

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 6 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 Loto Energy, LLC	Docket Number: CWA-06-2020-4307	
Facility Name Helen Hilpert No. 1-2 Facility	Date 12/4/2019	
Address 8235 Forsyth Boulevard - Suite 400	Inspection Number SPCC-OK-2020-00036	
City: Saint Louis	Inspectors Name: Tom McKay	
State: MO Zip Code: 63105-1621	EPA Approving Official: Bryant Smalley	
Contact: Ms. Liz McGee (314) 889-9669	Enforcement Contacts: Misty Ward (214)665-6418	

Summary of Findings

(Onshore Oil Production 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 \$1,500.00 enter only the maximum allowable of \$1,500.00.)

- No Spill Prevention Control and Countermeasure Plan- *112.3*..... \$1,500.00
- Plan not certified by a professional engineer- *112.3(d)*450.00
- Certification lacks one or more required elements- *112.3(d)(1)*100.00
- No management approval of plan- *112.7*450.00
- Plan not maintained on site (if facility is manned at least 4 hrs/day) or not available for review- *112.3(e)(1)*.....300.00
- No evidence of five-year review of plan by owner/operator- *112.5(b)*.....75.00
- No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential- *112.5(a)*75.00
- Amendment(s) not certified by a professional engineer- *112.5(c)*.....150.00

<input type="checkbox"/>	Plan does not follow sequence of the rule and/or cross-reference not provided- <i>112.7</i>	150.00
<input type="checkbox"/>	Plan does not discuss additional procedures/methods/equipment not yet fully operational- <i>112.7</i>	75.00
<input type="checkbox"/>	Plan does not discuss alternative environmental protection to SPCC requirements- <i>112.7(a)(2)</i>	200.00
<input type="checkbox"/>	Plan has inadequate or no facility diagram- <i>112.7(a)(3)</i>	75.00
<input type="checkbox"/>	Inadequate or no listing of type of oil and storage capacity layout of containers- <i>112.7(a)(3)(i)</i>	50.00
<input type="checkbox"/>	Inadequate or no discharge prevention measures- <i>112.7(a)(3)(ii)</i>	50.00
<input type="checkbox"/>	Inadequate or no description of drainage controls- <i>112.7(a)(3)(iii)</i>	50.00
<input type="checkbox"/>	Inadequate or no description of countermeasures for discharge discovery, response and cleanup- <i>112.7(a)(3)(iv)</i>	50.00
<input type="checkbox"/>	Recovered materials not disposed of in accordance with legal requirements- <i>112.7(a)(3)(v)</i>	50.00
<input type="checkbox"/>	No contact list & phone numbers for response & reporting discharges- <i>112.7(a)(3)(vi)</i>	50.00
<input type="checkbox"/>	Plan has inadequate or no information and procedures for reporting a discharge- <i>112.7(a)(4)</i>	100.00
<input type="checkbox"/>	Plan has inadequate or no description and procedures to use when a discharge may occur- <i>112.7(a)(5)</i>	150.00
<input type="checkbox"/>	Inadequate or no prediction of equipment failure which could result in discharges- <i>112.7(b)</i>	150.00
<input type="checkbox"/>	Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- (including truck transfer areas) <i>112.7(c)</i>	400.00

- If claiming impracticability of appropriate containment/diversionary structures:

<input type="checkbox"/>	Impracticability has not been clearly denoted and demonstrated in plan- <i>112.7(d)</i>	100.00
<input type="checkbox"/>	No contingency plan- <i>112.7(d)(1)</i>	150.00
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials- <i>112.7(d)(2)</i>	150.00
<input type="checkbox"/>	No periodic integrity and leak testing , if impracticability is claimed - <i>112.7(d)</i>	150.00
<input type="checkbox"/>	Plan has no or inadequate discussion of general requirements not already specified- <i>112.7(a)(1)</i>	75.00

QUALIFIED FACILITY REQUIREMENTS: 112.6

<input type="checkbox"/>	Qualified Facility: No Self certification- <i>112.6(a)</i>	450.00
<input type="checkbox"/>	Qualified Facility: Self certification lacks required elements- <i>112.6(a)</i>	100.00
<input type="checkbox"/>	Qualified Facility: Technical amendments not certified- <i>112.6(b)</i>	150.00
<input type="checkbox"/>	Qualified Facility: Un-allowed deviations from requirements- <i>112.6(c)</i>	100.00
<input type="checkbox"/>	Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- <i>112.6(d)</i>	350.00

WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)

- The Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - *112.7(e)*..... 75.00
- Inspections and tests required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility- *112.7(e)*..... 75.00
- No Inspection records were available for review - *112.7(e)* 200.00

Written procedures and/or a record of inspections and/or customary business records:

