PA): On June 16, 2005, EPA and DOJ announced a comprehensive Clean Air Act (CAA) settlement with the petroleum refiner, Sunoco. The settlement was expected to reduce harmful air emissions from four refineries in three states by more than 24,000 tons per year. Consistent with Next Generation Compliance principles, the 4th Amendment to the Consent Decree, entered on April 18, 2013, required Philadelphia Energy Solutions (PES), the new owner/operator of the Philadelphia Refinery, to, among other things, conduct fenceline monitoring upwind and downwind of the refinery (two monitors) and post the monitoring data each week publicly. Equivalent data from the required Continuous Emission Monitors (CEMs) was required to be posted quarterly. PES is required to maintain the public data on the website for at least five years and review them with a Community Advisory Panel upon request. The fenceline monitoring system began on September 18, 2015, and PES began posting the data to the public website on October 18, 2015. The required monitoring data can be accessed at http://pes-companies.com/social-responsibility/environment-safety/. In December 2011, Sunoco shut down and permanently ceased all crude petroleum refining operations at one of the subject refineries in Marcus Hook, Pennsylvania, and the federal court terminated the Consent Decree for that refinery in December 2013.

Case Information Page (including press release, CD, and amendments):
http://www2.epa.gov/enforcement/sunoco-petroleum-refiney-settlement

U.S. and The State of West Virginia v. AL Solutions (New Cumberland, WV): On December 19, 2013, EPA and DOJ announced a judicial settlement with AL Solutions, a West Virginia-based metal recycler, requiring it to implement extensive, company-wide safeguards to prevent future accidental releases of hazardous chemicals from its facilities. The settlement resolved Clean Air Act violations (CAA) stemming from an explosion at the company's New Cumberland, W. Va. facility that killed three people. The company was required to spend approximately $7.8 million to implement extensive

measures to ensure compliance with environmental requirements, assess the potential hazards associated with existing and future operations, and take measures to prevent accidental releases and minimize the consequences of any releases that may occur. Consistent with Next Generation Compliance principles, AL Solutions also must utilize advanced monitoring technology, including hydrogen monitoring and infrared cameras, to assess hazardous chemical storage areas to prevent fires and explosions. The settlement was entered by the federal district court on February 4, 2014.

Case Information Page (including press release and CD): https://www.epa.gov/enforcement/al-solutions-inc-settlement

U.S. and Commonwealth of Pennsylvania Department of Environmental Protection v. Capital Region Water and the City of Harrisburg, PA (Harrisburg, PA): On February 2, 2015, EPA announced a partial judicial settlement with the Pennsylvania Department of Environmental Protection (PADEP), the City of Harrisburg, and Capital Region Water (CRW) to resolve Clean Water Act (CWA) violations from combined sewer overflows and discharges of polluted stormwater to the Susquehanna River and Paxton Creek. Under the Partial Consent Decree, CRW will improve the operation and maintenance of Harrisburg's wastewater and stormwater collection systems, including constructing upgrades at its wastewater treatment plant. In addition, CRW will conduct a comprehensive assessment of existing conditions within its combined sewer system and develop a long term control plan to curtail combined sewer overflows. The work under the partial settlement is estimated to cost $82 million and be completed within approximately five years. Once a long term control plan is approved by EPA, the partial consent decree will be modified appropriately or a new one put into place to implement the plan. Consistent with Next Generation Compliance principles, one of the early action projects is to identify long-term CSO activation monitoring equipment suitable for CRW's system. The settlement requires CRW to develop and conduct a pilot study to evaluate several flow activation technologies and develop written procedures to provide the public with information on CSO discharge occurrences and their water quality impacts.

Case Information Page (including press release and Partial CD): http://www.epa.gov/enforcement/city-harrisburg-clean-water-act-settlement

In the Matter of The Ziegenfelder Company (Wheeling, WV): On August 16, 2016, EPA Region 3 and The Ziegenfelder Company (Ziegenfelder) entered into an administrative settlement to resolve Ziegenfelder's failure to comply with its general duty of care, under Section 112(r)(1) of the Clean Air Act, to identify hazards, design and maintain a safe facility to prevent accidental releases to the air, and minimize the consequences of accidental releases that do occur. Ziegenfelder owns and operates a frozen dessert manufacturing facility in Wheeling, West Virginia. EPA, responding to a November 18, 2015 release at the facility of 142 pounds of ammonia, determined that Ziegenfelder had not designed and maintained its anhydrous ammonia refrigeration system to provide safety consistent with applicable industry codes. The settlement requires Ziegenfelder to pay a penalty of $8,910 and perform a Supplemental Environmental Project (SEP) costing $20,854. Consistent with Next Generation Compliance principles, Ziegenfelder, under the SEP, will install four ammonia detectors with two set levels. The higher of the two set levels will trigger an automatic notification to the alarm contractor, who will then notify the 911 dispatch center. The SEP will help protect the environmental justice community in which the facility is located.

Consent Agreement and Final Order: available upon request from EPA Region 3

REGION 4

U.S. and State of Tennessee v. City of Memphis (Memphis, TN): On April 16, 2012, EPA, DOJ, and Tennessee announced a comprehensive Clean Water Act (CWA) judicial settlement with the City of Memphis, Tennessee. Memphis agreed to make improvements to its sewer systems, estimated at $250 million, to eliminate unauthorized overflows of untreated raw sewage. The settlement requires Memphis to implement programs to ensure proper management, operation and maintenance of its sewer systems to eliminate unauthorized overflows of untreated raw sewage. Memphis must also implement a comprehensive fats, oil and grease (FOG) program and develop and implement a continuing sewer assessment and rehabilitation program to ensure that the integrity of sewer infrastructure is appropriately maintained to prevent system failures likely to result in unauthorized overflows. In addition, consistent with Next Generation Compliance principles, Memphis improved its Geographic Information System (GIS) for managing sanitary sewer data. The GIS is intended to promote quicker responses and more efficient tracking of overflows and more efficient sanitary sewer maintenance. Memphis must post its settlement deliverables in a Public Document Repository at the Memphis Central Library and on Memphis' website.

