

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

In the Matter Of:)	Docket No.: UIC-09-2022-0047
)	
Bakersfield Renewable Fuels, LLC)	Proceeding under Section 1423(c) of the
Bakersfield, California,)	Safe Drinking Water Act,
)	42 U.S.C. § 300h-2(c)
Respondent.)	
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Consent Agreement and Final Order

Statutory Authority and Parties

1. The United States Environmental Protection Agency (EPA), Region 9 and Bakersfield Renewable Fuels, LLC (“Respondent”) (collectively the “Parties”) agree to settle this matter and consent to the filing of this Consent Agreement and Final Order (CA/FO). This CA/FO is an administrative action commenced and concluded under Section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300h-2(c)(1), and Sections 22.13(b), 22.18(b)(2) and (3), and 22.45 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division of EPA, Region 9. The Administrator of EPA delegated to the Regional Administrator of EPA Region 9 the authority to bring and settle this action under the SDWA. In turn, the Regional Administrator further delegated the authority to bring this action and sign a consent agreement settling this action under the SDWA to the Director of the Enforcement and Compliance Assurance Division.

3. Respondent is Bakersfield Renewable Fuels, LLC, a limited liability corporation doing business in California.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order. *See* 40 C.F.R. § 22.13(b).

5. The Parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CA/FO, including the assessment of the civil penalty and the compliance requirements specified below.

Jurisdiction and Waiver of Right to Judicial Review and Hearing

7. Respondent admits the jurisdictional allegations in this CA/FO and neither admits nor denies the factual allegations in this CA/FO.

8. Respondent 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 CA/FO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of SDWA, 42 U.S.C. § 300h-2(c)(3); its right to seek federal judicial review of the CA/FO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CA/FO; and its right to appeal this CA/FO under Section 1423(c)(6) of SDWA, 42 U.S.C. § 300h-2(c)(6). Respondent also consents to the issuance of this CA/FO without further adjudication.

Statutory and Regulatory Background

9. Section 1421 of SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection,

monitoring, recordkeeping and reporting requirements, for state underground injection control (UIC) programs to prevent underground injection which endangers drinking water sources.

10. Section 1421(d)(1) of SDWA, 42 U.S.C. § 300h(d)(1), defines “underground injection” as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

11. Section 1421(d)(2) of SDWA, 42 U.S.C. § 300h(d)(2), provides that underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

12. Section 1422(c) of SDWA, 42 U.S.C. § 300h-1(c), provides that the Administrator for EPA shall prescribe UIC programs applicable to those states that have not obtained primary enforcement responsibility of their UIC programs (a concept called “primacy”) or do not have primacy for all types of wells.

13. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124 and 144 through 148. 40 C.F.R. § 144.1(g) provides that the UIC programs regulate underground injection by six classes of wells and all owners or operators of these injection wells must obtain authorization for injection activity associated with these wells either by permit or rule. Class I wells include (1) wells used by generators of hazardous waste or owners or operators of hazardous waste

management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water, (2) other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water, and (3) radioactive waste disposal wells which inject fluids below the lower most formation containing an underground source of drinking water within one quarter mile of the well bore. 40 C.F.R. § 144.6(a)(1)-(3).

14. 40 C.F.R. § 144.11 further prohibits any underground injection, except into a well authorized by rule or by permit issued under the UIC program.

15. 40 C.F.R. § 144.51(a) provides that any UIC permittee must comply with all conditions of its permit. Any permit noncompliance constitutes a violation of SDWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.

16. Section 1401(6) of SDWA, 42 U.S.C. § 300f(6), and 40 C.F.R. § 144.3 define “contaminant” as any physical, chemical, biological, or radiological substance or matter in water.

17. 40 C.F.R. § 144.3 defines “fluid” as any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

18. 40 C.F.R. § 144.3 defines “injection well” as a “well” into which “fluids” are being injected.

19. 40 C.F.R. § 144.3 defines “permit” as an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40

C.F.R. Parts 144, 145, 146 and 124.

20. Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), defines “person” as an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency). *See also* 40 C.F.R. § 144.3.

21. 40 C.F.R. § 144.3 defines “underground injection” as a “well injection.”

22. 40 C.F.R. § 144.3 defines “well” as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

23. 40 C.F.R. § 144.3 defines “well injection” as the subsurface emplacement of fluids through a well.

