

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**FILED**

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REGIONAL HEARING CLERK  
EPA REGION 6

REGION 6

IN THE MATTER OF

Warren Oil Company, LLC  
San Antonio Packaging Plant  
Bexar County  
Texas

Respondent.

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CWA SECTION 311 CLASS I  
CONSENT AGREEMENT  
AND FINAL ORDER  
UNDER 40 CFR § 22.13(b)

Docket No. CWA-06-2025-4801

**LEGAL AUTHORITY**

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 311(b)(6)(B)(i) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and under the authority provided by 40 CFR §§ 22.13(b) and 22.18(b)(2). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region 6. Pursuant to the April 17, 2019 Region 6 Realignment: General Delegation Memo (General Delegation Memo), the Regional Administrator delegated these authorities to the successor Division Director or Office Director in accordance with the Region 6 2019 reorganization, to wit: the Enforcement and Compliance Assurance Division of EPA, Region 6. The General Delegation Memo has, in turn, further redelegated these authorities to the comparable official subordinate to the Enforcement and Compliance Assurance Division Director, to wit: the Branch Chief, Water Enforcement Branch in Region 6.

**CONSENT AGREEMENT**

**SPCC Stipulations**

The parties, in their own capacity or by their attorneys or other authorized representatives, hereby stipulate:

2. Section 311(j)(1)(C) of the Act, 33 USC § 1321(j)(1)(C), provides that the President shall issue regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil from onshore or offshore vessels and from onshore or offshore facilities, and to contain such discharges."

3. Initially by Executive Order 11548 (July 20, 1970), 35 Fed. Reg. 11677 (July 22, 1970), and most recently by Section 2(b)(1) of Executive Order 12777 (October 18, 1991), 56 Fed. Reg. 54757 (October 22, 1991), the President delegated to EPA his Section 311(j)(1)(C) authority to issue the regulations referenced in the preceding Paragraph for non-transportation-related onshore facilities.

4. EPA subsequently promulgated the Spill Prevention Control & Countermeasure (SPCC) regulations pursuant to delegated statutory authorities, and pursuant to its authorities under the Clean Water Act, 33 USC § 1251 et seq., which established certain procedures, methods and other requirements upon each owner and operator of a non-transportation-related onshore or off-shore facility, if such facility, due to its location, could reasonably be expected to discharge oil into or upon the navigable waters of the United States and their adjoining shorelines in such quantity as EPA has determined in 40 CFR § 110.3 may be harmful to the public health or welfare or the environment of the United States (harmful quantity).

5. In promulgating 40 CFR § 110.3, which implements Section 311(b)(4) of the Act, 33 USC § 1321(b)(4), EPA has determined that discharges of harmful quantities include oil discharges that cause either (1) a violation of applicable water quality standards or (2) a film, sheen upon, or discoloration of the surface of the water or adjoining shorelines, or (3) a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

6. Respondent is a firm conducting business in the State of Texas, with a place of business located at 434 Riverside Drive, San Antonio, TX 78210, and is a person within the meaning of Sections 311(a)(7) and 502(5) of the Act, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 CFR § 112.2.

7. Respondent is the owner within the meaning of Section 311(a)(6) of the Act, 33 USC § 1321(a)(6), and 40 CFR § 112.2 of a base oil, lube oil, and additives storage facility, located in Bexar County (the facility). The approximate coordinates of the facility are 29.376389° N and -98.476944° W. Drainage from the facility drains into the San Antonio River.

8. The facility has an aggregate above-ground storage capacity greater than 1320 gallons of oil in containers each with a shell capacity of at least 55 gallons. Facility capacity is approximately 1,449,248 gallons.

9. The San Antonio River is a navigable water of the United States within the meaning of 40 CFR § 112.2.

10. Respondent is engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products located at the facility.

11. The facility is therefore a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity (an SPCC-regulated facility).

12. Pursuant to Section 311(j)(1)(C) of the Act, E.O. 12777, and 40 CFR § 112.1 Respondent, as the owner of an SPCC-regulated facility, is subject to the SPCC regulations.