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/b449d91a0bccaaa1852579e2006b012a!OpenDocument

Consent Decree: https://www.epa.gov/sites/production/files/documents/memphis-cd.pdf

U.S. and State of Tennessee v. Knoxville Utilities Board (Knoxville, TN): On December 1, 2004, EPA, DOJ, and Tennessee announced a comprehensive Clean Water Act (CWA) judicial settlement with the Knoxville Utilities Board (KUB) to address KUB's sewage overflows and ensure KUB's compliance with its CWA permits. The settlement required KUB to pay a $334,000 penalty (split between the United States and Tennessee) and take additional steps, estimated to cost approximately $530 million, to eliminate approximately 3.5 million gallons of sewage overflows annually. KUB is a participant in EPA's Southeastern Region's Maintenance, Operation and Management (MOM) Program under which EPA asks wastewater utilities to perform a detailed self-audit and evaluation of their management, operation and maintenance programs. KUB also agreed to perform a $2 million Supplemental Environmental Project (SEP) by providing funding to moderate, low, and very low income level residential property owners to repair their privately owned sewer pipes that connect into KUB's sewer system. Consistent with Next Generation Compliance principles, the settlement further required KUB to post its deliverables, many of which would be available for public comment, in a Public Document Repository on the KUB website and at the Knoxville Lawson McGee Public Library.

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/f2812c1a8484b3b5852572a000650c02/b458e8f6e9855cc4852571d100478012!OpenDocument&Highlight=2,knoxville
Consent Decree and Complaint: https://www.epa.gov/enforcement/consent-decree-and-complaint-knoxville-utilities-board

U.S., The State of Alabama, The Commonwealth of Kentucky, The State of Tennessee, and The Commonwealth of Virginia v. Southern Coal Corporation, et al. (AL, KY, TN, VA): On December 12, 2016, the Court entered a judicial settlement with Southern Coal Corporation and 26 affiliated mining companies to address Clean Water Act (CWA) violations. The violations included exceedances of CWA National Pollutant Discharge Elimination System (NPDES) permit limits for pollutants including iron, total suspended solids, aluminum, pH, and manganese, failure to submit complete and timely discharge monitoring reports (DMRs), and unauthorized water pollution discharges. Southern Coal Corporation will pay a civil penalty of $900,000, to be split 50/50 between the United States and the four state co-plaintiffs, and implement comprehensive injunctive relief at all its mining operations in the Appalachian region. The injunctive relief, costing approximately $5 million, will include developing and implementing an environmental management system, performing periodic internal and third-party environmental compliance audits, creating a system to track data, and taking response measures for effluent limit violations. Consistent with Next Generation Compliance principles, Southern Coal must also construct a public website where it will place all publicly available settlement-related documents, including NPDES permits, DMRs, water sampling data, effluent violation information, Notices of Violations (NOVs), and compliance orders related to the CWA and the Surface Mining Control and Reclamation Act (SMCRA).

Case Information Page (including press release and CD):
https://www.epa.gov/enforcement/southern-coal-corporation-clean-water-settlement

U.S. and The State of Mississippi v. City of Greenville, Mississippi (Greenville, MI): On January 28, 2016, EPA and DOJ announced a partial judicial settlement with the City of Greenville, Mississippi (City) partially resolving Clean Water Act (CWA) and Mississippi Air and Water Pollution Control Law (MAWPCL) violations caused by the City's ownership and operation of its sewer system. The sewer system consists of a wastewater treatment facility, approximately 200 miles of sanitary sewer lines, and 100 sanitary sewer pump stations and associated appurtenances. The Partial Consent Decree resolves the City's violations in part by requiring it to complete a series of early action projects, develop and implement capacity, management, operations, and maintenance (CMOM) programs, and conduct sewer system evaluation/rehabilitation (SSER) to address 80 percent of the City's Sanitary Sewer Overflows (SSOs). The work under the Partial Consent Decree will be completed over the next six years. Consistent with Next Generation Compliance principles, to increase transparency and public involvement, the Partial Consent Decree requires the City to post on its website instructions to the public to receive email notices when deliverables that are required to be prepared or submitted by the City pursuant to the partial settlement are posted to the City's website.

Settlement overview: https://www.epa.gov/enforcement/greenville-mississippi-clean-water-settlement
Partial Consent Decree: https://www.epa.gov/sites/production/files/2016-02/documents/greenvillepartial-cd.pdf

REGION 5

U.S. v Enbridge Energy Limited Partnership (Marshall, MI and Romeoville, IL): On July 20, 2016, EPA and DOJ announced a Clean Water Act (CWA) judicial settlement with Enbridge Energy Limited Partnership and several related Enbridge companies (Enbridge) to resolve claims stemming

from its 2010 oil spills in Marshall, Michigan and Romeoville, Illinois. Under the settlement, Enbridge will pay civil penalties totaling $62 million for its CWA violations, spend at least $110 million on a series of measures to prevent spills and improve operations across nearly 2,000 miles of its pipeline system in the Great Lakes region, and pay over $5.4 million in unreimbursed costs and future removal costs incurred or to be incurred by the government in connection with cleanup of the Marshall spill. The settlement includes an extensive set of specific requirements to prevent spills and enhance leak detection capabilities throughout Enbridge's Lakehead pipeline system - a network of 14 pipelines spanning nearly 2,000 miles across seven states. Consistent with Next Gen principles, these requirements include mandating advanced leak detection and monitoring to prevent future spills and providing for an independent third party to audit Enbridge's compliance.

Case Information Page (including press release and CD):
https://www.epa.gov/enforcement/enbridge-clean-water-act-settlement

U.S. and The State of Indiana v. BP Products North America, Inc. (Whiting, IN): On May 23, 2012, EPA and DOJ announced a Clean Air Act (CAA) judicial settlement with BP Products North America, Inc. (BP). The settlement requires BP to pay an $8 million penalty and invest more than $400 million to install state-of-the-art pollution controls to cut emissions from BP's petroleum refinery in Whiting, Indiana. Consistent with Next Generation Compliance principles, the settlement requires BP to report its continuous emission monitoring (CEM) data quarterly on a public web site. In addition, as a Supplemental Environmental Project (SEP), BP will install, operate and maintain a $2 million fence line monitoring system. BP must consult with EPA and the community on the location of the monitors, make the data collected available to the public by posting the information weekly on a publicly-accessible website, and review the data with the community upon request. The fenceline monitors will continuously monitor benzene, toluene, pentane, hexane, SO_2, hydrogen sulfide (H_2S), and all compounds containing reduced sulfur. The federal court entered the settlement on November 6, 2012.