24. 40 C.F.R. § 144.51(q) requires owners or operators of Class I wells to “maintain mechanical integrity as defined in 40 C.F.R. § 146.8.”

25. A Class I UIC well has mechanical integrity when “(1) There is no significant leak in the casing, tubing or packer; and (2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.” *See* 40 C.F.R. § 146.8.

26. EPA administers and has primary enforcement responsibility for the UIC program in the State of California for Class I wells.

27. Section 1423(a)(2) of SDWA, 42 U.S.C. § 300h-2(a)(2), provides that any person found to be in violation of any requirement of an applicable UIC program in a state that does not have primacy may be assessed a civil penalty and be subject to an order requiring compliance pursuant to Section 1423(c)(1) of SDWA, 42 U.S.C. § 300h-2(c)(1).

28. Under Section 1423(c)(1) of SDWA, 42 U.S.C. § 300h-2(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$23,607 for each day of violation, up to a maximum administrative penalty of \$295,088 for violations occurring after November 2, 2015 and where penalties are assessed on or after December 23, 2020 and/or issue an order requiring compliance.

Factual Allegations and Alleged Violations

29. Respondent is a corporation, and as such, Respondent is a “person” as that term is defined at Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

30. Respondent owns and operates a Class I well facility located at 6451 Rosedale Highway, Bakersfield, California (the “Facility”).

31. At all times relevant to this CA/FO, Respondent owned and/or operated three (3) UIC Class I wells located at the Facility, known as the “Red Ribbon” WD-1, “Red Ribbon” WD-2, “Red Ribbon” WD-3, and one (1) currently inactive well, known as the “Red Ribbon” 7, that are subject to the UIC program requirements set forth at 40 C.F.R. Parts 124, 144, 146, 147, and 148 and that Respondent has operated pursuant to an EPA-issued UIC permit (R9UIC-CA1-FY18-2), effective January 28, 2020 (the “Permit”). A Minor Modification for the Permit became effective on August 19, 2020.

32. The Permit authorizes the underground injection of nonhazardous treated wastewater from various process units at the refinery, including process waters generated from tank farm water drains, surface runoff, truck and tank car loading racks, ground and soil remediation projects, produced water from the Fruitvale Oil Field, as well as refinery units at the plant, operated by the discharger and processed through the on-site wastewater treatment plant, into the Red Ribbon WD-1, WD-2 and WD-3 wells, subject to the terms and conditions set forth

in the Permit.

33. Under 40 C.F.R. § 144.51(a) and Section III, Part E.1 of the Permit, Respondent is required to comply with all conditions of the Permit and any noncompliance constitutes a violation of SDWA and is grounds for enforcement action, permit termination, revocation and reissuing or modification.

Count I - Failure to Demonstrate Mechanical Integrity

34. The statements in Paragraphs 1 through 33 of this CA/FO are hereby incorporated by reference as if set forth in full.

35. The Permit requires that Respondent demonstrate that Red Ribbon WD-1, WD-2 and WD-3 wells “have and maintain mechanical integrity consistent with CFR § 146.8 and [Permit Condition II.D.2(c)]” prior to injecting fluid into the well. See Permit Condition II.D.2(c).

36. According to the Permit Conditions II.D.2(c)(ii) and (iii), a loss of mechanical integrity occurs when: “(ii) [it] becomes evident during operation, or (iii) a significant change in the annulus or injection pressure occurs during normal operating conditions.”

37. Monitoring data shows that beginning on November 3, 2020 until January 18, 2021, well WD-2 experienced erratic fluctuations in annular pressure. This significant fluctuation in annular pressure was due to a loss in mechanical integrity of the well tubing. On February 24, 2021, tubing testing confirmed the existence of holes in tubing joints 2 and 123, and pressure failures in eleven additional tubing joints.

38. As a result, the WD-2 well experienced a mechanical integrity failure that lasted approximately 76 days, starting on November 3, 2020, until January 18, 2021 when the well was shut in.

39. Respondent violated Permit Condition II.D.2(c) and the UIC regulations at 40 C.F.R. 144.51(q) on each day that it injected fluids into a well lacking mechanical integrity.

Count II – Unauthorized Injection

40. Permit Condition II.D.2(c) states that “[I]n the event of a loss of mechanical integrity, the Permittee shall immediately suspend injection activities in the affected well and shall not resume operation until it has taken necessary actions to restore and confirm mechanical integrity of the affected well and not until EPA has provided written approval prior to the recommencing of injection into the affected well.”

