



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 11201 RENNER BOULEVARD, LENEXA, KANSAS 66219

2015 APR 13 AM 9:06

DOCKET NO. CWA-07-2015-0036

On: August 29, 2014

At: 311 NW Highway 50, Warrensburg, MO 64093

Owned or operated by, SkyHaven/Conoco LLC. (Respondent), an authorized representative of the U.S. Environmental Protection Agency (EPA) conducted an inspection to determine compliance with 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)) (the Act), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached SPILL PREVENTION CONTROL AND COUNTER MEASURES INSPECTION FINDINGS, ALLEGED VIOLATIONS, AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

This proceeding and the Expedited Settlement are 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 Settlement in order to settle the civil violations described in the Form for a penalty of **\$2,250.00**.

This settlement is subject to the following terms and conditions:

The EPA finds that Respondent is subject to the SPCC regulations, which are published at 40 C.F.R. Part 112, and has violated the regulations as further described in the Form. Respondent admits that he/she is subject to 40 C.F.R. Part 112 and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to the EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government that the violations have been corrected and **Respondent has sent a certified check in the amount of \$2,250.00 payable to the "Environmental Protection Agency," via certified mail to:**

U.S. Environmental Protection Agency
P.O. Box 979077
St. Louis, Missouri 63197-9000

and Respondent has noted on the penalty payment check Docket No. CWA-07-2015-0036 and "OSLTF - 311." **The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

Dr. Peter A. Sam
U.S. Environmental Protection Agency
Region 7, AWMD/STOP
11201 Renner Boulevard, Lenexa, KS 66219

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the SPCC regulations described in the Form. However, the EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, the EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement 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 Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:

Margaret Stroh Date 4-7-2015
Chief, Storage Tanks & Oil Pollution Branch (STOP)
Air & Waste Management Division (AWMD)

APPROVED BY RESPONDENT:

Name (print): Urmila Patel
Title (print): owner
Signature: Urmila Patel
Date: 03-27-15

The estimated cost for correcting the violation(s) is:

\$2250.00

IT IS SO ORDERED:

Karina Borromeo Date 4-9-2015
Karina Borromeo
Regional Judicial Officer

**Spill Prevention Control and Countermeasure Inspection
Findings, Alleged Violations, and Proposed Penalty Form**

(Note: Do not use this form if there is no secondary containment)

These Findings, Alleged Violations and Penalties are issued by EPA Region 7 under the authority vested in the Administrator of the EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.



Company Name
Sky Haven Conoco LLC

Docket Number
CWA-07-2015-0036

Facility Name
Sky Haven Conoco LLC

Date
August 29, 2014

Address
311 NW Highway 50

Facility ID Number
SPCC-MO-2014-00074

City
Warrensburg

Inspector's Name
Mr. Mark Aaron

State **Zip Code**
MO 64093

EPA Approving Official
Ms. Margaret E. Stockdale

Contact
Mr. Urmila Patel

Enforcement Contact
Dr. Peter A. Sam

**Summary of Findings
(Bulk Storage Facilities)**

GENERAL TOPICS: 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)

(When the SPCC Plan review penalty exceeds \$1,500 enter only the maximum allowable of \$1,500)

- | | | |
|-------------------------------------|---|---------|
| <input checked="" type="checkbox"/> | No Spill Prevention Control and Countermeasure Plan/12.3 (\$1,500) | \$1,500 |
| <input type="checkbox"/> | Plan not certified by a professional engineer/12.3(d) (\$450) | |
| <input type="checkbox"/> | Certification lacks one or more required elements/12.3(d)(1) (\$100) | |
| <input type="checkbox"/> | Plan not maintained on site (if manned at least four hrs/day) or not available for review/12.3(e)(1) (\$300) | |
| <input type="checkbox"/> | No evidence of five-year review of plan by owner/operator/12.5(b) (\$75) | |
| <input type="checkbox"/> | No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential/12.5(a) (\$75) | |
| <input type="checkbox"/> | Amendment(s) not certified by a professional engineer/12.5(c) (\$150) | |
| <input type="checkbox"/> | No management approval of plan/12.7 (\$450) | |
| <input type="checkbox"/> | Plan does not follow sequence of the rule and/or cross-reference not provided/12.7 (\$150) | |
| <input type="checkbox"/> | Plan does not discuss additional procedures/methods/equipment not yet fully operational/12.7 (\$75) | |

