

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Tonia Bandrowicz 2/23/16  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CWA-D1-2016-0026

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Cardinal & Glidden Oil Company, Inc.  
Route 75, Tappan Street  
Farmington, NH 03835

Total Dollar Amount of Receivable \$ 2,700 Due Date: \_\_\_\_\_

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

\_\_\_\_\_ Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**BY HAND**

February 23, 2016

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100  
Mail Code ORA18-1  
Boston, MA 02109-3912



Re: In the Matter of Cardinal & Glidden Oil Company, Inc.: CWA-01-2016-0026

Dear Ms. Santiago,

Enclosed for filing, please find an Expedited Settlement Agreement (ESA) settling the matter referenced above.

Pursuant to EPA Order Classification No. 2551.1A, dated June 7, 2006, the Regional Hearing Clerk (RHC) shall send a copy of the ESA in any Clean Water Act (CWA) case assessing a penalty under the authority of Section 311 of the CWA to:

U.S. EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268

In addition, the RHC must pass along the name and address of the regional attorney responsible for any collection recommendation if the civil debt becomes delinquent. For this case, the responsible attorney is:

Tonia Bandrowicz  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-3  
Boston, MA 02109-3912  
Tel: (617) 918-1734

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Heather L. Thompson". The signature is written in black ink and is positioned to the left of the typed name.

Heather L. Thompson  
OES Legal Office

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1, 5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912

EXPEDITED SPCC SETTLEMENT AGREEMENT

In the matter of Cardinal & Glidden Oil Company, Inc.  
Docket No. CWA-01-2016-0026

On November 2, 2015 at Cardinal & Glidden Oil Company, Inc.'s ("Respondent's") home heating service and bulk oil storage facility, located at Route 75, Tappan Street, Farmington, New Hampshire, an authorized representative of the United States Environmental Protection Agency ("EPA") conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 C.F.R. part 112 under Section 311(j) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321(j). EPA determined that Respondent, as owner or operator of the facility, violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan ("SPCC") Inspection Findings and Violations Form ("Violations Form") which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Violations set forth in the Violations Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violations Form for a penalty of \$2,700. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 C.F.R. § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violations Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violations Form. Respondent admits to the facts in the first paragraph of this Settlement Agreement, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government that the violations identified in the Violations Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations. Respondent has sent a certified check in the amount of \$2,700, payable to the Environmental Protection Agency, to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311." Respondent shall send a copy of the check to Heather Thompson, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-4), Boston, Massachusetts 02109-3912, and to the Regional Hearing Clerk, Environmental Protection Agency, Region 1, 5 Post Office Square (ORC-18), Boston, Massachusetts 02109-3912.

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 filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violations Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

Joanna Jerison Date: 2/9/16  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): Christopher J Glidden

Title (print): PRESIDENT

Signature: Christopher J Glidden Date: 2/16/2016

IT IS SO ORDERED:

LeAnn Jensen Date: 2/23/16  
LeAnn Jensen  
Acting Regional Judicial Officer

RECEIVED

FEB 23 2016

EPA ORC WS  
Office of Regional Hearing Clerk

## Spill Prevention Control and Countermeasure Inspection Proposed Findings and Violations Form

These Findings and Violations and Penalties are issued by EPA Region 1 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.

Company Name: <i>Cardinal &amp; Glidden Oil Company, Inc.</i>		Docket Number: <b>CWA-01-2016-0026</b>	
Facility Name/Address: <i>Route 75, Tappan Street Farmington, NH, 03835</i>		Date of Inspection: <i>November 2, 2015</i>	
Mailing/Corporate Address: <i>5 Crowley (PO Box 625)</i>			
City: <i>Farmington</i>		Inspector's Name: <i>Joseph Canzano</i>	
State: <i>NH</i>	Zip Code: <i>03835</i>	Enforcement Contact: <i>S.A.A - Tel: 617-918-1763</i>	
Facility Contact: <i>Chris Glidden, Owner</i>		<i>(603) - 755 - 3562</i>	



### Summary of Findings

*On November 2, 2015, the U.S. Environmental Protection Agency (the "EPA") conducted an inspection at Cardinal & Glidden Oil Company, Inc., located on Route 75 in Farmington, New Hampshire ("the Facility"). The Facility has approximately 150,210 gallons of oil storage capacity in above ground tanks. The Facility has reasonable potential in the event an oil spill for oil to reach the Mad River.*

