

Santilli Oil, Shoemakersville, PA Docket No. CWA-03-2016-0121

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 ARCH STREET
 PHILADELPHIA, PA 19103-2029

RESPONDENT
 Santilli Oil
 240 Franklin Street
 Shoemakersville, PA 19555

EXPEDITED PENALTY ACTION
 AND CONSENT AGREEMENT
 DOCKET NO. CWA-03-2016-0121

FACILITY
 Santilli Oil
 240 Franklin Street
 Shoemakersville, PA 19555

On December 1, 2015, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent's facility known as Santilli Oil at 240 Franklin Street in Shoemakersville, PA to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, as amended, (33 U.S.C. §1321(j)), (the "Act" or "CWA"). The EPA representative found that Respondent had violated the regulations by failing to comply with the specific regulatory requirements noted on the attached OIL POLLUTION PREVENTION INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (the "Form"), which is hereby incorporated by reference.

The parties enter into this Expedited Penalty Action and Consent Agreement ("Consent Agreement") to settle the civil violations set forth above for a penalty of \$975.00. This Consent Agreement commences and concludes this action pursuant to Sections 22.13(b), and 22.18(b)(2), and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 CFR §§ 22.13(b), and 22.18(b)(2), and (3). This Consent Agreement is being entered into by the United States Environmental Protection Agency, Region III ("EPA"), by its duly delegated official, the Director, Hazardous Site Cleanup Division, and by Respondent pursuant to Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), and by 40 CFR § 22.13(b).

The settlement is subject to the following terms and conditions.

EPA hereby finds the Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations as further described in the Form.

The Respondent consents to the assessment of the penalty stated above. The settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the seriousness of the violations and the other factors provided in CWA Section 1321(b)(8) and EPA's Civil Penalty Policy for CWA Sections 311(b)(3) and 311(j) dated August 1998. Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations set forth in the Oil Pollution Prevention Inspection Findings, Alleged Violations and Proposed Penalty Form have been corrected. The Respondent agrees that it shall, within 15 calendar days of receipt of an executed copy of this Consent Agreement, make payment of \$975.00 in one of four forms: 1) electronic funds transfer ("EFT"), 2) Automated Clearinghouse, 3) Pay.Gov, or 4) a cashier's check or certified check payable to the "Environmental Protection Agency", with the Docket Number, located at the top right-hand corner of the Expedited Penalty Action, and "Oil Spill Liability Trust Fund - 311" referenced on the check.

1) Payment of the penalty amount by EFT to:

Federal Reserve Bank of New York
 ABA 021030004
 Account 68010727
 SWIFT address FRNYUS33
 33 Liberty Street
 New York, NY 10045
 Beneficiary: Environmental Protection Agency

2) Payment of the penalty amount by Automated Clearinghouse (ACH) to EPA can be made through the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
 ABA: 051036706
 Account Number: 310006, Environmental Protection Agency
 CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility:

5700 Rivertech Court
 Riverdale, MD 20737

Santilli Oil, Shoemakersville, PA Docket No. CWA-03-2016-0121

ACCEPT THE PROPOSED PENALTY

I/we consent to the proposed penalty.

DECLINE THE PROPOSED PENALTY

I/we decline the proposed penalty. If you choose to decline this proposed penalty, you may be subject to formal enforcement action and, in that event, will have an opportunity to a hearing related to any subsequent penalty assessment.

COST OF COMPLIANCE

Respondent certifies that it has expended \$ 3,678,297 to correct the alleged violations and to come into compliance.

EFFECTIVE DATE

This Consent Agreement will be effective upon filing.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and to legally bind the party whom he or she represents thereto.

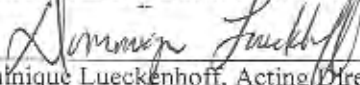
Respondent

Signature Joseph Trois Date 04-26-2016
Name and Title (print): JOSEPH TROIS VICE PRESIDENT SANTILLI OIL CO.

Santilli Oil, Shoemakersville, PA

Docket No. CWA-03-2016-0121

SIGNATURE BY COMPLAINANT



Dominique Lueckenhoff, Acting Director
Hazardous Site Cleanup Division

Date 5/17/16

FINAL ORDER

Pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6), and in accordance with the Consolidated Rules of Practice, 40 CFR Part 22, and having relied upon the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based on a consideration of the factors set forth in CWA Section 1321(b)(8) and EPA's Civil Penalty Policy for CWA Sections 311(b)(3) and 311(j) dated August 1998.

THEREFORE, the foregoing Consent Agreement is hereby approved and incorporated by reference into the Final Order. The Respondent is ORDERED, as set forth above, to pay the civil penalty.



Joseph J. Lisa,
Regional Judicial Officer

May 25, 2016
Date

RECEIVED

RECEIVED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

2016 MAY 25 PM 1:09

2016 MAY 25 PM 1:09

REGIONAL HEARING CLERK
EPA REGION III, PHILADELPHIA

In the Matter of:)
Santilli Oil)
240 Franklin Street)
Shoemakersville, PA 19555)
Respondent,)
Santilli Oil)
240 Franklin Street)
Shoemakersville, PA 19555)
Facility.)

EPA Docket No.:
CWA-03-2016-0121

Proceedings under Section 311 of the
Clean Water Act, 33 U.S.C. § 1321.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Complainant's, the United States Environmental Protection Agency's, Expedited Settlement Agreement with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Expedited Settlement Agreement, were sent to:

Via certified mail, return receipt requested

[If Respondent is represented, send to attorney otherwise directly to company]

Joseph Trois
Santilli Oil
240 Franklin Street
Shoemakersville, PA 19555

5/25/16
Date

Rachel Simkins
Rachel Simkins (3HS61)