

**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

\_\_\_\_\_) )  
In re: ) )  
Chevron U.S.A. Inc. ) Docket No. CAA-HQ-2021-8410  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_)

**FINAL ORDER**

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

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.<sup>1</sup>

**ENVIRONMENTAL APPEALS BOARD**



\_\_\_\_\_  
Aaron P. Avila  
Environmental Appeals Judge

Dated: September 20, 2021

\_\_\_\_\_  
<sup>1</sup> The three-member panel ratifying this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

IN THE MATTER OF:  
  
CHEVRON U.S.A. INC.  
  
Respondent.

Docket No. CAA-HQ-2021-8410

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. This is a civil administrative penalty assessment proceeding instituted under Sections 205(c)(1) and 211(d)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1). The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).
2. The Complainant in this matter is the United States Environmental Protection Agency (EPA). The authority to sign consent agreements memorializing settlements between the EPA and respondents under Section 205(c) of the Act, 42 U.S.C. § 7524(c), has been delegated to the Assistant Administrator of the Office of Enforcement and Compliance Assurance. This authority has been redelegated to the Director of the Office of Civil Enforcement, who further redelegated the authority to the Director of the Air Enforcement Division. EPA Delegation 7-6-A.
3. The Respondent in this matter is Chevron U.S.A. Inc. (Chevron). The Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania with its corporate headquarters located at 6001 Bollinger Canyon Road, San Ramon, California

94583. The Respondent operates facilities that produce and import petroleum products, including gasoline.

4. The Complainant and Respondent (collectively, the Parties), having agreed to settle this action, consent to the issuance of the attached Final Order ratifying this Consent Agreement before taking testimony and without adjudication of any issues of law or fact herein, and agree to comply with the terms of this Consent Agreement and the attached Final Order.

## **II. JURISDICTION**

5. This Consent Agreement is entered into under Sections 205(c)(1) and 211(d)(1) of the Act, 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, as codified at 40 C.F.R. Part 22 (Consolidated Rules).
6. For violations occurring through November 2, 2015, the EPA may administratively assess a civil penalty if the penalty sought does not exceed \$320,000. 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1); 40 C.F.R. § 19.4. This amount increased to \$390,092 for violations that occurred after November 2, 2015, where penalties are assessed on or after December 23, 2020. *Id.*
7. The Administrator and the Attorney General jointly determined that this matter, although it involves a penalty amount greater than \$390,092, is appropriate for an administrative penalty assessment. 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1); 40 C.F.R. § 19.4.
8. The Environmental Appeals Board is authorized to ratify this Consent Agreement memorializing the settlement between the Parties in a Final Order. 40 C.F.R.

§§ 22.4(a)(1) and 22.18(b); EPA Delegation 7-41-C.

9. The Consolidated Rules provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order. 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

### **III. GOVERNING LAW**

10. This proceeding arises under Part A of Title II of the Act, Sections 202-219, 42 U.S.C. §§ 7521–7554, and its implementing regulations (40 C.F.R. Part 80<sup>1</sup>). The Act and its implementing regulations aim to reduce emissions from mobile sources of air pollution by, among other things, reducing emissions from fuel used in motor vehicles, nonroad vehicles, and engines, and ensuring that fuel used in motor vehicles, nonroad vehicles, and engines does not harm the emissions control technology necessary to meet emissions standards. The Alleged Violations of Law, stated below, relate to requirements aimed at reducing emissions of volatile organic compounds (VOCs), sulfur, and benzene from gasoline. A summary of the law and regulations that govern these allegations follows below.

11. Definitions:

- (a) “Batch of gasoline” means a quantity of gasoline that is homogeneous with regard to those properties that are specified for conventional or reformulated gasoline. 40 C.F.R. § 80.2(gg).
- (b) “CBOB” means gasoline blendstock that could become conventional gasoline based solely upon the addition of oxygenate. 40 C.F.R. § 80.2(aaaa).

