



Spill Prevention Control and Countermeasure Inspection  
Findings, Alleged Violations, and Proposed Penalty Form

FILED

July 22, 2025

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U.S. EPA REGION 10  
HEARING CLERK

These Findings, Alleged Violations and Penalties are issued by EPA under the authority vested in the Administrator of the EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

Company Name

Tesoro Alaska Complanly LLC.

Docket Number

CWA-10-2025-0116

Facility Name

Marathon Refinery & Nikiski Terminal

Date

6/24/2025

Address

54741 Energy Way

Facility ID Number

SPCC-AK-2024-00007

City

Kenai

Inspector's Name

Richard Franklin

State

AK

Zip Code

99611

EPA Approving Official

Edward Kowalski

Contact

Maya Lehl

Enforcement Contact

Steven Potokar

Total Storage Capacity

154,400,000 Gal

Summary of Findings  
(Production Facilities)

GENERAL TOPICS: 40 C.F.R 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)

- |                                     |   |       |
|-------------------------------------|---|-------|
| <input type="checkbox"/>            | Failure to have or implement a Spill Prevention Control and Countermeasure Plan 112.3 (\$1,750)   |       |
| <input type="checkbox"/>            | Plan or sections of the hybrid plan are not certified by a professional engineer 112.3(d) (\$500)   |       |
| <input type="checkbox"/>            | Certification lacks one or more required elements 112.3(d)(1) (\$125)   |       |
| <input type="checkbox"/>            | Plan not maintained on site (if manned at least four hrs/day) or not available for review 112.3(e)(1) (\$350)   |       |
| <input type="checkbox"/>            | No evidence of five-year review of plan by owner/operator 112.5(b) (\$100)  |       |
| <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) (\$100) |       |
| <input type="checkbox"/>            | Amendment(s) not certified by a professional engineer 112.5(c) (\$175)  |       |
| <input type="checkbox"/>            | No management approval of plan 112.7 (\$500)  |       |
| <input checked="" type="checkbox"/> | Plan does not follow sequence of the rule and/or cross-reference not provided 112.7 (\$175)   | \$175 |
| <input type="checkbox"/>            | Plan does not discuss additional procedures/methods/equipment not yet fully operational 112.7 (\$100)   |       |

- |   |  |       |
|---|--|-------|
| <input type="checkbox"/>  | Plan does not discuss alternative environmental protection to SPCC requirements 112.7(a)(2) (\$225)  |       |
| <input checked="" type="checkbox"/>   | Plan has inadequate or no facility diagram 112.7(a)(3) (\$100)   | \$100 |
| <input type="checkbox"/>  | Inadequate or no listing of type of oil and storage capacity layout of containers 112.7(a)(3)(i) (\$75)  |       |
| <input type="checkbox"/>  | Inadequate or no discharge prevention measures 112.7(a)(3)(ii) (\$75)  |       |
| <input type="checkbox"/>  | Inadequate or no description of drainage controls 112.7(a)(3)(iii) (\$75)  |       |
| <input type="checkbox"/>  | Inadequate or no description of countermeasures for discharge discovery, response and cleanup 112.7(a)(3)(iv) (\$75)                             |       |
| <input type="checkbox"/>  | Recovered materials not disposed of in accordance with legal requirements 112.7(a)(3)(v) (\$75)  |       |
| <input type="checkbox"/>  | No contact list & phone numbers for response & reporting discharges 112.7(a)(3)(vi) (\$75)   |       |
| <input type="checkbox"/>  | Plan has inadequate or no information and procedures for reporting a discharge 112.7(a)(4) (\$125)   |       |
| <input type="checkbox"/>  | Plan has inadequate or no description and procedures to use when a discharge may occur 112.7(a)(5) (\$175)                                       |       |
| <input type="checkbox"/>  | Inadequate or no prediction of equipment failure which could result in discharges 112.7(b) (\$175)   |       |
| <input checked="" type="checkbox"/>   | Plan does not discuss and facility does not implement appropriate containment/diversionary structures/ equipment 112.7 (\$450)                   | \$450 |
| <input checked="" type="checkbox"/>   | Inadequate containment or drainage for Loading Area- 112.7(c) (\$450)  | \$450 |
| <b>If claiming impracticability of containment and appropriate diversionary structures:</b> |  |       |
| <input type="checkbox"/>  | Impracticability has not been clearly denoted and demonstrated in plan 112.7(d) (\$125)  |       |
| <input type="checkbox"/>  | No contingency plan 112.7(d)(1) (\$175)  |       |
| <input type="checkbox"/>  | No written commitment of manpower, equipment, and materials 112.7(d)(2) (\$175)  |       |
| <input type="checkbox"/>  | No periodic integrity and leak testing 112.7(d) (\$175)  |       |
| <input type="checkbox"/>  | Plan has no or inadequate discussion of general requirements not already specified 112.7(j) (\$100)  |       |
| <input type="checkbox"/>  | 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) (\$175) |       |

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**QUALIFIED FACILITY REQUIREMENTS: 40 C.F.R. 112.6**