Case Information Page (including press release and CD): http://www2.epa.gov/enforcement/bp-whiting-settlement-flaring

In the Matter of: Pilkington North America (Ottawa, IL): On December 28, 2015, EPA Region 5 issued an Administrative Order on Consent (Order) to Pilkington North America, Inc. (Pilkington) for Clean Air Act (CAA) violations at its flat-glass manufacturing plant located in Ottawa, Illinois. The Order was issued, in part, to remedy the allegations that Pilkington exceeded its coating process chloride limit. Consistent with Next Generation Compliance principles, the Order requires Pilkington to notify EPA when it has completed installation of a chloride continuous emissions monitoring system (CEMS) and flow rate meter in order to help prevent future exceedances of the limit. Pilkington must also submit a permit modification request to include the proposed chloride pollution monitoring equipment in its permit and submit chloride emissions data from the coating process to EPA on a quarterly basis.

Administrative Order on Consent: available upon request from EPA Region 5

In the Matter of: Duke Energy – Gibson Station (Owensville, IN): On October 30, 2014 and November 4, 2014, EPA Region 4 issued an Administrative Consent Order (ACO) and administrative settlement to the Duke Energy Indiana, Inc. – Gibson Station to resolve its Clean Air Act (CAA) violations. Consistent with Next Generation Compliance principles, the ACO requires Duke to install five new particulate matter (PM) continuous emission monitoring systems (CEMS) as means of

complying with opacity limits in the Indiana State Implementation Plan and New Source Performance Standard. Duke has the option, in the Indiana CAA State Implementation Plan (SIP) and applicable rules, either to monitor opacity before the scrubber using a continuous opacity monitoring system (COMS), or to monitor PM using a CEMS at the stack. Prior to the ACO, Duke used COMS but it now uses CEMS.

Administrative Consent Order:
https://yosemite.epa.gov/r5/r5ard.nsf/b7d2ca869c9cf1f586257576006fb461/a99bd6e9e38813bc86257da2007277d1/$FILE/r5-056204.pdf
Consent Agreement and Final Order:
https://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/579612FECB6F36F185257D8A00213F0D/$File/CAA-05-2015-0006%20CAFO%2011-4-2014.PDF

U.S., The State of Illinois, and The State of Ohio v. SunCoke Energy, LLC (IL and OH): On November 7, 2014, EPA and DOJ entered into a Clean Air Act (CAA) judicial settlement with a metallurgical coke manufacturer, SunCoke Energy, LLC (SunCoke) to significantly reduce air pollution from two of SunCoke's coke plants – Gateway Energy and Coke Company in Granite City, Illinois, and Haverhill North Coke Company in Franklin Furnace, Ohio. In addition to paying a $1,995,000 penalty, consistent with Next Generation Compliance principles, SunCoke, in a first for the coking industry, will invest $100 million to design and install heat recovery steam generators (HRSGs) at these two facilities. SunCoke will also, if certain requirements are triggered, install a redundant HRSG at a third facility in Middletown, Ohio. Installing the redundant HRSGs will reduce air pollution associated with each facility's bypass venting events by routing emissions that were previously vented directly to the atmosphere to the facilities' flue gas desulfurization and baghouse systems. In addition, SunCoke will install a continuous emission monitoring system (CEMS) at each facility, at an estimated cost of $700,000, to measure sulfur dioxide emissions from bypass vents. Both the HRSGs and SO2 CEMS provide added protections against noncompliance as compared to the status quo before the settlement. The settlement also includes a lead abatement project at residential facilities surrounding the Gateway facility to reduce lead hazards in owner-occupied low-income residences.

Press Release: https://www.justice.gov/opa/pr/united-states-reaches-agreement-suncoke-energy-resolving-clean-air-violations-plants-illinois
Consent Decree: https://www.epa.gov/sites/production/files/documents/suncoke-cd.pdf

REGION 6

U.S. and the Louisiana Dept. of Environmental Quality (LDEQ) v. ORB Exploration LLC (Iberville Parish, LA): On April 22, 2016, EPA and DOJ announced a judicial settlement agreement with ORB Exploration LLC (ORB) resolving violations under Section 311 of the Clean Water Act (CWA). The settlement agreement was entered by the presiding court on August 24, 2016. ORB's violations included numerous Spill Prevention, Control and Countermeasure Plan (SPCCP) deficiencies at its Frog Lake facility in Iberville Parish, Louisiana. ORB also had three separate discharges of oil at its Frog Lake and Crocodile Bayou facilities (the U.S. Coast Guard has jurisdiction over the oil discharges). ORB will pay a federal penalty of $615,000 to the Oil Spill Liability Trust Fund and a state penalty of $100,000 to the LDEQ. As injunctive relief, ORB will, among other things, provide 24-hour

advance notice to the Coast Guard before any transfer operation at any facility. If ORB keeps Frog Lake Facility operational, it will also inspect the area along the length of transfer pipeline at least weekly and after each transfer and raise the height of the containment barrier curbing on the deck of the oil storage barge. In addition, consistent with Next Generation Compliance principles, ORB will install a flow meter on each end of their transfer pipeline. This is an example of using an existing technology in a new way to provide better information on oil discharges to allow ORB to identify any discharges from the transfer pipeline much more quickly.

Press Release: https://www.justice.gov/opa/pr/louisiana-company-pay-over-700000-penalties-and-costs-settle-us-and-louisiana-claims
Consent Decree:
https://www.justice.gov/sites/default/files/enrd/pages/attachments/2016/04/22/orb_consent_decree.pdf

U.S. v. Flint Hills Resources Port Arthur, LLC (Port Arthur, TX): In a March 20, 2014 judicial settlement, Flint Hills Resources agreed to implement innovative technologies to control harmful air pollution from industrial flares and leaking equipment at the company's chemical plant in Port Arthur, Texas. This settlement is part of EPA's national effort to advance environmental justice by protecting communities that have been disproportionately impacted by pollution. The company is required to pay a $350,000 penalty for its Clean Air Act (CAA) violations. Consistent with Next Generation Compliance principles, the settlement requires Flint Hills to operate a system to monitor fenceline concentrations of benzene and 1, 3 butadiene, two hazardous air pollutants generated by the facility. In addition, Flint Hills is required to investigate and implement corrective action when the monitors show concentrations of benzene and 1,3‑butadiene above a threshold amount. Flint Hills must, each week, post the data collected by the fence line monitoring stations post to a public internet site. Flint Hills is also required, twice a year, to publicly post a report summarizing the data it collects plus any corrective actions taken for pollution above the threshold levels.