---

<sup>1</sup> All citations to 40 C.F.R. Part 80 relate to the fuels regulations that were in effect at the time of the violations. In 2020, the fuels regulations were consolidated and reissued at 40 C.F.R. Part 1090.

- (c) “Designated Volatility Attainment Area” means an area not designated as being in nonattainment with the National Ambient Air Quality Standard for ozone pursuant to rulemaking under Section 107(d)(4)(A)(ii) of the Clean Air Act. 40 C.F.R. § 80.2(dd).
- (d) “Gasoline” means any fuel sold in any State for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline. 40 C.F.R. § 80.2(c).
- (e) “Gasoline Blendstock” means any liquid compound which is blended with other liquid compounds to produce gasoline. 40 C.F.R. § 80.2(s).
- (f) “Importer” means a person who imports gasoline, gasoline blending stocks or components, or diesel fuel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands). 40 C.F.R. § 80.2(r).
- (g) “Oxygenate” means any substance which, when added to gasoline, increases the oxygen content of that gasoline. Lawful use of any of the substances or any combination of these substances requires that they be “substantially similar” under Section 211(f)(1) of the Clean Air Act, 42 U.S.C. § 7545(f)(1), or be permitted under a waiver granted by the Administrator under the authority of the Section 211(f)(4) of the Clean Air Act, 42 U.S.C. § 7545(f)(4). 40 C.F.R. § 80.2(jj).
- (h) “Refiner” means any person who owns, leases, operates, controls, or supervises a refinery. 40 C.F.R. § 80.2(i).

- (i) “Refinery” means any facility, including but not limited to, a plant, tanker truck, or vessel where gasoline or diesel fuel is produced, including any facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel. 40 C.F.R. § 80.2(h).
12. Section 211 of the Act, 42 U.S.C. § 7545, and its implementing regulations contain numerous provisions to ensure that only compliant fuels are produced and distributed in the United States.
13. Under Section 211(c)(1) of the Act, 42 U.S.C. § 7545(c)(1), the EPA may adopt a fuel control if: A) the emission products of the fuel cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare; or B) the emission products of the fuel will significantly impair emissions control systems in general use or emissions control systems that would be in general use were the fuel control to be adopted.

*Gasoline Volatility Standard*

14. Section 211(h) of the Act, 42 U.S.C. § 7545(h), required the EPA to promulgate regulations making it unlawful for any person during the high ozone season to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with a Reid Vapor Pressure (RVP) in excess of 9.0 pounds per square inch (psi).
15. Pursuant to its authority under Sections 211(c)(1) and (h) of the Act, 42 U.S.C. §§ 7545(c)(1) and (h), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart B (Controls and Prohibitions) that include requirements for controls and prohibitions on gasoline volatility. *See* 40 C.F.R. § 80.27.

16. From May 1 to September 15 (the regulatory control period), gasoline sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce by a refiner or importer in designated volatility attainment areas is required to meet a volatility (RVP) standard of 9.0 psi or less. *See* 40 C.F.R. § 80.27(a)(2)(i).
17. Pursuant to 40 C.F.R. § 80.28(a), a refiner or importer is deemed in violation when a violation of the applicable standard in 40 C.F.R. § 80.27 is detected at the refinery.

#### Gasoline Sulfur Standard

18. Pursuant to its authority under Section 211(c)(1) of the Act, 42 U.S.C. § 7545(c)(1), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart H (Gasoline Sulfur) that require refiners and importers to limit the amount of sulfur contained in gasoline they produce or import. *See* 65 Fed. Reg. 6698, 6703 (Feb. 10, 2000).
19. The gasoline sulfur standard includes a per-gallon cap standard of 80 parts per million (ppm). 40 C.F.R. § 80.195(a)(1). The per-gallon cap standard is the maximum sulfur concentration allowed for each batch of produced or imported gasoline.
20. Pursuant to 40 C.F.R. § 80.385(b), it is a violation to produce or import gasoline that does not comply with the applicable sulfur per-gallon cap standard under 40 C.F.R. § 80.195.
21. Pursuant to 40 C.F.R. § 80.395(a)(3), any importer who owned, leased, operated, controlled, or supervised a facility where a violation of 40 C.F.R. § 80.385(b) occurred, is deemed in violation of 40 C.F.R. § 80.385(b).

