



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

FILED

75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105

EXPEDITED SPCC SETTLEMENT AGREEMENT

NOV 30 PM 3:22

DOCKET NO.: SPCC-09-2009-0002

On: September 4, 2008

At: 5015 Feather River Blvd.
Oroville, CA 95966

Owned & Operated by: Feather River Diesel (Respondent)

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 failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM ("Form"), which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits to being subject to 40 CFR § 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement 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 by 40 CFR § 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 \$1000.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: 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 \$1000.00, payable to the "Treasurer, United States of America" with the notation "Spill Fund - 311" and the Docket Number stated above.

This Expedited Settlement must be returned by certified mail to: OPA Enforcement Coordinator, U.S. Environmental Protection Agency, Region 9 (SFD-9-4), 75 Hawthorne Street, San Francisco, California 94105-3901. The certified check for payment must be sent by certified mail to: U. S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent 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 the Respondent of the SPCC regulations or of any other federal statute or regulations.

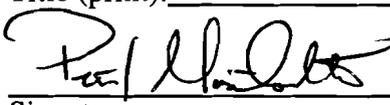
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective immediately on the date filed with the Regional Hearing Clerk. 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 noncompliance identified in the Form.

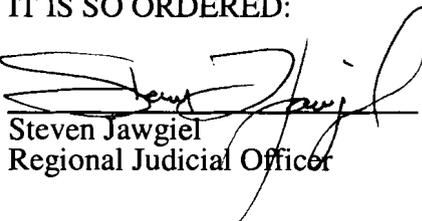
APPROVED BY EPA:

 Date: 12-16-2008
Keith Takata, Director
Superfund Division

APPROVED BY RESPONDENT:

Name (print): PETE MASTELOTTO
Title (print): OWNER - FEATHER RIVER DIESEL
 Date 12-10-08
Signature

IT IS SO ORDERED:

 Date 12/29/08
Steven Jawgiel
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 9 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 Feather River Diesel	Docket Number: SPCC-09-2009-0002
Facility Name Feather River Diesel Cardlock	Date 9/4/08
Address 5015 Feather River Blvd.	Inspection Number 08-4066
City: Oroville	Inspector: Elizabeth Sablad
State: CA Zip Code: 95966	EPA Approving Official: Keith Takata
Contact: Pete Mastelotto Owner	Enforcement Contacts: Mark Samolis Phone 415-947-4273

Summary of Inspection 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 \$1,000.00 enter only the minimum allowable of \$1,000.00.)

- | | | |
|-------------------------------------|--|------------|
| <input checked="" type="checkbox"/> | No Spill Prevention Control and Countermeasure Plan- 112.3 | \$1,000.00 |
| <input type="checkbox"/> | Plan not certified by a professional engineer- 112.3(d) | 400.00 |
| <input type="checkbox"/> | No management approval of plan- 112.7 | 300.00 |
| <input type="checkbox"/> | Plan not maintained on site (applies if facility is manned at least four (4) hours per day)- 112.3(e)(1) | 100.00 |
| <input type="checkbox"/> | Plan not available for review- 112.3(e)(1) | 300.00 |
| <input type="checkbox"/> | No evidence of five-year review of plan by owner/operator- 112.5(b) | 50.00 |
| <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- 112.5(a) | 50.00 |
| <input type="checkbox"/> | Amendment(s) not certified by a professional engineer- 112.5(c) | 100.00 |
| <input type="checkbox"/> | Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7 | 100.00 |

- Plan has inadequate or no discussion of personnel and spill prevention procedures 50.00

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- 112.7(g)(1). 100.00
- Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g)(2). 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- 112.7(g)(3). 50.00
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status- 112.7(g)(4). 50.00
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112.7(g)(5). 100.00
- Plan has inadequate or no discussion of facility security 50.00

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK 112.7(h)

- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1). 500.00
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck- 112.7(h)(1). 300.00
- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines- 112.7(h)(2). 200.00
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck- 112.7(h)(3). 100.00
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack. 50.00

FACILITY DRAINAGE FROM DIKED AREAS 112.8(b) & (c)

- Valves used for drainage from diked storage areas to drainage system, watercourse, or effluent treatment system not controlled to prevent a discharge- 112.8(b)(2). 200.00
- Run-off rainwater from diked areas is not inspected- 112.8(c)(3)(ii) 300.00
- Valves not opened and resealed under responsible supervision- 112.8(c)(3)(iii) 100.00
- Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(iv) 50.00

FACILITY DRAINAGE FROM UNDIKED AREAS 112.8(b)

- 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). 400.00
- Two "lift" pumps are not provided for more that one treatment unit- 112.8(b)(5) 100.00
- Plan has inadequate or no discussion of facility drainage 50.00

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

- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112.8(d)(1). 100.00
- Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112.8(d)(1) . . . 300.00
- Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2) 50.00
- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112.8(d)(3). 50.00
- Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4) 200.00
- Periodic integrity and leak testing of buried piping is not conducted- 112.8(d)(4) 100.00
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112.8(d)(5). 100.00
- Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process. 50.00

TOTAL \$ 1000.00

CERTIFICATE OF SERVICE

I hereby certify that the foregoing final order signed by the Regional Judicial Officer for the EXPEDITED SETTLEMENT AGREEMENT in the matter of *Feather River Diesel* (SPCC-09-2009-0002), dated December 29, 2008, has been filed with the Regional Hearing Clerk, and a copy was served on Respondent, and on the enforcement contact for EPA, as indicated below:

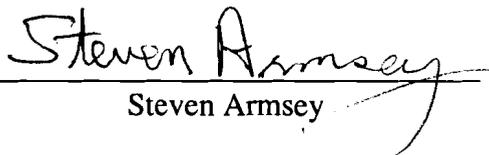
BY FIRST CLASS MAIL:
(With Return Receipt)

Respondent - Peter Mastelotto
Feather River Diesel
5015 Feather Road
Oroville, CA 95966

HAND DELIVERED:

Complainant - Mark Samolis
Superfund Division
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA. 94105

Dated at San Francisco, Calif., this 30th day of December, 2008.


Steven Armsey

For: Danielle Carr
Regional Hearing Clerk
EPA, Region 9