



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 901 N. 5th ST., KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

Respondent: Winneshiek Cooperative Association
(owner/operator)

Facility Name: Bulk Petroleum Plant

Location: 1206 Short Street, Decorah, IA 52101

On November 19, 2003, an authorized representative of the
United States Environmental Protection Agency (EPA)
conducted an inspection to determine compliance with the
Oil Pollution Prevention (SPCC) regulations promulgated at
40 CFR 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
Countermeasure 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 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 40 CFR §§
22.13(b) and 22.18(b), published at 64 Fed. Reg. 40137 on
July 23, 1999. The parties enter into this Expedited
Settlement in order to settle the civil violations described in
the Form for a penalty of \$2,500.00. This settlement is
subject to the following terms and conditions:

EPA finds that Respondent is subject to the SPCC
regulations, which are published at 40 CFR Part 112, and has
violated the regulations as further described in the Form.
Respondent admits that he/she is subject to 40 CFR Part 112
and that 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 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 \$2,500.00 payable to the "Oil Spill
Liability Trust Fund," to:

"Regional Hearing Clerk, Office of Regional Counsel,
U.S. Environmental Protection Agency, 901 N. 5th
Street, Kansas City, Kansas 66101".

Respondent has noted on the penalty payment check
the CWA-07-2004-0030 docket number of this case.

(Do Not Make Check Out to Regional Hearing Clerk)

DOCKET NO: CWA-07-2004-0030

This Expedited Settlement resolves Respondent's liability
for Federal civil penalties for the violations of the SPCC
regulations described in the Form. However, 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, EPA ratifies the
Inspection Findings and Alleged Violations set forth in the
Form.

Upon signing and returning this Expedited Settlement to
EPA, Respondent waives the opportunity for a hearing or
appeal pursuant to Section 311 of the Act, and consents to
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:

Alan K. Hangoff for
Stanley Walker Date: 2/1/05
Chief, Storage Tank and Oil Pollution Branch (STOP)
Air, RCRA and Toxics Division

APPROVED BY RESPONDENT:

Name (print): Doug Van Sloten
Title (print): General Manager
Signature: Doug Van Sloten

IT IS SO ORDERED:

Robert L. Patrick Date Feb. 4, 2005
Regional Judicial Officer

INSTRUCTIONS ON REVERSE

**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 EPA by Section 311(b)(6)(B)(i) of the Clean Water Act, as amended by the Oil Pollution Act of 1990

Respondent

Facility Name

Address

City:

State: Zip Code:

Facility Contact:

Docket Number: CWA

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Date

Inspection Number

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Inspector's Name:

EPA Approving Official:

Enforcement Contacts:



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

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

(When the SPCC Plan review penalty exceeds \$1,000.00 enter only the maximum allowable of \$1,000.00.)

- No Spill Prevention Control and Countermeasure Plan \$1,000.00
- Plan not certified by a professional engineer 300.00
- No management approval of plan 300.00
- Plan not available for review 300.00
- Plan not maintained on site (applies if facility is manned at least eight (8) hours per day) 100.00
- No evidence of three-year review of plan by owner/operator 50.00
- No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential 50.00
- Amendment(s) not certified by a professional engineer 100.00
- Inadequate or no prediction of equipment failure which could result in discharges 100.00
- Plan does not discuss appropriate containment/diversionary structures/equipment 100.00

Claiming installation of appropriate containment/diversionary structures is impractical but:

- No contingency plan \$100.00
- No written commitment of manpower, equipment, and materials 100.00

Written Procedures and Inspection Records 112.7(e)(8)

- Inspections required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility 50.00
- Written procedures and a record of inspections are not signed by facility supervisor 50.00
- Written procedures and a record of inspections are not made part of the plan 50.00
- Written procedures and a record of inspections are not maintained for three years 50.00

Personnel Training and Spill Prevention Procedures 112.7(e)(10)

- No training on the operation and maintenance of equipment to prevent discharges 50.00
- No training on the applicable laws, rules, and regulations 50.00
- No designated person responsible for spill prevention 50.00
- Spill prevention briefings are not scheduled and conducted periodically 50.00
- Plan has inadequate or no discussion of personnel training and spill prevention procedures 50.00

FACILITY DRAINAGE, ONSHORE (excluding Production Facilities) 112.7(e)(1)