#### Gasoline Benzene Credit Reporting Requirements

22. Section 202(l)(2) of the Act, 42 U.S.C. § 7521(l)(2), provides that the EPA shall promulgate, and from time to time revise, regulations containing reasonable requirements

to control hazardous air pollutants from motor vehicles and motor vehicle fuels, including emissions of benzene.

23. Pursuant to its authority under Sections 202(l)(2) and 211(c)(1) of the Act, 42 U.S.C. §§ 7521(l)(2) and 7545(c)(1), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart L (Gasoline Benzene), that require refiners to limit the amount of benzene contained in gasoline they produce or import. *See* 72 Fed. Reg. 8428, 8432 (Feb. 26, 2007).
24. The gasoline benzene regulations require, *inter alia*, each refinery to meet an annual average benzene standard of 0.62 volume percent. 40 C.F.R. § 80.1230(a)(1). Compliance with this annual average benzene standard may be achieved through use of benzene credits. 40 C.F.R. § 80.1295(a)(1).
25. Early benzene credits generated from June 2007 through December 2010 may be used for complying with the annual average benzene standard for the 2011, 2012, and 2013 annual averaging periods. 40 C.F.R. §§ 80.1275(b) and 80.1295(c)(1)(i).
26. The gasoline benzene regulations contain reporting requirements, including a requirement for refiners to submit an Annual Gasoline Benzene Report for each of its refineries. 40 C.F.R. § 80.1354(a). This report must include specific information, including the number of benzene credits transferred to the refinery during that year and the number of banked benzene credits. 40 C.F.R. §§ 80.1354(b)(7) and (b)(11).
27. Pursuant to 40 C.F.R. § 80.1358(a)(2), it is a violation to fail to meet any requirements of 40 C.F.R. Part 80, Subpart L, including the benzene credit reporting requirements.
28. Pursuant to 40 C.F.R. § 80.1360(b), any person who violates 40 C.F.R. § 80.1358 is liable for the violation.



Penalties and Enforcement

29. Any person who, after January 12, 2009, through November 2, 2015, violates the regulations prescribed under Sections 211(c) or (h) of the Act, 42 U.S.C. §§ 7545(c) or (h), the controls and prohibitions on gasoline volatility at 40 C.F.R. Part 80, Subpart B, the gasoline sulfur regulations at 40 C.F.R. Part 80, Subpart H, or the gasoline benzene regulations at 40 C.F.R. Part 80, Subpart L, is subject to a civil penalty up to \$37,500 per day per violation and the amount of economic benefit or savings resulting from the violation. *See* 42 U.S.C. § 7545(d)(1); 40 C.F.R. § 19.4. For violations that occurred after November 2, 2015, where penalties are assessed on or after December 23, 2020, the civil penalty may be up to \$48,762 for each violation, plus the economic benefit or savings resulting from each violation. *Id.* Such penalties are assessed in accordance with Sections 205(b) and (c) of the Act, 42 U.S.C. §§ 7524(b) and (c). 42 U.S.C. § 7545(d)(1).

**IV. STIPULATED FACTS**

30. Starting in May 2016, the EPA evaluated Chevron’s compliance with Section 211 of the Act, 42 U.S.C. § 7545, and the implementing regulations at 40 C.F.R. Part 80.
31. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
32. Respondent is a “refiner” as defined in 40 C.F.R. § 80.2(i).
33. Respondent is an “importer” as defined in 40 C.F.R. § 80.2(r).
34. On August 8, 2015, Chevron’s Salt Lake City, Utah refinery (Facility ID 01018) produced 2015 Batch Number 228 (Batch 228) designated as conventional gasoline blendstock for oxygenate blending (CBOB). Batch 228’s RVP was tested and certified as