41. As described in Count I, well WD-2 lost mechanical integrity, and was shut in by Respondent on January 18, 2021. Respondent discovered leaks in the tubing, which were repaired while the well was shut in.

42. As reported by the Respondent in their *Amended First Quarter 2021 Injection Well Monitoring Report*, injection occurred into well WD-2 on March 1 despite EPA not having authorized Respondent recommencing the injection of fluids.

43. The period of injection that occurred on March 1, 2021 is considered unauthorized injection and a violation of Permit Condition II.D.2(c).

44. Respondent violated Permit Condition II.D.2(c) each day that it injected fluids after being shut in without authorization from EPA to recommence injection.

Count III - Failure to Monitor

45. Permit Condition II.E.3(a) requires Respondent to install “devices to continuously measure and record injectate rate/volume, injectate temperature, annular pressure, and injection pressure” at “a minimum frequency of at least one (1) data point every sixty (60) seconds”.

46. Permit Condition II.E.3(b) requires Respondent to “calibrate and maintain on a regular basis all monitoring and recording equipment to ensure proper working order of all equipment.”

47. Between May 20, 2020, and March 31, 2021, Respondent had 73 days, either total or partial, in which monitoring data was missing or otherwise incomplete.

48. Respondent violated Permit conditions II.E.3(a) and II.E.3(b) on all days in which monitoring data was missing or otherwise incomplete.

Civil Penalty

49. Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), requires the Administrator to take into account the seriousness of the violation, the economic benefit (if any) resulting from the violation, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require, when assessing a civil penalty for violations of SDWA.

50. Based upon the facts alleged in this CA/FO, the factors listed in Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), and Respondent’s good faith and cooperation in resolving this matter, EPA has determined that an appropriate civil penalty to settle this action is NINE THOUSAND FIVE HUNDRED FIFTY-NINE DOLLARS (\$9,559). EPA considered the nature, extent, and gravity of the violations, Respondent’s ability to pay, its prior history of violations, its degree of culpability, and any economic benefit or savings accruing to Respondent as a result of the violations. EPA determined that Respondent had a limited ability to pay a penalty greater than the one assessed in this CA/FO.

51. Within thirty (30) days of the Effective Date of this CA/FO, Respondent must pay the NINE THOUSAND FIVE HUNDRED FIFTY-NINE DOLLARS (\$9,559) civil penalty. Respondent may pay the penalty by check (mail or overnight delivery), wire transfer, automated

clearing house, or online payment. Payment instructions are available at:

<http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

52. Concurrent with making the payment pursuant to Paragraph 51 Respondent must provide a letter with evidence of the payment and the title and docket number of this action, to the EPA Region 9 Regional Hearing Clerk, via email, at:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 9 - Office of Regional Counsel
r9HearingClerk@epa.gov

Respondent shall also send copies of the letter via email to the EPA Region 9 Enforcement and Compliance Assurance Division's Enforcement Officer and the EPA Region 9 Office of Regional Counsel attorney in accordance with Paragraph 54.

53. A transmittal letter, stating Respondent's name, complete address, and the case docket number must accompany the payment made in accordance with Paragraph 51.

54. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order must be submitted to EPA electronically, to the extent possible. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested). Electronic submissions must be sent to the following addresses: scavello.grant@epa.gov, and magnuson.janet@epa.gov. The subject line of all email correspondence must include the facility name, docket number, and subject of the deliverable.

All electronically-submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. Mailed submissions must be sent to the following addresses:

Grant Scavello, Physical Scientist
U.S. Environmental Protection Agency
Region 9, Enforcement and Compliance Assurance Division
75 Hawthorne Street (ENF-3-1)
San Francisco, CA 94105

Janet A. Magnuson, Attorney Advisor
U.S. Environmental Protection Agency
Region 9, Office of Regional Counsel
75 Hawthorne Street (ORC-2-3)
San Francisco, CA 94105

55. At the time of penalty payment, Respondent must also send copies of the notice of payment and transmittal letter to the email or mail addresses, as specified in Paragraph 54.

56. This civil penalty is not deductible for federal tax purposes.

57. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondent must pay the following on any amount overdue under this CA/FO: interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a \$15 handling charge fee each month that any portion of the penalty is more than 30 days past due; and 6% per year penalty on any principal amount 90 days past due.

