



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Ms. Zabrina Coleman
Environmental Specialist
Wilcox + Flegel Oil Co.
95 Panel Way
Longview, Washington 98632

Re: Expedited Settlement Offer for Violations of Spill Prevention Control and Countermeasure Regulations at Wilcox + Flegel Oil Co., St. Helens, Oregon

Dear Ms. Coleman:

On June, 29, 2026, the U.S. Environmental Protection Agency (EPA) inspected the above-named facility and found violations of the federal Oil Pollution Prevention regulations at 40 C.F.R. Part 112 (commonly known as the Spill Prevention Control and Countermeasure or SPCC regulations). The specific allegations of violation are listed on the attached SPCC Inspection Findings, Alleged Violations and Proposed Penalty Form ("Violations Form").

The SPCC regulations are issued under Section 311(j) of the Clean Water Act, 33 U.S.C. §1321(j), and are designed to prevent oil spills to surface waters or their adjoining shorelines. To accomplish this goal, the regulations require certain facilities, such as yours, to prepare and implement SPCC plans. The Clean Water Act also provides the EPA with authority to take enforcement actions, including seeking civil penalties, for the alleged violations specified in the Violations Form. At this time, rather than undertake a more traditional enforcement action for civil penalties, the EPA is offering you the opportunity to enter into the enclosed Expedited Settlement Agreement (ESA), provided you (1) correct the deficiencies cited in the inspection report and (2) agree to pay the administrative civil penalty shown on the Violations Form.

The EPA encourages the expedited settlement of easily verifiable and correctable violations of the SPCC regulations, such as those identified in the attached Violations Form. You may therefore choose to resolve the violations identified on this form quickly, without protracted litigation, by correcting the violations and signing and returning the attached Expedited SPCC Settlement Agreement ("Settlement Agreement"), in which you agree to submit payment for the reduced quick settlement penalty of **\$750**. The Settlement Agreement is issued in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation, Termination or Suspension of Permits" at 40 C.F.R. Part 22, found at:

<https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties-1>.

In order to avail yourself of the Expedited Settlement option, you must take the following steps within 30 days of your receipt of this letter:

1. Agree to correct all the violations identified in the Violations Form within 30 days of your receipt of this letter or an alternative time frame approved by the EPA in writing as provided below. Please work with the Compliance Officer listed below to provide documentation of these corrections;
2. Return a digital copy of the signed Settlement Agreement by email to:

Wesley Simmons, Compliance Enforcement Officer
simmons.wesley@EPA.gov

If you are unable to email these items, then return the signed original Settlement Agreement by certified mail to:

Wesley Simmons
Compliance Enforcement Officer
Surface Water Enforcement Section
U.S. Environmental Protection Agency
1200 6th Avenue, Suite 155, Mail Stop 20-C04
Seattle, Washington 98101

Upon the EPA's receipt of the signed Settlement Agreement, it will be forwarded to the EPA Regional Judicial Officer for approval. After the Regional Judicial Officer approves and signs the Settlement Agreement, the Final Order will be filed with the Regional Hearing Clerk and a copy will be sent to you. Within 30 days of the effective date of the Final Order, you must submit penalty payment in accordance with the instructions in the attached ESA and proof of payment to the Compliance Office identified above.

Please be aware that by signing the Settlement Agreement, you waive your opportunity for a formal hearing pursuant to Section 311 of the Clean Water Act, 33 USC 1321(b)(6)(A)(i), as well as the right to appeal the order ratifying the agreement and agree to be bound by the Settlement Agreement's terms.

If you do not return a signed Settlement Agreement **within 30 days** of your receipt of this letter (or formally arrange for an extension with the aforementioned Compliance Officer), the Settlement Agreement will be automatically withdrawn without prejudice to the EPA's ability to file an enforcement action for the cited violations. If you decide not to sign and return the Settlement Agreement and pay the penalty, the EPA can pursue more formal enforcement measures to correct the violation(s), including seeking administrative civil penalties as referenced above.

As noted, as a condition of settlement you must correct the cited violations within 30 days of your receipt of this letter. The EPA may, at its discretion, grant up to a 90-day extension for you to come into compliance with the SPCC requirements, but only if you demonstrate that it is technically

infeasible or impracticable to achieve compliance within 30 days. You must submit a request for an extension to Wesley Simmons, Compliance Officer, at simmons.wesley@EPA.gov **within 14 days** of your receipt of this letter. If the EPA grants the extension request, you will receive a written approval. You must correct the violations within the approved time frame.

Please be aware that, regardless of whether you sign and return the enclosed Settlement Agreement and pay the penalty within the designated time frame, you are still obligated to comply fully with the SPCC regulations, including correcting the violations that have been specifically identified in the Violations Form. Failure to correct the violations may lead the EPA to further enforcement measures, irrespective of any payment received.

After this Expedited Settlement becomes effective, the EPA will take no further enforcement action against Wilcox + Flegel Oil Co. for the violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, the EPA does not waive any rights to take any enforcement action for any other past, present or future violations by Wilcox + Flegel Oil Co. of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

If you have questions concerning this letter, please contact Wesley Simmons of my staff, at (206) 553-6066 or simmons.wesley@EPA.gov.

Sincerely,

EDWARD KOWALSKI

Digitally signed by EDWARD
KOWALSKI
Date: 2026.09.23 11:23:02 -07'00'

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division

Enclosures

1. Settlement Agreement
2. Violations Form