- 9.07 psi. On August 11, 2015, Batch 228 entered commerce during the regulatory control period, when the RVP limit is 9.0 psi, after Chevron sold 428,000 gallons of Batch 228.
35. Between June 23-26, 2019, Chevron's Pasadena, Texas refinery (Facility ID 07639) produced 2019 Batch Number 19-075 (Batch 19-075) of gasoline designed as CBOB (8,016,750 gallons). Batch 19-075 had an RVP of 9.12 psi. Batch 19-075 entered commerce during the regulatory control period when the batch entered an interstate pipeline.
36. On July 11, 2016, Chevron imported Batch Number 79 (Batch 79)—510,006 gallons of CBOB—into its Petroleum Administration for Defense District (PADD) 5 facility (Facility ID 0005). Batch 79's sulfur content was tested and certified as 81 ppm.
37. Chevron incorrectly reported three intracompany benzene credit sales from its Pascagoula, Mississippi refinery (Facility ID 01015). The sales were reported to the EPA as original credits ("CC0" on the RFG 2200 form) when the credits should have been reported as original early credits ("EC0" on the RFG 2200 form).
38. In 2013, Chevron's PADD 1 facility transferred 75,100 benzene credits to its PADD 5 facility and continued to carry these credits into 2014. In 2014, the PADD 1 facility transferred the same 75,100 benzene credits to the Pascagoula, Mississippi refinery. This second transfer caused Chevron's benzene credit balance in the Averaging, Banking, and Trading system to be 75,100 credits higher than the actual number of available benzene credits.

#### **V. ALLEGED VIOLATIONS OF LAW**

39. By producing Batch 228 with an RVP of 9.07 psi and introducing the batch into commerce on August 11, 2015, Chevron violated the requirement at 40 C.F.R.

§ 80.27(a)(2)(i) that batches of gasoline introduced into commerce by a refiner or importer during the regulatory control period have an RVP of 9.0 psi or less in designated volatility attainment areas.

40. By producing Batch 19-075 with an RVP of 9.12 psi and introducing the batch into commerce during the regulatory control period, Chevron violated the requirement at 40 C.F.R. § 80.27(a)(2)(i) that batches of gasoline introduced into commerce by a refiner or importer during the regulatory control period have an RVP of 9.0 psi or less in designated volatility attainment areas.

41. By importing Batch 79 with a certified sulfur content of 81 ppm, Chevron violated 40 C.F.R. § 80.385(b) by failing to meet the per-gallon cap standard of 40 C.F.R. § 80.195(a)(1) that set the maximum sulfur level of 80 ppm for each batch of gasoline produced at a refinery or imported.

42. Chevron violated 40 C.F.R. § 80.1358(a)(2) by incorrectly reporting three benzene credit transfers from its Pascagoula, Mississippi refinery as required by 40 C.F.R. § 80.1354(b)(7).

43. Chevron violated 40 C.F.R. § 80.1358(a)(2) because its Annual Gasoline Benzene Report did not contain the correct benzene credit balance as required by 40 C.F.R. § 80.1354(b)(11).

## **VI. TERMS OF AGREEMENT**

44. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent: admits that the EPA has jurisdiction over this matter as stated above; admits to the stipulated facts stated above; neither admits nor denies the alleged violations of law stated above; consents to the assessment of a civil penalty as stated below; consents to

any conditions specified in this Consent Agreement; waives any right to contest the alleged violations of law; and waives its rights to appeal the Final Order ratifying this Consent Agreement.