- Valves used to drain diked areas are not of manual, open-and-closed design (note: flapper-type valves should not be used). 200.00
- Pumps or ejectors not manually activated when diked storage areas drained 100.00
- Drainage from undiked areas not into ponds, lagoons, or catchment basins, or no diversion systems to return spills to the facility. 300.00
- Plan has inadequate or no discussion of facility drainage 50.00

BULK STORAGE TANKS (excluding Production Facilities) 112.7(e)(2)

- Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature 300.00
- Secondary containment appears to be grossly inadequate 500.00
- Materials of construction are not sufficiently impervious 250.00
- Excessive vegetation which affects the integrity of the containment system 100.00
- Walls of containment system are slightly eroded or have low areas 200.00

- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction. 50.00
- Aboveground valves and pipelines are not inspected regularly 200.00
- Periodic pressure testing of the valves and pipelines is not conducted 100.00
- Vehicle traffic not warned verbally or by appropriate signs of aboveground piping. 100.00
- Plan has inadequate or no discussion of facility transfer operations, pumping, and in-plant processes. . 50.00

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK, ONSHORE 112.7(e)(4)

- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system. 500.00
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck. 300.00
- There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines. 200.00
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck. 100.00
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack. 50.00

SECURITY (excluding Production Facilities) 112.7(e)(9)

- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production. 100.00
- Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not secured in closed position when in a non-operating or standby status. 200.00
- 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. 50.00
- Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service. 50.00
- Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism. 100.00
- Plan has inadequate or no discussion of facility security 50.00

TOTAL \$ 2,500.00

When drainage from diked areas is to a storm drain, open water course, or lake or pond:

- Bypass valve not normally sealed closed 300.00
- Runoff rain water not inspected and/or will cause a harmful discharge as defined in 40 CFR 110 300.00
- Bypass valve is not opened and resealed under responsible supervision 100.00
- Adequate records of drainage events are not maintained 50.00
- Underground tanks are not protected from corrosion or are not subjected to regular pressure testing. . 100.00
- Partially buried tanks do not have buried sections protected from corrosion. 100.00
- Aboveground tanks not subject to periodic integrity testing, such as visual, hydrostatic, and nondestructive methods, etc. 300.00
- Outside of tank not frequently observed for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked area. 300.00
- Steam return /exhaust of internal heating coils which discharge into an open water course not monitored, passed through a settling tank, skimmer, or other separation system. 100.00
- Records of inspections of aboveground tanks are not maintained 50.00

Tanks are not "fail-safe" engineered:

- No audible or visual high liquid level alarm, or 300.00
- No high-level pump cutoff devices set to stop flow at a predetermined tank content level, or 300.00
- No direct communications between tank gauger and pumping station, or 300.00
- No fast response system for determining liquid levels, such as computers, telepulse or direct vision gauges. 300.00
- No testing of liquid level sensing devices to ensure proper operation 50.00
- Disposal facilities which discharge plant effluents directly to navigable waters are not monitored frequently to detect oil spills 100.00
- Visible oil leaks resulting in accumulations of oil in diked areas are not promptly corrected 300.00
- Mobile or portable storage tanks are not positioned to prevent spilled oil from reaching navigable water, or are in area subject to flooding. 100.00
- Secondary containment inadequate for mobile or portable storage tanks 500.00
- Plan has inadequate or no discussion of bulk storage tanks 50.00

**FACILITY TRANSFER OPERATIONS, PUMPING, AND IN-PLANT PROCESSES, ONSHORE
(excluding Production Facilities) 112.7(e)(3)**

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- Buried piping not corrosion protected with protective wrapping, coating, or cathodic protection. 100.00
 - Corrective action not taken on buried piping when corrosion damage found 300.00
 - Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin 50.00

IN THE MATTER OF Winneshiek Cooperative Association, Respondent
Docket No. CWA-07-2004-0030

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited SPCC Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Kristina Kemp
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Doug VanSloten, General Manager
Winneshiek Cooperative Association
P.O. Box 402
Decorah, Iowa 52101

Copy by First Class Mail to:

US. Coast Guard
Finance Center (OGR)
1430A Kristina Way
Chesapeake, VA 23326

Dated: 2/9/05


Kathy Robinson
Regional Hearing Clerk