- Are not signed by appropriate supervisor or inspector- *112.7(e)*..... 75.00
- Are not maintained for three years- *112.7(e)*..... 75.00

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- No training on the operation and maintenance of equipment to prevent discharges- *112.7(f)(1)* 75.00
- No training on discharge procedure protocols- *112.7(f)(1)* 75.00
- No training on the applicable pollution control laws, rules, and regulations- *112.7(f)(1)* 75.00
- Training records not maintained for three years- *112.7(f)* 75.00
- No training on the contents of the SPCC Plan- *112.7(f)(1)*..... 75.00
- No designated person accountable for spill prevention- *112.7(f)(2)* 75.00
- Spill prevention briefings are not scheduled and conducted periodically- *112.7(f)(3)* 75.00
- Plan has inadequate or no discussion of personnel and spill prevention procedures- *112.7(f)*..... 75.00

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)

- Inadequate containment for Loading Area (not consistent with 112.7(c)) - *112.7(c)* 400.00
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- *112.7(h)(1)*..... 750.00
- 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)*. 450.00
- 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)*..... 300.00
- 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)*..... 150.00
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack -*112.7(j)*..... 75.00

QUALIFIED OIL OPERATIONAL EQUIPMENT 112.7(k)

- Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure d/or a discharge- *112.7(k)(2)(i)* 150.00
- Failure to provide an oil spill contingency plan- *112.7(k)(2)(ii)(A)* 150.00
- No written commitment of manpower, equipment, and materials- *112.7(k)(2)(ii)(B)* 150.00

OIL PRODUCTION FACILITY DRAINAGE 112.9(b)

- Drains for the secondary containment systems at tank batteries **and** separation **and** central treating areas are not closed and sealed at all times except when uncontaminated rainwater is being drained- *112.9(b)(1)* 600.00
- Prior to drainage of diked areas, rainwater is not inspected, valves opened and resealed under responsible supervision and records kept of such events- *112.9(b)(1)*450.00
- Accumulated oil on the rainwater is not removed and returned to storage or disposed of in accordance with legally approved methods- *112.9(b)(1)*..... 300.00
- Field drainage system (drainage ditches and road ditches), oil traps, sumps and/or skimmers are not regularly inspected and/or oil is not promptly removed- *112.9(b)(2)*300.00
- Inadequate or no records maintained for drainage events- *112.7*..... 75.00
- Plan has inadequate or no discussion or procedures for facility drainages- *112.7(a)(1)* 75.00

OIL PRODUCTION FACILITY BULK STORAGE CONTAINERS 112.9(c)

- Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- *112.7(i)*.....75.00
- Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- *112.7(i)*..... 300.00
- Container material and construction are not compatible with the oil stored and the conditions of storage- *112.9(c)(1)*450.00
- Size of secondary containment appears to be inadequate for containers and treating facilities- *112.9(c)(2)*.....750.00
- Excessive vegetation which affects the integrity of the containment- *112.9(c)(2)* 150.00
- Walls of containment system are slightly eroded or have low areas- *112.9(c)(2)* 300.00
- Secondary containment materials are not sufficiently impervious to contain oil- *112.9(c)(2)*375.00
- Visual inspections of containers, foundation and supports are not conducted periodically for deterioration and maintenance needs- *112.9(c)(3)*.....450.00

- Bank battery installations are not in accordance with good engineering practice because none of the following are present- *112.9(c)(4)*.....450.00
 - (1) Adequate tank capacity to prevent tank overflow- *112.9(c)(4)(i)*, **or**
 - (2) Overflow equalizing lines between the tanks- *112.9(c)(4)(ii)*, **or**
 - (3) Vacuum protection to prevent tank collapse- *112.9(c)(4)(ii)*, **or**
 - (4) High level alarms to generate and transmit an alarm signal where facilities are part of a computer control system- *112.9(c)(4)(iv)*.
- Plan has inadequate or no discussion of bulk storage tanks- *112.7(a)(1)*.....75.00

FACILITY TRANSFER OPERATIONS, OIL PRODUCTION FACILITY 112.9(D)

- Above ground valves and pipelines are not examined periodically on a scheduled basis for general condition (includes items, such as: flange joints, valve glands 2nd bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods/stuffing box.)- *112.9(d)(1)*450.00
 - Brine and saltwater disposal facilities are not examined often- *112.9(d)(2)*450.00
 - Inadequate or no flowline maintenance program (includes: examination, corrosion protection, flowline replacement)- *112.9(d)(3)*.....450.00
 - Plan has inadequate or no discussion of oil production facilities- *112.7(a)(1)*.....75.00
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- Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part- *112.20(e)*150.00
(Do not use this if FRP subject, go to traditional enforcement)

TOTAL \$4200.00