



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-2466  
Phone 800-227-1129  
<http://www.epa.gov/region08>

2007 AUG 16 PM 2:27

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CWA-08-2007-0014

IN THE MATTER OF: )  
)  
ROCKY MOUNTAIN PIPELINE ) FINAL ORDER  
SYSTEM, LLC. )  
)  
RESPONDENT )

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 16<sup>th</sup> DAY OF August, 2007

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2007 AUG 16 PM 2:27  
REGION 8

EPA REGION VIII  
HEARING CLERK

In the Matter of: )  
)  
Rocky Mountain Pipeline System, LLC )  
)  
) **EXPEDITED CONSENT AGREEMENT**  
) **DOCKET NO.: CWA-08-2007-0014**  
Respondent. )

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Rocky Mountain Pipeline System, LLC, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates 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). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates Wamsuttter Station located in Sweetwater County, Wyoming.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits that it failed to prepare and implement an SPCC Plan for its Wamsutter Station facility in accordance with 40 C.F.R. § 112.7 and 112.8.

Respondent agrees to correct the cited violations of 40 C.F.R. § 112 on the attached list within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent agrees to submit a revised copy of the SPCC Plan for the Wamsutter Station facility to EPA for its review and approval.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$950.00 for violations of Section 311(j) of the Act, which, shall be paid no later than 30 days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency  
P.O. Box 371099M  
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center  
ATTN: Shift Supervisor  
Lockbox 371099M Account 9109125  
500 Ross Street  
Pittsburgh, PA 15262-0001

If paying by EFT, the Respondent shall transfer \$950.00 to:

Mellon Bank  
ABA 043000261  
Account 9109125  
22 Morrow Drive  
Pittsburgh, PA 15235

In the case of an international transfer of funds, the Respondent shall use SWIFT address MELNUS3P.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

**Tina Artemis, Regional Hearing Clerk (8RC)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

and

**Jane Nakad**  
**Technical Enforcement Program (8ENF-UFO)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

Respondent will revise, implement, and maintain an SPCC plan in accordance with 40 C.F.R. § 112. Respondent's cost of corrective actions and measures to achieve compliance to date has been \$ 7,900.00.

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance, this agreement is null and void, and EPA may pursue any applicable enforcement options.

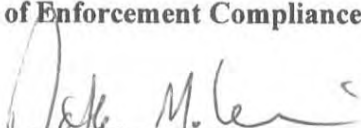
The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

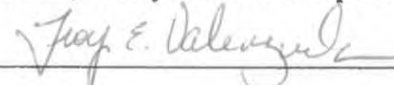
This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By :   
for Elisabeth Evans, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Date: 8-13-2007

**Respondent, Rocky Mountain Pipeline System, LLC, Respondent.**

By : 

TRK Date: 8-10-07

Name: TROY E. VALENZUELA

Title: VICE PRESIDENT - E. H. & S.

LIST OF SPCC VIOLATIONS  
WAMSUTTER STATION

40 C.F.R. § 112.3:

Failure to prepare and implement an SPCC Plan in accordance with 40 C.F.R. § 112.7 and 112.8.

Specific violations found during review of the Plan are:

Inadequate spill prediction in violation of 40 C.F.R. § 112.7(b). Only 1 discharge rate is indicated and no flow direction.

The Contingency Plan does not meet the requirements of Part 109 in violation of 40 C.F.R. § 112.7(d)(1).

Inadequate commitment of resources in violation of 40 C.F.R. § 112.7(d)(2).

Undiked drainage is not to pond or lagoon or otherwise controlled in violation of 40 C.F.R. § 112.8(b)(3).

In addition to the above violations, in order to meet the requirements of the July 17, 2002, rule revisions, you must correct the following deficiencies by July 1, 2009:

Provide a cross reference matrix indicating where in your SPCC Plan format each rule requirement is met as required by 40 C.F.R. § 112.7.

Provide a complete discussion of your conformance with state regulations applicable to your facility as required by 40 C.F.R. § 112.7(j).

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **ROCKY MOUNTAIN PIPELINE SYSTEM, LLC., DOCKET NO.: CWA-08-2007-0014** was filed with the Regional Hearing Clerk on August 16, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to David Janik, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on August 16, 2007, to:


Mike S. Kelly  
Law Department  
Rocky Mountain Pipeline System, LLC.  
333 Clay Street, Suite 1600  
Houston, TX 77002

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

And e-mailed to:

Michelle Angel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

August 16, 2007

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