45. For the purpose of this proceeding, Respondent:

- (a) Agrees that this Consent Agreement states a claim upon which relief may be granted against Respondent;
- (b) Waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement, including any right of judicial review under Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1);
- (c) Waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to enforce this Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law will govern in any such civil action;
- (d) Consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of Columbia;
- (e) Agrees that it may not delegate duties under this Consent Agreement to any other party without the written consent of the EPA, which may be granted or withheld at the EPA's unfettered discretion. If the EPA so consents, the Consent Agreement is binding on the party or parties to whom the duties are delegated;

- (f) Acknowledges that this Consent Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
  - (g) Acknowledges that this Consent Agreement and attached Final Order will be available to the public and agrees that it does not contain any confidential business information or personally identifiable information;
  - (h) Acknowledges that its tax identification number may be used for collecting or reporting any delinquent monetary obligation arising from this Consent Agreement (*see* 31 U.S.C. § 7701);
  - (i) Certifies the information it has supplied concerning this matter was at the time of submission and to the best of its knowledge, true, accurate, and complete; and
  - (j) Acknowledges there are significant penalties for knowingly submitting false, fictitious, or fraudulent information, including the possibility of fines and imprisonment (*see* 18 U.S.C. § 1001).
46. For purposes of this proceeding, the Parties each agree that:
- (a) This Consent Agreement constitutes the entire agreement and understanding of the Parties and supersedes any prior agreements or understandings, whether written or oral, among the Parties with respect to the subject matter of this Consent Agreement;
  - (b) This Consent Agreement may be signed in any number of counterparts, each of which will be deemed an original and, when taken together, constitute one agreement; the counterparts are binding on each of the Parties individually as fully and completely as if the Parties had signed one single instrument, so that the

rights and liabilities of the Parties will be unaffected by the failure of any of the undersigned to execute any or all of the counterparts; any signature page and any copy of a signed signature page may be detached from any counterpart and attached to any other counterpart of this Consent Agreement;

- (c) Its undersigned representative is fully authorized by the Party whom he or she represents to bind that Party to this Consent Agreement and to execute it on behalf of that Party;
  - (d) Each Party's obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other Party's obligations under this Consent Agreement and attached Final Order; and
  - (e) Each Party will bear its own costs and attorney fees in the action resolved by this Consent Agreement and attached Final Order.
47. Respondent agrees to pay to the United States a civil penalty of \$647,988 (Civil Penalty).
48. Respondent agrees to pay the Civil Penalty to the United States within 30 calendar days following the issuance of the attached Final Order (i.e., the effective date of this Consent Agreement and attached Final Order).
49. Respondent agrees to pay the Civil Penalty in the manner specified below:
- (a) Pay the Civil Penalty using any method provided on the following website:  
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>;
  - (b) Identify each and every payment with "Docket No. CAA-HQ-2021-8410"; and
  - (c) Within 24 hours of payment, email proof of payment to Timothy J. Sullivan at [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov) ("proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or

automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with “Docket No. CAA-HQ-2021-8410”).

50. As a condition of settlement, Respondent agrees that it will be liable for stipulated penalties to the EPA for failure to pay the Civil Penalty, or any portion thereof, when due, or provide proof of such payment: \$1,000 per day for each day during the first 15 days; and \$2,000 per day thereafter. All stipulated penalties must be paid in the manner specified in Paragraph 49 of this Agreement.
51. Respondent agrees that the time period from the date of Respondent’s signature on this Consent Agreement until the payment of the Civil Penalty as stated in Paragraphs 47 through 49 (the “Tolling Period”) will not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims (the “Tolled Claims”) set forth in the Alleged Violations of Law section of this Consent Agreement. Respondent will not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

**VII. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER**

52. In accordance with 40 C.F.R. § 22.18(c), Respondent’s full compliance with this Consent Agreement will only resolve Respondent’s liability for federal civil penalties alleged above.
53. Failure to pay the full amount of the Civil Penalty assessed under this Consent Agreement may subject Respondent to a civil action to collect any unpaid portion of the

proposed Civil Penalty and interest. In order to avoid the assessment of interest, administrative costs, and a late payment penalty in connection with such Civil Penalty, as described in the following Paragraph of this Consent Agreement, Respondent must timely pay the Civil Penalty.