58. If Respondent does not pay timely the civil penalty due under Paragraph 51 and/or any stipulated penalties due under Paragraph 62, below, EPA may request the United States Department of Justice bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses

for the collection action under Section 1423(c)(7) of SDWA, 42 U.S.C. § 300h-2(c)(7). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

Compliance Requirements

59. As provided by Section 1423(c)(1) of SDWA, 42 U.S.C. § 300h-2(c)(1), Respondent shall, by September 30, 2022, plug and abandon well “Red Ribbon” 7 following the EPA-approved Plugging and Abandonment Plan.

60. Respondent shall, within thirty (30) days of the Effective Date, submit to EPA for approval a plan for installing a data management system. Respondent shall, by September 30, 2022, install a data management system capable of recording, per Permit frequency listed in section II.E.3(a), the following parameters:

Monitoring Parameter	Frequency	Instrument
Injection rate (barrels per minute)	Continuous	digital recorder
Daily Injection Volume (barrels)	Daily	digital totalizer
Total Cumulative Volume (barrels)	Continuous	digital totalizer
Well head injection pressure (PSIG)	Continuous	digital recorder
Annular pressure (G)	Continuous	digital recorder
Injection fluid temperature (degrees Fahrenheit)	Continuous	digital recorder

61. Within sixty (60) days of the Effective Date, Respondent will update or replace and calibrate all monitoring devices which have not been calibrated within the past 12 months from the Effective Date and provide the documentation of this calibration to EPA.

Stipulated Penalties

62. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph 50 by the deadline specified in Paragraph 51 or fails to meet the compliance requirements by the deadline specified at Paragraphs 59, 60 and 61, Respondent agrees to pay in addition to the assessed penalty, a stipulated penalty of \$250 per day for each day Respondent is late in making the penalty payment or meeting the compliance deadline. If Respondent fails to timely submit any reports in accordance with the timelines set forth in this CA/FO, Respondent agrees to pay a stipulated penalty of \$150 for each day after the report was due until it submits the report in its entirety.

63. Respondent agrees to pay any stipulated penalties within thirty (30) days of receipt of EPA's written demand for such penalties. All penalties shall begin to accrue on the first date of noncompliance and shall continue to accrue through the date of completion of the delinquent CA/FO requirement. Respondent will use the method of payment specified in Paragraph 51 of this CA/FO, and agrees to pay interest, handling charges and penalties that accrue for late payment of the stipulated penalty in the same manner set forth in Paragraph 57 of this CA/FO.

64. Neither the demand for, nor payment of, a stipulated penalty relieves Respondent of its obligation to comply with any requirement of this CA/FO or modifies or waives any deadlines set forth in this CA/FO.

65. EPA may, in the unreviewable exercise of its discretion, elect to pursue any other administrative or judicial remedies in addition to or in lieu of assessing stipulated penalties and/or reduce or waive stipulated penalties due under this CA/FO.

Submissions Requirements

66. All reports, notifications, documentation, and submissions required by this CA/FO shall be sent to EPA in the manner described in Paragraph 54. These reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

67. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this CA/FO may subject Respondent to criminal prosecution under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), as well as 18 U.S.C. §§ 1001 and 1341.

68. Submissions required by this CA/FO shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

69. EPA may use any information submitted in accordance with this CA/FO in support of an administrative, civil, or criminal action against Respondent.

70. The information required to be submitted pursuant to this CA/FO is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

General Provisions

71. This CA/FO may be executed and transmitted by facsimile, email or other electronic means, and in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute an instrument. If any portion of this CA/FO is determined to be unenforceable by a competent court or tribunal, the Parties agree that the remaining portions shall remain in full force and effect.

72. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of Paragraphs 59, 60 and 61, (Compliance Requirements) is restitution or required to come into compliance with law.

73. If Respondent fails to comply with the requirements set forth in Paragraphs 59, 60 and 61 above, EPA may request the United States Department of Justice bring an action to seek penalties for violating this CA/FO under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b).