**SPCC Allegations**

13. Paragraphs 6 through 12 above are re-stipulated as though fully set forth herein.

14. 40 CFR § 112.3 requires that the owner or operator of an SPCC-regulated facility must prepare a SPCC plan in writing and implement that plan in accordance with 40 CFR § 112.7 and any other applicable section of 40 CFR Part 112.

15. On April 30, 2024, EPA inspected the facility and found that Respondent had failed to develop and implement an SPCC plan for the facility as follows:

- a. Respondent failed to amend the Spill Prevention Control and Countermeasure (SPCC) Plan to reflect changes in the facility design, construction, operation, or maintenance that materially affect the potential for a discharge, as required by 40 CFR § 112.5(a). Specifically, respondent failed to update the plan or implement it to account for the relocation of two (2) tanks into the main containment area within six months of the change.
- b. The facility's SPCC Plan must be reviewed and evaluated at least once every five years. Respondent failed to review, evaluate, and update the facility's SPCC plan as required by 40 CFR § 112.5(b).
- c. Respondent failed to provide a SPCC Plan, certified by a licensed Professional Engineer, that attests to all the required elements as required by 40 CFR § 112.5(c).
- d. Respondent failed to describe in the SPCC Plan the physical layout of the facility and include a diagram that identifies all the required elements as required by 40 CFR § 112.7(a)(3).

- e. Respondent failed to adequately address in the SPCC Plan the Countermeasures for discharge discovery, response, and cleanup as required by 40 CFR § 112.7(a)(3)(iv).
- f. While the facility diagram notes drum filling areas, the SPCC Plan fails to identify appropriate containment and/or diversionary structures or equipment for the Mobile/portable container, other oil-filled equipment, piping and related appurtenances, and transfer areas, equipment and activities as required by 40 CFR § 112.7(c), to prevent a discharge from the facility.
- g. Respondent failed to address in the SPCC Plan and to carry out inspections and tests at the facility in accordance with written procedures. Specifically, the respondent did not conduct required monthly, quarterly, and annual inspections nor did they maintain records of these inspections or tests signed by the supervisor or inspector with the SPCC Plan for a period of three years as required by 40 CFR § 112.7(e).
- h. The facility's SPCC Plan and/or field operations did not adequately address the following specific procedures for discharge prevention and containment:
  - Test or inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made
  - Document the frequency and type of testing and inspections in accordance with industry standards, considering the container size, configuration and design
  - Maintain comparison records of aboveground container integrity testing
  - Regular inspection of container supports and foundations.
  - Frequent inspection of outside of containers for signs of deterioration, discharges, or accumulation of oil inside diked areas; and
  - Maintain records of all inspections and tests, as required in 40 CFR § 112.8(c)(6).
- i. Respondent failed to describe in the SPCC Plan whether steam returns and exhaust lines pass through a settling tank, skimmer, or other separation or retention system, as required by 40 CFR § 112.8(c)(7).

- j. Respondent failed to adequately describe in the SPCC Plan whether each bulk storage container is equipped with overfill prevention measures, such as high-level alarms, audible/visual signals, or routine attendance during filling operations, as required by 40 CFR § 112.8(c)(8).
- k. Respondent failed to address, in the SPCC Plan, the required procedures for correcting visible discharges at the facility that result in loss of oil from the containers and other pertinent parts (seams, gaskets piping, pumps, valves, rivets, and bolts) as required by 40 CFR § 112.8(c)(10).
- l. Although the SPCC Plan states the facility has no mobile containers, the plan diagram identifies drum filling areas. Respondent failed to address whether mobile or portable containers in these areas are positioned to prevent a discharge. Additionally, respondent failed to address whether mobile or portable containers (excluding mobile refuelers and other non-transportation-related tank trucks) have secondary containment with sufficient capacity to contain the largest single compartment or container and sufficient freeboard to contain precipitation as required by 40 CFR § 112.8(c)(11).
- m. Respondent failed to discuss in the SPCC plan whether pipe supports are properly designed to minimize abrasion and corrosion and allow for expansion and contraction as required in 40 CFR § 112.8(d)(3)
- n. Respondent failed to perform and document written inspections of facility piping as required by 40 CFR § 112.8(d)(4).

