



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917  
<http://www.epa.gov/region08>

2012 APR 10 AM 10:36

EPA REGION VIII  
RECORDING CLERK

DOCKET NO.: CWA-08-2012-0012

IN THE MATTER OF:	)	
	)	
<b>STERLING OIL AND GAS CO.</b>	)	<b>FINAL ORDER</b>
213 E. Chestnut Street	)	
Sterling, CO 80751	)	
	)	
<b>RESPONDENT</b>	)	

Pursuant to 40 C.F.R. §22.13(b), of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 10<sup>th</sup> DAY OF April, 2012.

  
\_\_\_\_\_  
Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2012 APR 10 AM 10:36

In the Matter of:

**Sterling Oil and Gas Company**  
213 E. Chestnut Street  
Sterling, CO 80751

Respondent.

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**EXPEDITED CONSENT AGREEMENT**

**DOCKET NO.: CWA-08-2012-0012**

~~EPA REGION VIII~~  
REVENUE CLERK

1. Pursuant to 40 C.F.R. § 22.13(b), Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Sterling Oil and Gas Company, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:
2. The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.
3. Respondent owns and/or operates the Sterling Oil and Gas Bulk Plant (Facility) located at 213 East Chestnut Street, Sterling, Colorado, in Logan County.
4. The Facility is located approximately three-quarters mile from the South Platte River, a navigable water of the United States, and discharges of harmful quantities of oil from the Facility could reasonably be expected to reach the South Platte River or its adjoining shorelines.
5. The Facility has a total storage capacity of approximately 96,690 gallons of oil and is subject to the SPCC regulations.

6. Respondent admits its Facility is subject to the SPCC regulations.
7. The Facility was inspected by EPA on July 8, 2010, at which time the Respondent was notified that the Facility did not have an adequate SPCC Plan.
8. Respondent subsequently submitted a revised SPCC plan to EPA on January 17, 2012, which was found to be noncompliant with the SPCC regulations.
9. Respondent admits that it failed to prepare and implement an SPCC Plan for the Sterling Oil and Gas Bulk Plant in accordance with 40 C.F.R. §§ 112.7 and 112.8.
10. Respondent agrees to correct the cited violations of 40 C.F.R. Part 112 on the attached list within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.
11. Respondent agrees to submit a revised copy of the SPCC Plan for the Sterling Oil and Gas Bulk Plant to EPA for its review and approval.
12. Respondent admits that EPA has jurisdiction in this proceeding.
13. Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this Agreement.
14. This Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this Agreement.
15. This Agreement contains all terms of the settlement agreed to by the parties.
16. Respondent consents and agrees to the assessment of a civil penalty of \$1,825, for violations of Section 311(j) of the Act, which shall be paid no later than thirty (30) days

after the effective date of the Final Order by means of a cashier's or certified check, or by wire transfer. If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment should be addressed to:

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

If the Respondent sends payment by overnight mail, the payment should be sent to:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

Wire transfers should be directed to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."

17. The Respondent shall submit copies of the check (or, in the case of a wire transfer, copies of the confirmation) to the following persons:


**Tina Artemis, Regional Hearing Clerk (SRC)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

and

**Cynthia Peterson**  
**Technical Enforcement Program (8ENF-UFO)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

18. Respondent will revise, implement and maintain an SPCC plan in accordance with 40 C.F.R. Part 112.
19. Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this Agreement once incorporated into the Final Order, or fails to make the corrective measures to obtain compliance, this Agreement is null and void, and EPA may pursue any applicable enforcement options.
20. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Agreement and to bind Respondent to the terms and conditions of this Agreement.
21. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
22. Each party shall bear its own costs and attorneys fees in connection with this matter.
23. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this Agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By :   
Darcy O'Connor, Acting Director  
UIC/FIFRA/OPA Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Date: 4/5/12

**Sterling Oil and Gas Company, Respondent.**

By : 

Date: 3-30-12

Name: William Tsiouvaras

Title: PRESIDENT

**SPCC Deficiencies List**  
**Sterling Oil and Gas Company SPCC Plan dated October 31, 2011**  
**Reviewed February 7, 2012**

Failure to amend an SPCC Plan following technical/material change in the facility in violation of 40 CFR § 112.5(a).

- Inadequate Facility description; diagram in violation of 40 CFR § 112.7(a)(3) [containers, transfer, piping, buried]  
Comments: AST 1 is not shown. Bulk container in garage is not shown. Piping is not shown. Are three of the dispensers actually racks as observed at inspection?
- Inadequate Discussion/implementation of general secondary containment in violation of 40 CFR § 112.7(c). [loading/unloading other than rack]  
Are racks located at this facility (as observed at inspection)? If so, dimensions of the roll-over curbing must be provided and capacity to retain the largest compartment of the truck must be demonstrated. Roll over curbing for loading areas is scheduled to be constructed 4/30/12.
- Inadequate Discussion/implementation of adequate secondary containment for loading/unloading rack in violation of 40 CFR § 112.7(h)(1).  
Comments: Are there racks at the facility?
- Inadequate Discussion/implementation of warning systems for loading/unloading rack in violation of 40 CFR § 112.7(h)(2).  
Comments: Are there racks at the facility? Scheduled to be installed by 4/30/12.
- Inadequate Sized secondary containment in violation of 40 CFR § 112.8(c)(2)  
Comments: Infiltration of liquid into upper 6 inches of soil floor does not constitute adequate secondary containment. Materials of construction of secondary containment must be sufficiently impervious to contain a spill.
- Inadequate Warning to vehicles in violation of 40 CFR § 112.8(d)(5)  
Comments: Scheduled to be installed by 4/30/12.

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT and FINAL ORDER** in the matter of **STERLING OIL AND GAS COMPANY; DOCKET NO.: CWA-08-2012-0012** was filed with the Regional Hearing Clerk on April 10, 2012.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Brenda L. Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on April 10, 2012 to:

William Tsiouvaras, President  
Sterling Oil and Gas Company  
213 E. Chestnut Street  
Sterling, CO 80751

E-mailed to:

Elizabeth Whitsel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

April 10, 2012

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

