



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
61 FORSYTH ST S.W. ATLANTA, GEORGIA 30303-8960
EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-04-2006-7011

On: December 14, 2006 Time: 09:00
At: 203 West Broad Avenue, Rockingham, Richmond County, North Carolina, Swink Quality Oil Company (Respondent), an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Spill Prevention, Control and Countermeasures (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. ' 1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits being subject to 40 CFR ' 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. ' 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR ' 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$2,450.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement is also subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations should be corrected by its anticipated closure of the facility by December 31, 2007, and Respondent agrees to payment of the penalty upon written notice that Expedited Settlement has been executed and is effective. Do not enclose payment. EPA will provide instructions in writing on the procedures for making penalty payments to the A.U.S. Environmental Agency.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Hearing Clerk's signature. If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY RESPONDENT:

Name (print): Bradley M. Williams
Title (print): Vice President

Signature: [Handwritten Signature] Date: 7/2/07

APPROVED BY EPA:

Signature: [Handwritten Signature] for Narindar Kumar, Chief RCRA/OPA Enforcement & Compliance Branch Date: 07/05/07

IT IS SO ORDERED:

Signature: Susan B. Schub Date: 7/9/07
Susan B. Schub, Regional Judicial Officer

2007 JUL -9 PM 2:15
HEARING CLERK
EPA REGION 4

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 4 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	Docket Number:	
Swink Quality Oil Company	CWA-04-2007-7011	
Facility Name	Date	
Swink Quality Oil company	December 14, 2006	
Address	Inspection Number	
203 West Broad Avenue	NC0701-019	
City:	Inspector:	
Rockingham	Rick Jardine, OSC	
State:	EPA Approving Official:	
NC	Narindar Kumar	
Zip Code:	Enforcement Contacts:	
28379	Mel Rechtman Phone 404-562-8745 Ted Walden Phone 404-562-8752	
Contact:		
Bradley Williams		

Summary of Findings - Bulk Storage Facilities

Section 112.3: Requirement to prepare and implement SPCC plan

- No Spill Prevention Control and Countermeasure Plan \$1,000.00
- Plan prepared prior to July 2002 not certified by a professional engineer \$300.00
- Plan not maintained on site \$100.00
- Plan not available for review \$300.00

Section 112.5: Amendment of SPCC plan by owners or operators

- No SPCC plan amendment(s) prior to July 2002 after the facility has had a change in: design, construction, operation, or maintenance, which affects the facility's discharge potential \$50.00
- No evidence of five-year review of plan by owner/operator \$50.00

Technical amendment(s) prior to July 2002 not certified by a Professional Engineer (PE) \$100.00

Section 112.7: General requirements for Spill Prevention, Control, and Countermeasure Plan

- No management approval of plan with the authority to commit the necessary resources \$300.00
- Inadequate or no prediction of the direction, rate of flow, and total quantity of oil which could be discharged from facility due to equipment failures \$100.00
- Plan does not discuss appropriate containment and/or diversionary structures/equipment \$100.00
- Claiming installation of appropriate containment/diversionary structures is not practicable with:
 - No contingency plan or FRP (if FRP is applicable) \$100.00
 - and/or-
 - No evidence of tank/container integrity testing nor evidence of leak testing of valves and piping \$100.00

Section 112.7(e): Inspections, tests, and records:

No written records of inspections and tests are available at facility \$50.00

Section 112.7(f): Personnel, training, and discharge prevention procedures:

- No discussion of training for oil-handling personnel on the operation and maintenance of equipment to prevent discharges \$50.00
- No designated person responsible for discharge prevention \$50.00

Section 112.7(g): Security

- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production \$100.00
- Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not adequately secured in closed position when in a non-operating or standby status \$200.00
- Starter controls on pumps are not locked in the "off" position and located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status \$50.00
- Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service . \$50.00
- Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism \$100.00

Section 112.7(h): Facility tank car and tank truck loading/unloading rack

- Rack drainage does not flow to catchment basin, treatment system, nor quick drainage system \$500.00
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck \$300.00

There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines \$200.00

Section 112.8(b): Facility Drainage

If pumps or ejectors are used to drain diked storage areas, these devices are not manually activated ... \$100.00

Valves used to drain diked areas are not of manual, open-and-closed design \$200.00