Force Majeure

74. Respondent shall exercise its best efforts to avoid or minimize any delay and any effects of a delay. If any event occurs which causes or may cause delays meeting the deadlines set forth in this CA/FO, Respondent or its attorney shall, within forty-eight (48) hours of the delay or within forty-eight (48) hours of Respondent's knowledge of the anticipated delay, whichever is earlier, notify EPA in writing, by email or overnight mail. Within fifteen (15) days thereafter, Respondent shall provide in writing the reasons for the delay, the anticipated duration of the delay, the measures taken or to be taken to prevent or minimize the delay, and a timetable by which those measures will be implemented. Failure to comply with the notice requirement of this paragraph shall preclude Respondent from asserting any claim of *force majeure*.

75. If EPA agrees in writing that the delay or anticipated delay in compliance with this CA/FO has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance may be extended for the period of the delay resulting from the circumstances causing the delay. In such event, EPA will grant, in writing, an extension of time. An extension of the time for performing an obligation granted by EPA pursuant to this paragraph shall not, of itself, extend the time for performing a subsequent obligation. EPA also retains discretion to grant extensions for reasons other than those established as *force majeure* events.

76. EPA will not impose stipulated penalties for performance of a task during any time period covered by an extension of time for that task granted pursuant to Paragraph 75.

77. The parties consent to service of this CA/FO by e-mail at the following valid e-mail addresses: [magnuson.janet@epa.gov] (for Complainant) and [matthew.jalali@bkrenewablefuels.com] (for Respondent).

78. Full compliance with this CA/FO shall not in any case affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

79. This CA/FO does not affect Respondent's responsibility to comply with SDWA and other applicable federal, state, or local laws and permits.

80. This CA/FO constitutes a "previous violation" as that term is used in EPA's UIC Penalty Policy and to determine Respondent's "history of such violations" under Section 1423(c)(4)(B) of SDWA, 42 U.S.C. § 300h-2(c)(4)(B).

81. The provisions of this CA/FO shall apply to and be binding upon Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or

assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO

82. Each person signing this CA/FO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CA/FO.

83. Each party agrees to bear its own costs and attorney fees in this action.

84. This CA/FO constitutes the entire agreement between the parties.

85. The parties acknowledge and agree that final approval by EPA of this CA/FO is subject to 40 C.F.R. § 22.45(c)(4) which sets forth requirements under which a person not a party to this proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

86. Pursuant to 40 C.F.R. § 22.45, this CA/FO will be subject to a thirty (30)-day public notice and comment at least forty (40) days prior to it becoming effective through the issuance of the final order by the Regional Judicial Officer.

87. In accordance with 1423(c)(3)(D) of SDWA, 42 U.S.C. § 300h-2(c)(3)(D), and 40 C.F.R. §§ 22.18(b)(3), 22.31(b), and 22.45, this CA/FO shall become effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk (the “Effective Date”).

88. This CA/FO will terminate after Respondent has complied with all terms of the CA/FO throughout its duration.

**Consent Agreement and Final Order
In the Matter of Bakersfield Renewable Fuels, LLC
Docket Number.: UIC-09-2022-0047**

Bakersfield Renewable Fuels, LLC, Respondent

Date

Steve Bonner
SVP/GM
Bakersfield Renewable Fuels, LLC

United States Environmental Protection Agency, Region 9, Complainant

Date

Amy C. Miller-Bowen
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

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)	42 U.S.C. § 300h-2(c)
Respondent.)	
)	

FINAL ORDER

The United States Environmental Protection Agency Region IX (“EPA”), and the Respondent Bakersfield Renewable Fuels, LLC (“Respondent”), having entered into the foregoing Consent Agreement, and EPA having duly publicly noticed the Stipulations and Findings and Final Order regarding the matters alleged therein,

IT IS HEREBY ORDERED THAT:

1. The foregoing Consent Agreement and this Final Order (Docket No. UIC-09-2022-0047) be entered;
2. Respondent pay an administrative civil penalty of **\$9,559** dollars to the Treasurer of the United States of America in accordance with the terms set forth in the Consent Agreement;
3. Respondent comply with the Compliance Requirements accordance with the terms set forth in Paragraphs 59, 60 and 61 of the Consent Agreement; and
4. Respondent comply with all other requirements of the Consent Agreement.

This Final Order is effective on the date that it is filed. This Final Order constitutes full adjudication of the allegations in the Consent Agreement entered into by the Parties in this proceeding.

Steven L. Jawgiel
Regional Judicial Officer, Region IX
U.S. Environmental Protection Agency

Date: _____