16. Respondent's failure to fully develop and implement its SPCC plan for the facility violated 40 CFR § 112.3 and impacted its ability to prevent an oil spill.

#### **Waiver of Rights**

17. Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the other specific violations alleged above. Respondent waives the right to a hearing under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the Act, 33 U.S.C. § 1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

18. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

**Penalty**

19. The Complainant proposes, and Respondent consents to, the assessment of a civil penalty of **\$48,200.00**.

**Payment Terms**

Based on the forgoing, the parties, in their own capacity or by their attorneys or authorized representatives, hereby agree that:

20. The Respondent shall submit this Consent Agreement and Final Order, with original signature, via electronic mail to:

Energy Sector Compliance Section  
U. S. Environmental Protection Agency  
Region 6 (6ECD-WE)  
1201 Elm Street  
Dallas, TX 75270-2102  
[johnbull.enoch@epa.gov](mailto:johnbull.enoch@epa.gov)

21. Within thirty (30) days of the effective date of the Final Order, the Respondent shall pay the amount of **\$48,200.00** to settle the violations as alleged in the CAFO.

22. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA's How to Make a Payment website and will not pay with a paper check.

23. When making a payment, Respondent shall:

- a. Identify every payment with "OSTLF-311" and the docket number of this Agreement, Docket No CWA-06-2025-4801,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall also serve, via electronic mail, proof of such payment to the following person(s):

Lorena Vaughn  
Regional Hearing Clerk (ORCD)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
[vaughn.lorena@epa.gov](mailto:vaughn.lorena@epa.gov)

Energy Sector Compliance Section  
U. S. Environmental Protection Agency  
Region 6 (6ECD-WE)  
1201 Elm Street  
Dallas, TX 75270-2102  
[johnbull.enoch@epa.gov](mailto:johnbull.enoch@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)



24. Failure by the Respondent to pay the penalty assessed by the Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 USC §1321(b)(6)(H) and in accordance with 40 C.F.R. Part 13. In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

25. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

26. To provide EPA with sufficient information to enable it to fulfill EPA's reporting obligations to the Internal Revenue Service (IRS) under 26 U.S.C. § 6050X and 26 C.F.R.

§ 1.6050X-1, Respondent agrees to complete the following actions as applicable:

- a. Complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irspdf/fw9.pdf>.
- b. Certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Email its completed Form W-9 to EPA's Cincinnati Finance Division at [chalifoux.jessica@epa.gov](mailto:chalifoux.jessica@epa.gov) (Jessica Chalifoux) on or before the date that Respondent's penalty payment is due, pursuant to Paragraph 21 of the this settlement agreement or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

**General Provisions**

27. The Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

28. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the Act, 33 USC §1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law. Payment of the penalty pursuant to this Consent Agreement resolves only Respondent's liability for federal civil penalties for the violations and facts stipulated to and alleged herein.

WARREN OIL COMPANY, LLC

Date: 11/25/25

  
Dan Owczarzak  
President & Chief Executive Officer

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 12/04/2025

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Bryant Smalley  
Chief  
Water Enforcement Branch

Docket No. CWA-06-2025-4801

**FINAL ORDER**

Pursuant to Section 311(b)(6) of the Act, 33 USC §1321(b)(6) and the delegated authority of the undersigned, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” codified at 40 CFR Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order, and the Stipulations by the parties and Allegations by the Complainant are adopted as Findings in this Final Order.

The Respondent is ordered to comply with the terms of the Consent Agreement.

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Cheryl T Seager, Director  
Enforcement and  
Compliance Assurance Division