Case Information Page (including press release and CD):
http://www2.epa.gov/enforcement/flint-hills-resources-port-arthur-clean-air-act-settlement

In the Matter of: Calumet Shreveport Lubricants and Waxes, LLC (Shreveport, LA): On November 7, 2013, EPA Region 6 filed an administrative settlement requiring Calumet Shreveport Lubricant and Waxes, L.L.C. (Calumet) to pay a penalty of $326,000 to resolve nine violations of the Clean Air Act's (CAA) Risk Management Program (RMP). The Risk Management Program is designed to prevent chemical accidents and releases through proper preparedness, response, and prevention. Under the settlement, consistent with Next Generation Compliance principles, Calumet agreed to a Supplemental Environmental Project (SEP) to install a fence-line monitoring system with a value of at least $248,000. The system will include 32 sensors covering all sides of the perimeter of the facility to monitor for hydrogen sulfide, sulfur dioxide, and flammable gas lower explosive limit.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/78caa3d7ebde540d85257c1b006b0e09!OpenDocument
Consent Agreement and Final Order:
http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/FE6EFF606E14FF0F85257C1E00214902/$File/Calumet2013.pdf

U.S. v. Shell Oil Company (Shell Deer Park, TX): On July 10, 2013, EPA and DOJ announced a judicial settlement with Shell Oil and affiliated partnerships to resolve Clean Air Act (CAA) violations at a large refinery and chemical plant in Deer Park, Texas. Shell will pay a $2.6 million penalty and spend at least $115 million to control harmful air pollution from industrial flares and other processes. This includes spending $100 million on innovative technology to reduce harmful air pollution from industrial flares used to burn waste gases. In addition, consistent with Next Generation Compliance principles, Shell will significantly modify its wastewater treatment plant, replace and repair tanks as necessary, inspect tanks biweekly with an infrared camera to better identify potential integrity problems that may lead to leaks, and implement enhanced monitoring and repair practices at the benzene production unit. As a Supplemental Environmental Project (SEP), Shell will spend $1 million on a state-of-the-art open air path monitor system to monitor benzene levels at the fenceline of its plant, which is near a residential neighborhood and school, and make the data available to the public through a website.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/shell-deer-park-settlement

In the Matter of: Enterprise Products Operating LLC (La Porte, TX): On December 14, 2011, EPA Region 6 filed an administrative settlement resolving violations by Enterprise Products Operating LLC (Enterprise) of Clean Air Act (CAA) regulations. These regulations govern monitoring and repair requirements for valves at synthetic organic chemicals manufacturing plants and are part of the CAA-required leak detection and repair (LDAR) program. The violations were due to Enterprise discovering leaks from certain of its components but not monitoring the valves appropriately thereafter. In the settlement, Enterprise agreed to pay a $30,500 penalty. In addition, Enterprise will minimize or eliminate fugitive emissions from its equipment of volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs), and organic hazardous air pollutants (HAPs). Further, consistent with Next Generation Compliance principles, Enterprise purchased a forward-looking infrared (FLIR) camera for monitoring its facility's equipment.

Complaint and Consent Agreement and Final Order:
http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/06B15C2A22F8F39F8525798A002101A2/$File/enterprise2.pdf

U.S., The State of Ohio, and the Memphis Shelby County Health Department v. The Premcor Refining Group Inc., and The Lima Refining Company (Lima, OH, Memphis, TN, and Port Arthur, TX): On August 16, 2007, EPA and DOJ announced a judicial settlement with Valero Energy Corp., covering facilities owned formerly by Premcor Inc. The settlement includes a $4.25 million penalty and further provides for $232 million in new and upgraded pollution controls, at refineries in Tennessee, Ohio, and Texas. The upgraded controls will reduce NOx and SO2 emissions, the number and severity of major flaring events, and benzene emissions and volatile organic compound leaks from valves and other equipment. When fully implemented, these pollution controls will reduce annual emissions of nitrogen oxide by more than 1,870 tons per year and sulfur dioxide by more than 1,810 tons per year. In addition, the settlement includes $4.25 million worth of Supplemental Environmental Projects (SEPs). Consistent with Next Generation Compliance principles, the SEPs include sponsoring a Community Air Monitoring Project by acquiring and placing into operation a mobile air monitoring van for use by the Jefferson County Local Emergency Planning Committee and conducting two Infrared Camera Imaging Projects to demonstrate the use of infrared imaging equipment to identify emissions from leaking components.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/valero-premcor-refinery-settlement

U.S. and State of Texas v. San Antonio Water Systems (San Antonio, TX): On July 23, 2013, EPA, Texas and DOJ announced a judicial settlement requiring the San Antonio Water System (SAWS) to pay a $2.6 million penalty to resolve Clean Water Act (CWA) violations stemming from its illegal discharges of raw sewage. The settlement also requires SAWS to make significant upgrades to its sewer system to reduce sewage overflows. As part of the settlement, SAWS will conduct system-wide assessments, identify and implement remedial measures to address problems found during those assessments that cause or contribute to illegal discharges, and initiate a capacity management, operation and maintenance program to proactively reduce sanitary sewer overflows. These requirements must be fully implemented by calendar year 2025. In addition, SAWS must conduct water quality monitoring to identify potential human sources of bacterial contamination in the Upper San Antonio River. Consistent with Next Generation Compliance principles, the settlement further requires SAWS to post specified EPA reviewed or approved plans, reports or other submissions related to its implementation of this settlement to a Public Document Repository on its website. Each submission will remain on the website for at least three years.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/san-antonio-water-system-saws-settlement

In the Matter of: Tyson Chicken, Inc. (Hope, AR): On October 18, 2016, EPA Region 6 filed an administrative settlement resolving Clean Air Act (CAA) Section 112(r) Risk Management Plan Rule violations by Tyson Chicken, Inc. (Tyson). The violations were associated with an incident at Tyson's Hope, Arkansas facility in which a release of anhydrous ammonia from a ruptured pipe into the ambient air injured eight employees. In settlement, Tyson agreed to pay a $106,894 penalty. In addition, consistent with Next Generation Compliance principles, Tyson must conduct comprehensive, independent third-party compliance audits at twenty of its Region 6 facilities using forward-looking infrared (FLIR) cameras. Tyson must also develop, implement, and report to EPA on a pilot project to create a ventless closed ammonia system for a covered process at one of its Region 6 facilities. As part of the project, Tyson must fully repipe the process and equip it to close the system from any ammonia releases to the ambient air from its safety release valves. The releases of ammonia will instead be vented to a diffusion tank in order to capture and absorb ammonia that would otherwise be released to the air.