54. If Respondent fails to timely pay any portion of the civil penalty assessed by the attached Final Order, the EPA may:
- (a) Request that the Attorney General bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10-percent quarterly nonpayment penalty (42 U.S.C. § 7524(c)(6));
  - (b) Refer the debt to a credit reporting agency or a collection agency (40 C.F.R. §§ 13.13, 13.14, and 13.33);
  - (c) Collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (*see* 40 C.F.R. Part 13, Subparts C and H); and
  - (d) Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (40 C.F.R. § 13.17).
55. Penalties paid pursuant to this Consent Agreement and attached Final Order are not deductible for federal tax purposes. 28 U.S.C. § 162(f).



56. This Consent Agreement and attached Final Order apply to and are binding on the Parties. Successors and assigns of Respondent are also bound if they are owned, in whole or in part, directly or indirectly, or otherwise controlled by Respondent. Nothing in the previous sentence adversely affects any right of the Complainant under applicable law to assert successor or assignee liability against Respondent's successor or assignee.
57. Nothing in this Consent Agreement relieves Respondent of the duty to comply with all applicable provisions of the Act or other federal, state, or local laws or statutes, or restricts the EPA's authority to seek compliance with any applicable laws or regulations, nor will it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
58. Nothing in this Consent Agreement shall be construed to limit the power of the Complainant to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to public health, welfare, or the environment.
59. Any violation of the Final Order issued by the Environmental Appeals Board in this matter may result in a civil judicial action to collect the civil penalty as provided in Section 205(c)(6) of the Act, 42 U.S.C. § 7524(c)(6). The EPA may use any information submitted under the Consent Agreement and attached Final Order in an administrative, civil judicial, or criminal action.
60. The EPA reserves the right to revoke this Consent Agreement and accompanying Civil Penalty if, and to the extent the EPA finds, after signing this Consent Agreement that any information provided by Respondent was or is materially false or inaccurate, and the EPA reserves the right to pursue, assess, and enforce legal and equitable remedies for the

Alleged Violations of Law. The EPA will give Respondent written notice of such termination, which will be effective upon mailing.

61. The Parties agree to submit this Consent Agreement to the Environmental Appeals Board with a request that it be ratified and incorporated into the attached Final Order.
62. The Parties agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. Upon filing of the Consent Agreement and attached Final Order with the Environmental Appeals Board, the EPA will transmit a copy of the filed Consent Agreement and Final Order to the Respondent. This Consent Agreement and attached Final Order will become effective after issuance of the Final Order by the Environmental Appeals Board and filing with the Hearing Clerk.

The foregoing Consent Agreement, In the Matter of: Chevron U.S.A. Inc., Docket No. CAA-HQ-2021-8410, is Hereby Stipulated, Agreed, and Approved for Ratification.

**For Chevron U.S.A. Inc.:**

DocuSigned by:



8/16/21

909F8DD3C923449...

Gina K. Lee

Date

Assistant Secretary

Chevron U.S.A. Inc.

6001 Bollinger Canyon Road

San Ramon, California 94583

Respondent's Federal Tax Identification Number: 25-0527925

The foregoing Consent Agreement, In the Matter of: Chevron U.S.A. Inc., Docket No. CAA-HQ-2021-8410, is Hereby Stipulated, Agreed, and Approved for Ratification.

**For The United States Environmental Protection Agency:**

**EVAN BELSER**  Digitally signed by EVAN BELSER  
Date: 2021.09.13 06:54:48 -04'00'

---

Evan Belser  
Acting Director  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC-2242A)  
Washington, D.C. 20460

---

Date

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing Consent Agreement and Final Order in the matter of Chevron U.S.A. Inc., Docket No. CAA-HQ-2021-8410, were sent to the following persons in the manner indicated:

**By E-mail:**

Trevor C. Black  
Senior Counsel  
Chevron U.S.A. Inc.  
6001 Bollinger Canyon Road  
San Ramon, CA 94583  
E-mail: TrevorBlack@chevron.com

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202  
E-mail: sullivan.tim@epa.gov

Dated:     Sep 20, 2021    

*Emilio Cortes*

---

Emilio Cortes  
Clerk of the Board