- No Inspection records were available for review/12.7(e) (\$200)
(Written procedures and/or a record of inspections and/or customary business records)
- Inspection records are not signed by appropriate supervisor or inspector/12.7(e) (\$75)
- Inspection records are not maintained for three years/12.7(e) (\$75)

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- No training on the operation and maintenance of equipment to prevent discharges and/or facility operations/12.7(f)(1) (\$75)
- No training on discharge procedure protocols/12.7(f)(1) (\$75)
- No training on the applicable pollution control laws, rules and regulations, and/or SPCC plan/12.7(f)(1) (\$75)
- Training records not maintained for three years/12.7(f)(1) (\$75)
- No designated person accountable for spill prevention/12.7(f)(2) (\$75)
- Spill prevention briefings are not scheduled and conducted at least annually/12.7(f)(3) (\$75)
- Plan has inadequate or no discussion of personnel and spill prevention procedures/12.7(a)(1) (\$75)

SECURITY (excluding Production Facilities) 112.7(g)

- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production/12.7(g)(1) (\$150)
- Master flow and drain valves that permit direct outward flow to the surface are not secured in a closed when in a non-operating or standby status/12.7(g)(2) (\$300)
- Starter controls on pumps are not locked in the "off" position or located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status/12.7(g)(3) (\$75)
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status/12.7(g)(4) (\$75)
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism/12.7(g)(5) (\$150)
- Plan has inadequate or no discussion of facility security/12.7(a)(1) (\$75)

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)

- Inadequate containment for Loading Area [not consistent with 112.7(c)]/12.7(c) (\$400)
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin treatment system, or quick drainage system/12.7(h)(1) (\$750)
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck/12.7(h)(1) (\$450)

- Partially buried tanks do not have buried sections protected from corrosion *12.8(c)(5)* (\$150)
- Aboveground tanks are not subject to visual inspections *12.8(c)(6)* (\$450)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc. *12.8(c)(6)* (\$450)
- Records of inspections (or customary business records) do not include inspections of tank supports, foundation, deterioration, discharges and/or accumulations of oil inside diked areas *12.8(c)(6)* (\$75)
- Steam return/exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer or other separation system *12.8(c)(7)* (\$150)
- Tank battery installations are not in accordance with good engineering practice because none of the following are present *12.8(c)(8)* (\$450)
- No testing of liquid level sensing devices to ensure proper operation *12.8(c)(8)(v)* (\$75)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills *12.8(c)(9)* (\$150)
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected *12.8(c)(10)* (\$450)
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water *12.8(c)(11)* (\$150)
- Secondary containment inadequate for mobile or portable storage tanks *12.8(c)(11)* (\$500)
- Plan has inadequate or no discussion of bulk storage tanks *12.7(a)(1)* (\$75)

FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)

-
- Buried piping is not corrosion protected with protective wrapping, coating or cathodic protection protection *12.8(d)(1)* (\$150)
 - Corrective action is not taken on exposed sections of buried piping when deterioration is found *12.8(d)(1)* (\$450)
 - Not-in-service or standby piping is not capped or blank-flanged and marked as to origin *12.8(d)(2)* (\$75)
 - Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction *12.8(d)(3)* (\$75)
 - Aboveground valves, piping and appurtenances are not inspected regularly *12.8(d)(4)* (\$300)
 - Periodic integrity and leak testing of buried piping is not conducted *12.8(d)(4)* (\$150)
 - Vehicle traffic is not warned of aboveground piping or other oil transfer operations *12.8(d)(5)* (\$150)
 - Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process *12.7(a)(1)* (\$75)
 - Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e) (\$150)
(Do not use this if FRP subject; go to traditional enforcement)

TOTAL	\$2,250
--------------	----------------

IN THE MATTER OF SkyHaven/Conoco LLC, Respondent
Docket No. CWA-07-2015-0036

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy by email to Attorney for Complainant:

aaron.mark@epa.gov

Copy by First Class Mail to:

Urmila Patel
SkyHaven/Conoco LLC
311 NW Highway 50
Warrensburg, Missouri 64093

Dated: 4/13/15



Kathy Robinson
Hearing Clerk, Region 7