Consent Agreement and Final Order: available from Region 6 upon request.

U.S. v. Total Petrochemicals USA, Inc. (Port Arthur, TX): On September 20, 2013, EPA and DOJ announced a Consent Decree Amendment (CDA) with Total Petrochemical USA, Inc. (Total) addressing Total's failure to comply with the terms of a prior, 2007 settlement for Clean Air Act (CAA) violations at its Port Arthur, Texas refinery. Between 2007 and 2011, Total violated numerous requirements of the 2007 settlement, including failing to comply with emissions limits for benzene, a harmful air pollutant. The company also failed to perform corrective actions or to analyze the cause of over 70 incidents involving emissions of hazardous gases through flaring. Under the CDA, Total agreed to pay an $8.75 million penalty and comply with its settlement and regulatory obligations to upgrade its leak detection and repair and implement programs to minimize flaring and meet a lower benzene

emissions limit for two years. In addition, Total was required to hire a third-party compliance auditor and implement a company task force to monitor its compliance. A Supplemental Environmental Project (SEP) in the 2007 CD required Total, consistent with Next Generation Compliance principles, to implement a Passive, Infrared Imaging of Refinery Equipment and Components and Follow-Up Actions project to include conducting passive, infrared imaging of all refinery components subject to the CAA Leak Detection and Repair (LDAR) rules.

2013 Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/e8f4ff7f7970934e8525735900400c2e/c07d422e06400be685257bec005fa181!OpenDocument&Highlight=2,Total,Petrochemicals
2013 Amendment to Consent Decree:
http://www.epa.gov/sites/production/files/2013-10/documents/1stamendtotal-cd.pdf
2007 Case Information Page (including press release and CD): http://www.epa.gov/enforcement/total-petrochemicals-usa-settlement

REGION 7:

U.S. and The State of Missouri v. Metropolitan St. Louis Sewer District (St. Louis, MO): On August 4, 2011, EPA and DOJ announced a Clean Water Act (CWA) judicial settlement with the Metropolitan St. Louis Sewer District (MSD). The settlement, entered by the federal court on April 27, 2012, requires MSD, over 23 years, to make extensive improvements to its sewer systems and treatment plants, at an estimated cost of $4.7 billion, to eliminate illegal overflows of untreated raw sewage and reduce pollution levels in urban rivers and streams. The settlement includes terms that advance the use of large scale green infrastructure projects to control wet weather sewer overflows. MSD is required to invest at least $100 million in an innovative green infrastructure program focused in environmental justice communities in St. Louis. In addition, consistent with Next Generation Compliance principles, the settlement requires MSD to post specified CD submissions on the MSD website for a period of three years. Prior Administrative Compliance Orders issued in 2007 and 2008 required MSD to also post signs at or near surface discharge locations. These requirements are continued in the new settlement.

Case Information Page (including press release and CD): http://www2.epa.gov/enforcement/st-louis-clean-water-act-settlement

In the Matter of: IESI MO Champ Landfill, LLC (Maryland Heights, MO): On August 11, 2016, EPA Region 7 announced an administrative settlement with IESI MO Champ Landfill, LLC (Champ Landfill) to address Clean Air Act (CAA) violations at its Maryland Heights Landfill. The landfill uses a gas collection system – a network of wells and piping – to collect landfill gas, created by the decomposition of solid waste, consisting primarily of methane and carbon dioxide. Under the settlement agreement, Champ will spend an estimated $1.6 million to implement the required improvements at the landfill. The improvements are expected to minimize odors and air emissions from the landfill and ensure ongoing compliance with regulatory requirements under the Clean Air Act (CAA). This work will include conducting a comprehensive third-party audit of Champ Landfill's gas collection system, implementing all of the auditor's recommended corrective actions in less than one year, and installing twenty-one additional landfill gas extraction wells. These steps are expected to significantly improve Champ Landfill's ability to collect gases generated by the landfill, resulting in lower emissions of

landfill gas and odors to the surrounding community. Consistent with Next Generation Compliance principles, as part of the settlement, for a period of twelve months, whenever Champ Landfill is aware of or anticipates a condition at the landfill that may cause off-site migration of uncomfortable odors, it must provide appropriate and timely notice of the condition to all impacted neighboring communities on a public internet web page with information about the cause of the odors, its anticipated length, and any addressing actions.

Press Release: https://www.epa.gov/newsreleases/epa-and-champ-landfill-maryland-heights-mo-reach-settlement-improve-landfills

In the Matter of: Coastal Energy Corporation (Willow Springs, MO): On August 1, 2016, Region 7 entered a final administrative settlement of an action against Coastal Energy Corporation (Coastal Energy) of Willow Springs, Missouri for violating Section 311 of the Clean Water Act (CWA) and Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Coastal Energy manufactures asphalt oil and stores approximately 2.8 million gallons of liquid asphalt, ethanol, and diesel fuel at this facility, directly adjacent to the Eleven Point River. Coastal Energy lacked a facility response plan and did not have an adequate spill prevention, control and countermeasure plan. It also failed to provide required secondary containment for oil storage. These CWA requirements are intended to prevent accidental releases and ensure facilities are better able to respond to releases that do occur. Coastal Energy also failed to submit information about propane it stored onsite to state and local emergency response organizations as required by EPCRA. The settlement requires Coastal Energy to pay a $25,000 penalty and complete two Supplemental Environmental Projects (SEPs) worth at least $107,347. Under the SEPs, consistent with Next Generation Compliance principles, Coastal Energy will install technology to monitor its asphalt and ethanol tanks for accidental releases 24 hours a day. Coastal Energy personnel will be automatically notified of a loss from one of these tanks during off-hours, reducing the chance of a release affecting the local environment.