*While the Facility did have a Spill Prevention, Control, and Countermeasure ("SPCC") plan (February 13, 2008) it was not being fully implemented. Certain oil filled containers were not identified in the SPCC plan, the SPCC plan's contact list was not up-to-date, potential oil spill path along Tappan Road to Mad River was not identified in the SPCC plan, the SPCC plan had not been reviewed by management within 5 years of its previous review, and it mislabeled tank content. Further, the SPCC plan did not identify proper tank storage volume for tanks baffled together, and the Facility did not document training for oil handling personnel at a frequency specified in the SPCC plan. During the site walk EPA observed cracks and fractures in the wall to the Facility's fuel tank farm dike, tank overflow and liquid level sensor monitor and alarm system not functioning, and a residual spilled oil at tank fill ports and tank off-loading location.*

*On December 1, 2015, the EPA sent a Request for Information (Docket No. 16-308-051) letter and inspection report to the Facility. On December 12, 2015, the Facility submitted an amended SPCC plan to the Region. The checklist below indicates the violations observed during the November 2, 2015 inspection.*



- No contingency plan- 112.7(d)(1)
- No written commitment of manpower, equipment, and materials- 112.7(d)(2)
- No periodic integrity and leak testing, if impracticability is claimed - 112.7(d)
- Plan has no or inadequate discussion of general requirements not already specified-112.7(j)

**QUALIFIED FACILITY REQUIREMENTS: 112.6**

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- Qualified Facility: No Self certification- 112.6(a)(1)(Tier I) or (b)(1)(Tier II)
- Qualified Facility: Self certification lacks required elements- 112.6(a)(1)(Tier I) or (b)(1)(Tier II)
- Qualified Facility: Technical amendments not certified- 112.6(a)(2)(Tier I) or (b)(2)(Tier II)
- Qualified Facility: Un-allowed deviations from requirements- 112.6(a)(Tier I) or (b)(Tier II)
- Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112.6(b)(3)(Tier II)

**WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)**

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- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - 112.7(e)
- Inspections and tests required are not in accordance with written procedures developed for the facility- 112.7(e)
- No Inspection records were available for review - 112.7(e)
- Are not signed by appropriate supervisor or inspector- 112.7(e)
- Are not maintained for three years- 112.7(e)

**PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)**

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- No training on the operation and maintenance of equipment to prevent discharges and or facility operations -112.7(f)(1)
- No training on discharge procedure protocols- 112.7(f)(1)
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112.7(f)(1)
- Training records not maintained for 3 years- 112.7(f)(1)
- No designated person accountable for spill prevention- 112.7(f)(2)
- Spill prevention briefings are not scheduled and conducted at least annually- 112.7(f)(3)
- Plan has inadequate or no discussion of personnel and spill prevention procedures-112.7(a)(1)

- Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(iv)
- Drainage from undiked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility- 112.8(b)(3)&(4)
- Two “lift” pumps are not provided for more that one treatment unit- 112.8(b)(5)
- Plan has inadequate or no discussion of facility drainage-112.7(a)(1)

**BULK STORAGE CONTAINERS 112.8(c)**

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- Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i)
- Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i)
- Material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature- 112.8(c)(1)
- Secondary containment appears to be inadequate- 112.8(c)(2).
- Containment systems, including walls and floors are not sufficiently impervious to contain oil- 112.8(c)(2)
- Excessive vegetation which affects the integrity
- Walls of containment system slightly eroded or have low areas
- Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing- 112.8(c)(4)
- Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5)
- Aboveground tanks are not subject to visual inspections- 112.8(c)(6)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6)
- 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- 112.8(c)(6)
- 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- 112.8(c)(7)
- Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112.8(c)(8)
- No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112.8(c)(9)
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10)
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112.8(c)(11)

OFFICIAL CHECK

**TD Bank**

20581768-1

2016  
11

RE: CARDINAL & GLIDDEN OIL CO INC

DATE: 02/16/2016

PAY TO THE ORDER OF \*\*U.S. Environmental Protection Agency\*\*  
Two Thousand Seven Hundred AND 00/100

\$2,700.00

Docket No. CWA-01-2016-0026  
Oil Spill Liability Trustfund -311

DRAWER: TO BANK, N.A.

*Angela Hardin*  
AUTHORIZED SIGNATURE



⑈ 205817681⑈ ⑆011201335⑆ 6265009202⑈

OC-NET Rev2 9/09 M 3504064



In the Matter of Cardinal & Glidden Oil Company, Inc.  
EPA Docket No. CWA-01-2016-0026

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

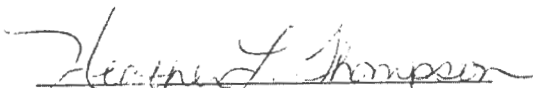
Original and one copy  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

Christopher Glidden  
Cardinal & Glidden Oil Company, Inc.  
5 Crowley Street  
P.O. Box 625  
Farmington, NH 03835

Dated: 2/23/16

  
Heather Thompson  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone: (617) 918-1320  
Fax: (617) 918-320