Storm-water from diked areas is not inspected for the presence of oil before being drained if facility drainage drains directly into a watercourse and not into a wastewater treatment plant \$300.00

Drainage from undiked areas does not flow into ponds, lagoons, catchment basins, nor diversion system designed to retain or return oil to the facility \$300.00

Section 112.8(c): Bulk Storage Containers

Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature \$300.00

Secondary containment structures for bulk storage containers (tanks) appears to be grossly inadequate . \$500.00

Diked areas are not sufficiently impervious to contain discharged oil \$250.00

Underground tanks are not protected from corrosion \$100.00

Partially buried tanks are not protected from corrosion \$100.00

Areas outside of container not frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked area \$100.00

Records of inspections of aboveground tanks are not maintained \$50.00

Tanks are not "fail-safe" engineered with a least one of the following devices: \$300.00

- audible or visual high liquid level alarm
- high-level pump cutoff devices set to stop flow at a predetermined tank content level
- direct communications between tank gauger and pumping station
- fast response system for determining liquid levels, such as computers, telepulse, or direct vision gauges

No testing of liquid level sensing devices to ensure proper operation \$50.00

Visible oil leaks from a container (including but not limited to a loss of oil from seams, gaskets, piping, pumps, valves, rivets, and bolts) are not promptly corrected \$300.00

Accumulations of oil in diked areas is not promptly removed \$300.00

Mobile or portable storage tanks are not positioned to prevent a discharge \$100.00

Inadequate containment for mobile or portable storage tanks \$500.00

Section 112.8(d): Facility Transfer Operations, Pumping, and Facility Process

- Corrective action not taken on buried piping when corrosion damage was found \$300.00
- Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin \$50.00
- Aboveground valves and pipelines are not inspected regularly \$200.00
- Vehicle traffic not warned (verbally, signs, etc) of aboveground piping or other oil transfer operations . \$100.00

TOTAL: \$2,450.00

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

PAYMENT DUE DATE: _____

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mel Rechtman on Jul 5, 2007
(Name) (Date)

in the ROECB at 404/562-8745
(Office) (Phone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Swink Quality Oil & Gas

The Total Dollar Amount of the Receivable: \$2,450.00

If installments, attach schedule of amounts and respective due dates. See other side of this form.)

The Case Docket Number: CWA-04-2007-7011

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: Waste

To Be Completed By Cincinnati Finance Center

The IFMS Accounts Receivable Control Number is: _____ Date: 0/00/20067

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044

2. Originating Office (EAD)
3. Designated Program Office

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order Should be to:

1. Originating Office
2. Regional Hearing Clerk

3. Designated Program Office
4. Regional Counsel (EAD)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 9 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bradley Williams
Swink Quality Oil Company
205 West Broad Avenue
Rockingham, NC 28379

Re: Expedited SPCC Settlement Agreement
Docket No. CWA-04-2007-7011
Swink Quality Oil
203 West Broad Street
Rockingham, Richmond County, North Carolina

Dear Mr. Williams:

Enclosed herewith is the Consent Agreement and Final Order (CAFO) for the above referenced matter. This CAFO becomes effective the date of filing with the Regional Filing clerk, and as indicated on the Certificate of Service.

We are in receipt of your check for the penalty in the amount of \$2,450.00 for which we thank you. No further action in regard to payment will be required of you. We will forward your check to the US Coast guard as required.

This does not relieve you of the term of the Agreement requiring you to correct the violations by December 31, 2007.

We greatly appreciate your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Narindar Kumar for".

Narindar Kumar, Chief
RCRA/OPA Enforcement & Compliance Branch

cc: USCG

Docket No. CWA-04-2007-7011

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Swink Quality Oil Co., Docket No. CWA-04-2007-7011 (filed with the Regional Hearing Clerk on ~~JUL - 9 2007~~, 2007) was served on ~~JUL - 9 2007~~ 2007 in the manner specified to each of the persons set forth below:

Bradley Williams
Swink Quality Oil Co.
205 Broad Street
Rockingham, NC 28379

Via Certified Mail
Return Requested

Victor Weeks, Risk Management Plan Coordinator
EPCRA Enforcement Section
U.S. EPA, Region 4
61 Forsyth St.
Atlanta, GA 30303

Via EPA's Internal Mail

Mel Rechtman
RCRA OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, GA 30303

Via EPA's Internal Mail

Date: 7-9-07



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511