Consent Agreement and Final Order:
https://www.epa.gov/sites/production/files/2015-08/documents/coastal-energy-corp-willow-springs-mo.pdf

In the Matter of: the City of Columbia, Missouri (Columbia, MO): On August 17, 2016, EPA Region 7 announced an administrative settlement of Clean Water Act (CWA) violations by the City of Columbia, Missouri (City). The violations resulted from pollutant discharges from the Columbia Landfill and Yard Waste Composting Facility in excess of the City's National Pollutant Discharge Elimination System (NPDES) permit limits. The facility failed, among other things, to meet its permit limits for biochemical and chemical oxygen demand, total suspended solids, and iron, maintain stormwater best management practices, and implement good housekeeping procedures. The settlement requires the City to pay a $54,396 penalty. The City must also perform a Supplemental Environmental Project (SEP) project involving construction of a wetland area at a cost of no less than $475,000. The wetland area will be designed to further reduce the quantity and concentration of pollutants from the landfill's outfall prior to their discharge into the local creek. In a separate order from EPA, Columbia will also submit a plan to EPA describing how the city will come into compliance with the Clean Water Act. Consistent with Next Generation Compliance principles, the City will submit and post discharge monitoring reports and quarterly updates on the City's website to enable the public can follow the city's compliance efforts and their effectiveness.

Press Release: https://www.epa.gov/newsreleases/epa-and-city-columbia-mo-reach-settlement-clean-water-act-violations-columbia-landfill

REGION 8

U.S. v. Slawson Exploration Company, Inc. (ND): On December 1, 2016, EPA and DOJ announced a judicial settlement with Slawson Exploration Company, Inc. (Slawson). The settlement agreement resolves Clean Air Act violations stemming from the company's oil and gas production activities in North Dakota, including on the Fort Berthold Indian Reservation. Specifically, Slawson had failed to adequately design, operate, and maintain vapor control systems on its storage tanks at its approximately 170 North Dakota oil and natural gas wells, resulting in significant emissions of volatile organic compounds (VOCs), a key component in the formation of smog or ground-level ozone. The settlement requires Slawson to pay a $2.1 million penalty and implement system upgrades, monitoring, and inspections (many of which are already in place) at an estimated cost of $4.1 million. These improvements will significantly reduce Slawson's VOC emissions. Consistent with Next Generation Compliance principles, the monitoring and inspections will include the use of advanced technology such as infrared cameras and electronic pressure monitors to better detect and respond to air emissions. Further, Slawson will engage a third party auditor to evaluate its system upgrades and conduct infrared camera inspections to detect whether revised designs and operation and maintenance practices are effectively minimizing emissions. In addition, Slawson will spend at least an estimated $2 million to fund environmental mitigation projects consisting of installing and operating equipment to allow for auto-gauging of storage tanks to decrease the need to open thief hatches and using new drill rig emission controls.

Case Information Page (including press release and CD): https://www.epa.gov/enforcement/slawson-exploration-company-inc-clean-air-act-settlement

U.S. and the State of Colorado v. Noble Energy (Denver-Julesburg Basin, CO): On April 22, 2015, EPA, DOJ, and Colorado announced a judicial settlement with Houston-based Noble Energy, Inc. (Noble) resolving Clean Air Act (CAA) violations from the company's oil and gas exploration and production activities in the Denver-Julesburg Basin in Colorado. Noble agreed to pay a $4.95 million penalty and spend an estimated $60 million on system upgrades, monitoring, and inspections to reduce emissions. Noble also agreed to spend an additional $4.5 million on environmental mitigation projects and $4 million on Supplemental Environmental Projects (SEPs). Through these projects, Noble will evaluate and modify its vapor control systems to ensure they properly capture and control VOC emissions. Consistent with Next Generation Compliance principles, Noble will use an infrared camera to inspect the systems to confirm the capture and control of VOCs and verify their proper upkeep and operation. These activities will be audited by a qualified third-party not owned by Noble or any of its subsidiaries or affiliated companies. Noble will develop and post on its website reports summarizing its engineering evaluations and modifications. Additionally, Noble must install monitors at certain storage tanks to detect tank pressure increases that may indicate possible emission releases.

Case Information Page (including press release and CD): http://www.epa.gov/enforcement/noble-energy-inc-settlement

In the Matter of: Otto and Sons, Inc. (West Jordan, UT): On September 23, 2016, EPA Region 8 issued a final administrative order approving a combined complaint and consent agreement resolving violations by Otto and Sons, Inc. (Otto) of Section 112(r)(7) of the Clean Air Act (CAA). The violations occurred at Otto's meat processing facility in West Jordan, Utah. Otto had failed to fully comply with its CAA Risk Management Plan requirements. The settlement requires Otto to pay a $44,900 penalty, spend $129,000 on a Supplemental Environmental Project (SEP), and certify that it is now in compliance with the CAA. The SEP is a project to significantly upgrade the anhydrous ammonia monitoring, and response system at the facility. Consistent with Next Generation Compliance principles, the enhancements provide for real-time monitoring, alarms, controls and notification capability for potential releases from, or of malfunctions with, the facility's ammonia refrigeration system.

Combined Complaint and Consent Agreement: available upon request from Region 8

In the Matter of: Williams and ConocoPhillips (Southern Ute Reservation, CO): On November 2, 2011, EPA Region 8 announced administrative settlement agreements with two gas production companies resolving Clean Air Act (CAA) violations on the Southern Ute Reservation in Colorado's San Juan Basin. The agreements with Williams and ConocoPhillips will reduce emissions of air pollutants from a gas plant and compressor stations. ConocoPhillips paid a $198,000 penalty to resolve CAA violations at its compressor station. The violations were discovered during a self-audit conducted by ConocoPhillips and disclosed to EPA. ConocoPhillips also, consistent with Next Generation compliance principles, conducted mitigation projects at its Southern Ute Compressor Station, including replacing "high-bleed" pneumatics with "low-bleed" or "no-bleed" pneumatics at well sites that feed into the station. In addition, the company agreed to conduct an infrared camera survey of the compressor station to identify leaking components and retrofit a compressor engine with an oxidation catalyst to reduce emissions. Williams paid a $50,000 penalty and expanded a leak detection program at its gas plant to address CAA violations discovered by EPA inspectors. In addition, consistent with Next Generation Compliance principles, Williams agreed to implement an infrared camera leak-detection and repair program to identify fugitive emissions sources.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/20ed1dfa1751192c8525735900400c30/d19971f9fa2962be8525793c0065c7ef!OpenDocument

