



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 21 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Nancy Mick, HSE Manager/Director
Pinova, Inc.
2801 Cook Street
Brunswick, Georgia 31520

SUBJ: Expedited Spill Settlement Agreement
Docket No. CWA-04-2012-5012
NRC No. 997202

Dear Ms. Mick:

Enclosed is a copy of the Consent Agreement and Final Order for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the Expedited Settlement Agreement (ESA) has been executed by both parties and is binding on the EPA and you. Upon receipt of your assessed penalty of \$500.00, the EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed ESA is enclosed.

You must submit your payment within thirty (30) days of your receipt of this letter by either electronic funds transfer, certified or cashier's check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund-311, Pinova, Inc.) and the EPA docket number CWA-04-2012-5012, and shall be sent depending upon your preferred method of payment identified in Enclosure A.

At the same time, you shall send a separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Ms. Patricia Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

Ms. Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
61 FORSYTH STREET, ATLANTA, GEORGIA 30303
EXPEDITED SPILL SETTLEMENT AGREEMENT**

DOCKET NO. CWA-04-2012-5012

On: December 5, 2011 Time: 9:45
At: or near 2801 Cook Street in Glynn County, Georgia,
Pinova, Inc. (Respondent) discharged an estimated 200
gallons of oil in violation of Section 311(b)(3) of the
Clean Water Act (the Act), as noted on the attached
ALLEGED CIVIL VIOLATION (Form), which is hereby
incorporated by reference.

The EPA finds the Respondent's conduct is subject to the
discharge prohibition of Section 311(b)(3) of the Act, as
described in that statute and further described by
40 C.F.R. § 110.3. The Respondent admits being subject
to Section 311(b)(3) and that the EPA has jurisdiction
over the Respondent and the Respondent's conduct as
described in the Form. Respondent neither admits nor
denies the Allegation in the Form.

The EPA is authorized to enter into this Expedited Spill
Settlement Agreement under the authority vested in the
Administrator of the EPA by Section 311(b)(6)(B)(i) of
the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the
Oil Pollution Act of 1990, and by 40 C.F.R. § 22.13(b).
The parties enter into this Expedited Spill Settlement
Agreement in order to settle the civil violation described
in the Form for a penalty of \$500.00. Respondent consents
to the assessment of this penalty.

This Expedited Spill Settlement Agreement is also subject
to the following terms and conditions: Respondent
certifies, subject to civil and criminal penalties for making
a false submission to the United States Government, that
it has investigated the cause of the spill, it has cleaned up
the spill pursuant to federal requirements at a cost of
\$ 88,751, and it has taken corrective actions that will
prevent future spills. The Respondent also by signature on
this Expedited Spill Settlement Agreement agrees to
payment of the penalty assessed. **Do not enclose
payment.** Upon receiving written execution of this
Agreement, Respondent shall submit payment within 30
days by certified check or electronic funds transfer for
\$500.00 payable to the "US Environmental Protection
Agency CWA-311". Instructions on how to make this
payment will be included in the written notice that will be
issued when the Expedited Spill Settlement Agreement
becomes effective.

Upon signing and returning this Expedited Spill
Settlement Agreement to the EPA, Respondent waives
the opportunity for a hearing or appeal pursuant to
Section 311 of the Act, and consents to the EPA's
approval of the Expedited Spill Settlement Agreement
without further notice.

After this Expedited Spill Settlement Agreement
becomes effective and the assessed penalty is paid, the
EPA will take no further action against the Respondent
for the violation of Section 311(b)(3) of the Act
described in the Form. However, the EPA does not
waive any rights to take any enforcement action for any
other past, present, or future violation by the Respondent
of Section 311(b)(3) of the Act or of any other federal
statute or regulation. By its first signature, the EPA
ratifies the Findings and Alleged Violation set forth in
the Form.

This Expedited Spill Settlement Agreement is binding on
the parties signing below, and effective upon the EPA's
filing of the document with the Regional Hearing Clerk.
If the Respondent does not sign and return this
Expedited Spill Settlement Agreement as presented
within 14 days of the date of its receipt, the proposed
Expedited Spill Settlement Agreement is withdrawn
without prejudice to the EPA's ability to file any other
enforcement action for the violation identified in the
Form.

APPROVED BY RESPONDENT:

Name (print): Nancy Mick
Title (print): HSE Manager / Director
Signature: Nancy Mick

APPROVED BY THE EPA:

César A. Zapata Date 8/10/12
César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

IT IS SO ORDERED:

Susan B. Schub Date 8/16/12
Susan B. Schub
Regional Judicial Officer

RECEIVED
EPA REGION IV
HEARING CLERK
2012 AUG 21 AM 8:05

AM
8/16/12 Spill Cleanup cost
include soil cleanup
at site. AKZ
8/20/12

ALLEGED CIVIL VIOLATION - DOCKET NO. CWA-04-2012-5012

1. Pinova, Inc., Respondent, is a corporation with a place of business located at 2801 Cook Street, Brunswick, Georgia 31520. The respondent is a person within the meaning of Section 311(a)(7) of the Clean Water Act, 33 U.S.C. § 1321(a)(7) (Act).
2. Respondent is the owner of an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), which is located at or near 2801 Cook Street, Brunswick, Georgia (“facility”).
3. Section 311(b)(3) of the Act prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.
4. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters of the United States in such quantities that have been determined may be harmful to the public health, welfare or environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that (1) violate applicable water quality standards, (2) cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or, (3) cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
5. On December 5, 2011, Respondent discharged an estimated 200 gallons of oil as defined in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), from its facility into or upon the N-street ditch, which flows into Dupree Creek, which flows into Terry Creek, which flows into the Back River and adjoining shorelines.
6. The N-street ditch, which flows into Dupree Creek, which flows into Terry Creek, which flows into the Back River is a “navigable water of the United States”, as defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1, and is subject to the jurisdiction of Section 311 of the Act.
7. Respondent’s December 5, 2011, discharge of oil from its facility caused a sheen upon or discoloration of the surface or the adjoining shoreline of the N-street ditch, or caused a sludge or emulsion to be deposited beneath the surface, and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3.
8. Respondent’s December 5, 2011, discharge of oil from its facility into or upon the N-street ditch and adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3 violated Section 311(b)(3) of the Act. Pursuant to Section 311(b)(6)(B)(i) of the Act, and 40 C.F.R. § 19.4, the Respondent is liable for civil penalties of up to \$16,000 per violation, up to a maximum of \$37,500.

Docket No. CWA-04-2012-5012

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Pinova, Inc., Docket No. CWA-04-2012-5012 (filed with the Regional Hearing Clerk on **AUG 21 2012**) was served **AUG 21 2012** in the manner specified to each of the person set forth below:

Ms. Nancy Mick, HSE Manager
Pinova, Inc
2801 Cook Street
Brunswick, Georgia 31520

CERTIFIED MAIL
Return Receipt Requested

Quantindra Smith
RCRA & OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Via EPA's Internal Mail and PDF

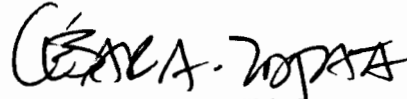
Date: 8-21-12



Patricia Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511

If you have any questions, please contact Quantindra Smith at (404) 562-8564.

Sincerely,

A handwritten signature in black ink that reads "CÉSAR A. ZAPATA". The signature is written in a cursive, slightly stylized font.

César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosures

cc: USCG