

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:

DOCKET NO.: CWA-03-2023-0041

**Meenan Oil Company
113 Main Street
Tullytown, PA**

**EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER**

Respondent

**Meenan Oil Company
113 Main Street
Tullytown, PA**

Site/Facility

EXPEDITED SETTLEMENT AGREEMENT

1. Meenan Oil Company (“Respondent”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) enter into this Expedited Settlement Agreement (“the Agreement”) pursuant to Section 311(b)(6)(B)(i) of the Clean Water Act (“the Act”), 33 U.S.C. §1321(b)(6)(B)(i) and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/ Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 CFR §§ 22.13(b) and 22.18(b)(2), (3). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region III (“EPA”) has jurisdiction over this matter pursuant to Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), and by 40 CFR § 22.13(b).
3. At all times relevant to the allegations described in this Agreement, Respondent was a “person” as defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
4. On September 29, 2021, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent’s facility known as Meenan Oil Company at 113 Main Street in Tullytown, PA to determine compliance with the Oil Pollution Prevention Regulations promulgated at 40 CFR Part 112 (the “Regulations”) under Section 311(j) of the Clean Water Act, as amended, 33 U.S.C. §1321(j).
5. Complainant has identified the following violations:

- a. On September 29, 2021, Respondent failed to describe in the SPCC Plan the physical layout of the facility and include a facility diagram, as required by 40 C.F.R. § 112.7(a)(3);
 - b. On September 29, 2021, Respondent failed to ensure that the SPCC Plan addresses the type of oil in each container and its storage capacity, as required by 40 C.F.R. § 112.7(a)(3)(i);
 - c. On September 29, 2021, Respondent failed to ensure that the SPCC Plan contains a contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors, and all appropriate federal, state, and local agencies, as required by 40 C.F.R. § 112.7(a)(3)(vi);
 - d. On September 29, 2021, Respondent failed to predict the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of equipment failure, as required by 40 C.F.R. § 112.7(b);
 - e. On September 29, 2021, Respondent failed to provide complete discussions pertaining to secondary containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water., as required by 40 C.F.R. § 112.7(c);
 - f. On September 29, 2021, Respondent failed to implement requirements pertaining to Inspections, Tests, and Records and ensure that inspections are conducted in accordance with written inspection procedures included in the Plan, as required by 40 C.F.R. § 112.7(e);
 - g. On September 29, 2021, Respondent failed to provide complete discussions and implement requirements pertaining to secondary containment or an inspection/monitoring program for oil-filled operational equipment, as required by 40 C.F.R. § 112.7(k);
 - h. On September 29, 2021, Respondent failed to provide complete discussions and implement requirements pertaining to Bulk Storage Containers, as required by 40 C.F.R. § 112.8(c);
6. Complainant and Respondent agree that settlement of this matter for a penalty of **\$5,900 (FIVE THOUSAND NINE HUNDRED DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors, including, but not limited to, the seriousness of the violations and the other factors provided in CWA Section 311(b)(8) and the Revised Spill Prevention, Control and Countermeasure Expedited Settlement Agreement Pilot, effective September 25, 2019.
7. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$5,900** by one of four methods: 1) electronic funds transfer (“EFT”), 2) Automated Clearinghouse, 3) Pay.gov, or

4) a cashier's check or certified check payable to the "Environmental Protection Agency", with EPA Docket No. CWA-03-2023-0041 and "Oil Spill Liability Trust Fund - 311" referenced on the check.

a. Payment of the penalty amount by EFT to:

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

b. Payment of the penalty amount by Automated Clearinghouse (ACH) to EPA can be made through the U. S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility
5700 Rivertech Court
Riverdale, MD 20737

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- i. You **DO NOT** need a user name and password or account.
- ii. Enter **SFO 1.1** in the form search box on the top left side of the screen.
- iii. Open the form and follow the on-screen instructions.
- iv. Select your method of payment from the "Type of Payment" drop down menu.
- v. Based on your selection, the corresponding line will open and no longer be shaded grey.
- vi. Enter the docket number of this Agreement into the field.

d. Payment by regular U.S. Postal Service shall be sent via regular mail to:

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

Payment by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

A list of the payment methods is also provided on the website
<https://www.epa.gov/financial/makepayment>.

8. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer) by email to:

Arlin Galarza-Hernandez (3ED41)
U.S. EPA, Region III
galarza-hernandez.arlin@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
R3_Hearing_Clerk@epa.gov

9. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
10. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
11. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
12. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the CWA, the CWA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.


- 13. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: **galarza-hernandez.arlin@epa.gov** (for Complainant), and **mcolby@petroheat.com** (for Respondent).
- 14. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
- 15. This Agreement is binding on the parties signing below and is effective on the date on which it is filed, together with a final order, with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).
- 16. The undersigned representative certifies that she/her is fully authorized to execute this Agreement and to legally bind Meenan Oil Company.
- 17. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: **galarza-hernandez.arlin@epa.gov** (for Complainant), and **mcolby@petroheat.com** (for Respondent).
- 18. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

COST OF COMPLIANCE

Respondent certifies that it has expended \$ 7,384.03 to correct the alleged violations and to come into compliance. Amount paid to come into compliance is an exception from the tax deduction prohibition for penalties under Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f).

For Respondent: Mark Colby

Date: 3/23/23

By: 

Mark Colby
Plant Supervisor

For Complainant: U.S. Environmental Protection Agency, Region III

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondent, Meenan Oil Company, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the factors set forth in Clean Water Act ("CWA") Section 311(b)(8) and the Revised Spill Prevention Control and Countermeasure Expedited Settlement Agreement Pilot, effective September 25, 2019.

NOW, THEREFORE, PURSUANT TO Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6), and in accordance with the Consolidated Rules of Practice, 40 CFR Part 22, and having relied upon the representations of the parties set forth in this Agreement, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$5,900 (FIVE THOUSAND NINE HUNDRED DOLLARS)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk, pursuant to Section 311(b)(6) of the CWA and 40 C.F.R. § 22.31(b).

[*Digital Signature and Date*]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III