REGION 9

U.S. and State of Nevada v. Nevada Department of Transportation (Nevada): On July 28, 2016, EPA and DOJ announced a Clean Water Act (CWA) judicial settlement with the Nevada Department of Transportation (NDOT). EPA discovered the violations during a 2011 audit. In 2015, Nevada passed a state law to minimize stormwater impacts and invested $13 million to establish an NDOT stormwater division, staffed with 59 full time employees, dedicated to reducing the impacts of stormwater pollution. In addition, the state spent $7.6 million to purchase needed equipment, such as street sweepers, and has another $15 million earmarked for projects this year. The settlement further addresses NDOT's failure to comply with NDOT's CWA permit for municipal stormwater throughout the state of Nevada. It requires NDOT to pay $120,000 penalty, establish a stormwater management program to control

pollutants entering waters, and spend $200,000 on a Supplemental Environmental Project (SEP) to provide real-time water quality data to the public. Consistent with Next Generation Compliance principles, the settlement requires NDOT to develop a geographical information system (GIS) map compatible with NDOT's new electronic asset management system (AMS) to manage the information NDOT collects on its stormwater system. The settlement also requires NDOT to develop and maintain an enhanced stormwater management public website with extensive information on NDOT's stormwater management program. Additionally, NDOT will conduct a pilot study to evaluate the use of imaging and 3-D terrain modeling data to demonstrate the condition of remote post-construction BMPs, such as retention basins. NDOT will also complete a SEP in which NDOT will implement water quality monitoring devices that include technology to provide continuous monitoring and transmit data to a publicly available platform, working with a project planning group to determine the location and types of data to be collected.

Press Release: https://www.epa.gov/enforcement/reference-news-release-epa-nv-dep-require-nevada-department-transportation-protect-local
Consent Decree:
https://www.justice.gov/sites/default/files/enrd/pages/attachments/2016/07/28/ndot_consent_decree_as_filed.pdf

U.S. v. Hawaii Department of Transportation (Honolulu, HI): On November 5, 2014, EPA and DOJ announced a Clean Water Act (CWA) judicial settlement with the Hawaii Department of Transportation (HDOT). The settlement addresses HDOT's failure to comply with Hawaii's CWA permits for municipal stormwater and other water discharges at its Honolulu and Kalaeloa Barbers Point Harbors. HDOT also failed to correct violations and deficiencies in its stormwater management plans for the two harbors, as required by a prior EPA administrative order. The settlement requires HDOT to pay a $1.2 million penalty and, among other things, establish a comprehensive Construction Runoff Control Program. In addition, consistent with Next Generation Compliance principles, the settlement requires HDOT to develop a geographical information system (GIS)-compatible electronic asset management system (AMS) to manage the information HDOT collects on its stormwater system. This includes information on stormwater sewer system mapping and maintenance, capital improvements to the system, and required self-inspections. The settlement further requires HDOT to develop and maintain an enhanced stormwater management public website with extensive information on HDOT's stormwater management program.

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/e51aa292bac25b0b85257359003d925f/a771a00e15dc5f4585257d4f0071ccb2!OpenDocument&Highlight=0,HDOT
Consent Decree: http://hidot.hawaii.gov/harbors/files/2013/01/Consent-Decree.pdf

U.S. v. Columbus Manufacturing, Inc. (San Francisco, CA): On January 31, 2012, EPA and DOJ announced a Clean Air Act (CAA) civil judicial settlement with Columbus Manufacturing Inc. (Columbus), a wholly owned subsidiary of Columbus Foods LLC. Columbus was responsible for two releases of anhydrous ammonia, in 2009, at its manufacturing facility in South San Francisco, California. The releases were caused by Columbus' failure to comply with its general duty of care under CAA Section 112(r) to identify hazards, maintain a safe facility, and meet process safety management requirements. The settlement requires Columbus to pay a $685,446 penalty. In addition, consistent with Next Generation Compliance principles, Columbus must spend approximately $6 million to convert its

refrigeration system to a safer technology that uses glycol and ammonia, and improve its alarm and ammonia release notification procedures. The Columbus building that will continue to utilize ammonia has received a full interior ammonia detection system with warning, alarm, and remote "shunt trip" circuit cutoff functionalities.

Press Release: https://yosemite.epa.gov/opa/admpress.nsf/0/1c6b8ee238fd17d185257996005b892f
Consent Decree: https://www3.epa.gov/region9/air/enforcement/consent-docs/Columbus-consent-decree.pdf

U.S. and State of California v. East Bay Municipal Utility District and East Bay Communities (San Francisco Bay Area, CA): On July 28, 2014, EPA and DOJ announced a Clean Water Act (CWA) civil judicial settlement with the East Bay Municipal Utility District and seven East Bay communities. EBMUD and the communities were responsible for unpermitted discharges of millions of gallons of sewage discharges into San Francisco Bay from wet weather facilities and sanitary sewer overflows. The discharges were due to excessive rainwater entering the sanitary sewer system. The settlement requires EBMUD and the seven East Bay communities to pay a $1.5 million penalty, and assess and upgrade their 1,500-mile sewer system infrastructure over a 21-year period. In addition, consistent with Next Generation Compliance principles, one of the communities, Oakland, installed level sensing devices to continuously monitor water levels in portions of the sewer system suspected of being at high risk for sanitary sewer overflows due to undersized sewer mains. The advanced monitoring sensors alert the city to respond to prevent a sanitary sewer overflow when water rises. The level sensor monitoring also triggers a requirement for Oakland to replace the associated sewer main with a larger diameter pipe if it detects a sanitary sewer overflow or a very high water level.