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|--------------------------|--|--|
| <input type="checkbox"/> | Qualified Facility: No Self certification 112.6(a) (\$500)   |  |
| <input type="checkbox"/> | Qualified Facility: Self certification lacks required elements 112.6(a) (\$125)  |  |
| <input type="checkbox"/> | Qualified Facility: Technical amendments not certified 112.6(b) (\$175)  |  |
| <input type="checkbox"/> | Qualified Facility: Qualified Facility Plan includes alternative measures not certified by licensed Professional Engineer 112.6(b) \$175 |  |
| <input type="checkbox"/> | Qualified Facility: Environmental Equivalence or Impracticability not certified by PE 112.6(d) (\$400)                                   |  |

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**WRITTEN PROCEDURES AND INSPECTION RECORDS: 40 C.F.R. 112.7(e)**

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- ☐ Plan does not include inspections and test procedures in accordance with 40 CFR Part 112.7(e) (\$100)
- ☐ Inspections and tests required are not in accordance with written procedures developed for the facility 112.7(e) (\$100)
- ☐ The plan has inadequate or no discussion of written procedures for inspection records 112.7(a)(1) (\$100)
- ☐ No Inspection records were available for review 112.7(e) (\$225)  
(Written procedures and/or a record of inspections and/or customary business records)
- ☐ Inspection records are not signed by appropriate supervisor or inspector 112.7(e) (\$100)
- ☒ Inspection records are not maintained for three years 112.7(e) (\$100) \$100

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**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) (\$100)
- ☐ No training on discharge procedure protocols 112.7(f)(1) (\$100)
- ☐ No training on the applicable pollution control laws, rules and regulations, and/or SPCC plan 112.7(f)(1) (\$100)
- ☐ No designated person accountable for spill prevention 112.7(f)(2) (\$100)
- ☐ Spill prevention briefings are not scheduled and conducted at least once per year per 112.7(f)(3) (\$100)
- ☐ Plan has inadequate or no discussion of personnel and spill prevention procedures 112.7(a)(1) (\$100)

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**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING: 40 C.F.R. 112.7(c) and/or (h-j)**

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- ☐ Inadequate secondary containment, and/or rack drainage does not flow to catchment basin treatment system, or quick drainage system 112.7(h)(1) (\$850)
- ☐ 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) (\$525)
- ☐ 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) (\$350)
- ☐ 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) (\$175)
- ☒ Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack 112.7(a)(1) (\$100) \$100

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**QUALIFIED OIL OPERATIONAL EQUIPMENT: 40 C.F.R. 112.7(k)**

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- ☒ Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge 112.7(k)(2)(i) (\$175) \$175
- ☐ Failure to provide an oil spill contingency plan 112.7(k)(2)(ii)(A) (\$175)
- ☐ No written commitment of manpower, equipment, and materials 112.7(k)(2)(ii)(B) (\$175)

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**OIL PRODUCTION FACILITY DRAINAGE: 40 C.F.R. 112.9(b)**

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- ☐ 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) (\$700)
- ☐ Prior to the 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) (\$525)
- ☐ 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) (\$350)
- ☐ Field drainage system (e.g. 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) (\$350)
- ☐ Inadequate or no records maintained for drainage events 112.9 (\$100)
- ☒ Plan has inadequate or no discussion of facility drainage 112.9 (\$100) \$100

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**BULK STORAGE CONTAINERS: 40 C.F.R. 112.7(i) and 112.9(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) (\$100)
- ☐ Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture 112.7(i) (\$350)
- ☐ Container material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature 112.9(c)(1) (\$525)
- ☐ Size of secondary containment appears to be inadequate for containers and treating facilities 112.9(c)(2) (\$850)
- ☐ Drainage from undiked areas are not safely confined in a catchment basin or holding pond 112.9(c)(2) (\$450)
- ☐ Secondary containment materials are not sufficiently impervious to contain oil 112.9(c)(2) (\$425)
- ☐ Excessive vegetation which affects the integrity 112.9(c)(2) (\$175)
- ☐ Walls of containment system slightly eroded or have low areas which impact the containment sizing/ capacity requirements 112.9(c)(2) (\$350)
- ☐ Visual inspections of containers, foundation and supports are not conducted periodically for deterioration and maintenance needs 112.9(c)(3) (\$525)
- ☐ Tank battery installations are not in accordance with good engineering practice because none of the following are present 112.9(c)(4) (\$525)
  - (1) Adequate tank capacity to prevent tank overfill 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 and 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) (\$100)

**FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS: 40 C.F.R. 112.9(d) and 112.7**

- ☐ Aboveground valves, piping and appurtenances are not inspected periodically on a scheduled basis for general condition (including 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) (\$525)
- ☐ Brine and saltwater disposal facilities are not examined often- 112.9(d)(2) (\$525)
- ☐ Inadequate or no flowline maintenance program (includes: examination, corrosion protection, flowline replacement)- 112.9(d)(3) (\$525)
- ☐ Plan has inadequate or no discussion of oil production facilities- 112.7(a)(1) (\$100)
- ☐ Flowlines with no secondary containment need a contingency plan and written commitment of resources 112.9(d)(3) (\$300)
- ☐ Facility does not have a written flowline maintained program or it fails to meet or implement the requirements of 112.9(d)(4) \$300

<b>SUB TOTAL</b>	<b>\$1,650</b>
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Multiplier	2
Total	\$3,300