Press Release:
https://yosemite.epa.gov/opa/admpress.nsf/2dd7f669225439b78525735900400c31/d07727f638dc519e85257d230068e750!OpenDocument
Consent Decree: https://www.epa.gov/sites/production/files/2014-08/documents/ebmud-cd14.pdf

REGION 10

In the Matter of: Pace International, LLC (Wapato, WA): On September 26, 2016, EPA Region 10 filed an administrative settlement agreement resolving Clean Air Act (CAA) violations by Pace International, LLC (Pace) at its facility on the Yakama Indian Reservation in Wapato, Washington. The facility manufactures post-harvest fruit coatings, such as waxes used to protect fruit during shipment. Pace failed to track, calculate, and record its monthly and 12-month rolling emission inventory for Volatile Organic Compounds (VOCs) as required by its air operating permit, timely conduct energy assessments on its two boilers as required by the applicable National Emission Standards for Hazardous Air Pollutants (NESHAP), and timely submit a Notification of Compliance Status Report for completion of energy assessments on the two boilers. The settlement requires Pace to pay a $77,134 penalty. Pace will also perform a Supplemental Environmental Project (SEP), valued at $78,427, to reduce air pollution by replacing pneumatic pumps and hoses that transfer large quantities of liquids containing VOCs with new leak-proof stainless steel pumps and crush-resistant hoses. Consistent with Next Generation Compliance principles, at EPA's second, follow-up site inspection, EPA used forward looking infrared (FLIR) video camera technology to see otherwise invisible air emissions. The FLIR

camera video footage helped Pace to decide to agree to replace its old, leaky pumps and hoses, demonstrating its value to improving compliance at the facility.

Press Release: https://www.epa.gov/newsreleases/epa-settles-pace-international-llc-over-clean-air-act-violations-yakama-indian

In the Matter of: Shining Ocean, Inc. (Sumner, WA): On June 9, 2015, EPA Region 10 filed an administrative settlement for Shining Ocean, Inc. resolving violations of hazardous substances reporting requirements in the Emergency Planning and Community Right-to-Know Act (EPCRA). For calendar years 2009 through 2013, Shining Ocean failed to submit Tier II Chemical Inventory reports for stored anhydrous ammonia and sulfuric acid to the State Emergency Response Commission, the Local Emergency Planning Committee and its local fire department. Shining Ocean agreed to pay a penalty of $16,575. In addition, it must implement a Supplemental Environmental Project (SEP), valued at $87,500, to upgrade the facility's ammonia monitoring system to prevent or respond rapidly to ammonia releases. Consistent with Next Generation Compliance principles, the upgrades include adding or upgrading ammonia sensors, installing cameras to enable facility personnel to observe its ammonia system remotely, installing ammonia release alarm lights with audible alarms to alert personnel when ammonia levels exceed safe limits, and implementing new monitoring system software to give Shining Ocean's personnel universal access to monitoring and control screens from mobile devices or any web browser.

Press Release: https://www.epa.gov/newsreleases/four-washington-companies-resolve-violations-federal-chemical-storage-laws
Consent Agreement and Final Order:
http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/3F504A8FB5036F8F85257E60001BC2F0/$File/EPCRA-10-2015-0060%20%20-%20CAFO_OCR.pdf

In the Matter of: Olympic Fruit Company, LLC (Union Gap, WA): On October 22, 2012, EPA Region 10 filed an administrative settlement resolving Clean Air Act (CAA) violations by the Olympic Fruit Company (Olympic). Under the CAA, a facility that handles large amounts of dangerous chemicals is required to develop a risk management program to assess the safety hazards associated with the chemicals. The program must include accident prevention and an emergency response plan to protect the lives of workers, responders, and nearby residents. Olympic uses more than 10,000 pounds of anhydrous ammonia, a potentially dangerous chemical used in refrigeration and agriculture, yet it failed to comply with these requirements. The settlement required the company to pay a $33,964 penalty and spend at least $40,659 to upgrade its safety equipment. This included, consistent with Next Generation Compliance principles, installing new ammonia detection sensors, safety shut-off valves, and an emergency pressure control system. Olympic also agreed to purchase a hand-held ammonia detector for the East Valley Fire Department to reduce the risks of exposure to ammonia for emergency responders.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/d96f984dfb3ff7718525735900400c29/3ba42035a8cda22485257ac5006b9e98!OpenDocument&Highlight=2,Olympic,Fruit,Company
Consent Agreement and Final Order:
http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/cafos%20and%20esas/46e9d703a9d3459985257aa0001b7cc1/$file/caa-10-2013-0014%20cafo_ocr.pdf

In the Matter of: The Clasen Family Co. (Union Gap and Yakima, WA): On October 2, 2012, EPA Region 10 filed an administrative settlement resolving Clean Air Act (CAA) violations by The Clasen Family Co. (Clasen). Under the CAA, a facility that handles large amounts of dangerous chemicals is required to develop a risk management program to assess the safety hazards associated with the chemicals. The program must include accident prevention and an emergency response plan to protect the lives of workers, responders and nearby residents. Clasen, a cold fruit storage company, uses more than 10,000 pounds of anhydrous ammonia, a potentially dangerous chemical used in refrigeration and agriculture, yet, since 2004, failed to submit its required Risk Management Plan. The company paid a $17,030 penalty and agreed to spend at least $58,800 implementing a Supplemental Environmental Project (SEP). The SEP involved installing equipment at Clasen's Union Gap and Yakima, Washington facilities to reduce the risk of ammonia releases and improve emergency response in case of an accidental release. Consistent with Next Generation Compliance principles, the equipment included ammonia detection sensors in four relief discharge points in two buildings, and three single point dedicated ammonia detectors in a third building, that previously lacking dedicated ammonia sensors.

Press Release:
http://yosemite.epa.gov/opa/admpress.nsf/d96f984dfb3ff7718525735900400c29/d76d82ef88854a0685257a8b007686ec!OpenDocument&Highlight=2,Clasen
Consent Agreement and Final Order:
http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/filings/33b1e1c4d38fdeee85257a87001b85a9/$file/caa-10-2012-0023%20cafo_ocr.pdf

In the Matter of: Unified Grocers (Seattle, WA): On September 23, 2015, EPA Region 10 and Unified Grocers, Inc. entered into an administrative settlement to resolve numerous violations at the company's ammonia refrigeration warehouse and distribution facility. The violations involved chemical release reporting violations under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Emergency Planning and Community Right to Know Act (EPCRA), and Clean Air Act (CAA) Section 112(r) Risk Management Program (RMP) requirements. The settlement required Unified Grocers to pay a $110,200 penalty and spend more than $180,000 on a Supplemental Environmental Project (SEP) to install an enhanced ammonia detection system at the facility. The system includes numerous ammonia sensors and warning devices and uses modern information technology to provide for emergency notification to offsite personnel. This makes the information about pollutant releases available to the personnel closer to real time.

Press Release:
https://www.epa.gov/newsreleases/unified-grocers-settles-epa-claims-delayed-reporting-ammonia-release-risk-management