



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
 REGION 10, 1200 6th Avenue, Suite 900, Seattle, Washington, 98101  
**EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO. CWA-10-2018-0338

On: July 19, 2017  
 At: Main Plant K-1  
 Owned or operated: Pacific Star Seafoods, Inc.  
 (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted a Spill Prevention, Control, and Countermeasures (SPCC) inspection on the above referenced date. Later, an EPA authorized representative used the inspection report to determine compliance with the Oil Pollution Prevention 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 violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

The parties are 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 \$2,975.

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the SPCC regulations, which are published at 40 CFR Part 112, and has violated the regulations as further described in the Form. The Respondent admits he/she is subject to 40 CFR Part 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 it may have to EPA's jurisdiction. The Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$2,975, payable to the "Oil Spill Liability Trust Fund" to: "U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2018-0338."

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.

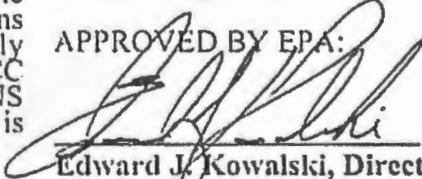
If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other

enforcement action for the violations identified in the Form.

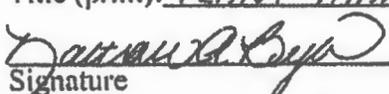
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

This Expedited Settlement is binding on the parties signing below, and is effective upon EPA's filing of the document with the Regional Hearing Clerk.

APPROVED BY EPA:

  
 Date: 7/16/2018  
 Edward J. Kowalski, Director  
 Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): NATHAN A BERGA  
 Title (print): PLANT MANAGER  
  
 Date: 7/19/18  
 Signature

Estimated cost for correcting the violation(s) is \$2,975.00

IT IS SO ORDERED:

  
 Date: 8/20/18  
 Richard Medfick  
 Regional Judicial Officer  
 EPA Region 10

RECEIVED  
 18 AUG 22 PM 1:15  
 HEARINGS CLERK  
 EPA - REGION 10

**Certificate of Service**

The undersigned certifies that the original signed by the Regional Judicial Officer of the attached **EXPEDITED SPCC SETTLEMENT AGREEMENT, In the Matter of: Pacific Star Seafoods, Inc. (Main Plant, K-1), Docket No.: CWA-10-2018-0338**, was filed with the Regional Hearing Clerk, and that true and correct copies of the original were served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Rick Cool, Compliance Officer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 155  
Mail Stop OCE-101  
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Nate Berga  
Plant Manager  
Pacific Star Seafoods, Inc.  
520 Bridge Access Road  
Kenai, Alaska 99611

DATED this 22 day of August, 2018

  
\_\_\_\_\_  
Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10

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

These Findings, Alleged Violations and Penalties are issued by EPA Region 10 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.

<b>Company Name:</b> Pacific Star Seafoods, Inc.	<b>Docket Number:</b> CWA-10-2018-0338	
<b>Facility Name:</b> Main Plant K-1	<b>Penalty Form Date:</b> July 3, 2018	
<b>Address:</b> 520 Bridge Access Road	<b>Inspection Date:</b> July 19, 2017	
<b>City:</b> Kenai	<b>Inspector Name:</b> Rick Cool	
<b>State:</b> Alaska	<b>EPA Approving Official:</b> Edward J. Kowalski	
<b>Zip Code:</b> 99611	<b>Enforcement Contact:</b> Rick Cool, (206) 553-6223, cool.richard@epa.gov	
<b>Summary of Findings</b> <b>(Bulk Storage Facilities)</b> <b>GENERAL TOPICS: §112.3(a), (d), (e); §112.5(a), (b), (c); §112.7 (a), (b), (c), (d)</b> <i>(When the SPCC Plan review penalty exceeds \$1,500 enter only the maximum allowable of \$1,500.)</i>		
<input type="checkbox"/>	No Spill Prevention Control and Countermeasure Plan -112.3	<b>\$1,500</b>
<input checked="" type="checkbox"/>	Plan not certified by a professional engineer- 112.3(d)	<b>\$450</b>
<input type="checkbox"/>	Certification lacks one or more required elements - 112.3(d)	<b>\$100</b>
<input type="checkbox"/>	Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review- 112.3(e)	<b>\$300</b>
<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)	<b>\$75</b>
<input checked="" type="checkbox"/>	No evidence of five-year review of plan by owner/operator - 112.5(b)	<b>\$75</b>
<input type="checkbox"/>	Amendment(s) not certified by a professional engineer- 112.5(c)	<b>\$150</b>
<input checked="" type="checkbox"/>	No management approval of plan- 112.7	<b>\$450</b>
<input type="checkbox"/>	Plan does not follow sequence of the rule and/or cross-reference not provided - 112.7	<b>\$150</b>

<input type="checkbox"/>	Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7	\$75
<input type="checkbox"/>	Plan does not discuss conformance with SPCC requirement- 112.7(a)(1)	\$75
<input type="checkbox"/>	Plan does not discuss alternative environmental protection to SPCC requirements - 112.7(a)(2)	\$200
<input type="checkbox"/>	Plan has inadequate or no facility diagram- 112.7(a)(3)	\$75
<input type="checkbox"/>	Inadequate or no listing of type of oil and storage capacity of containers- 112.7(a)(3)(i)	\$50
<input type="checkbox"/>	Inadequate or no discharge prevention measures- 112.7(a)(3)(ii)	\$50
<input type="checkbox"/>	Inadequate or no description of drainage controls- 112.7(a)(3)(iii)	\$50
<input type="checkbox"/>	Inadequate or no description of countermeasures for discharge discovery, response and cleanup- 112.7(a)(3)(iv)	\$50
<input type="checkbox"/>	Methods of disposal of recovered materials not in accordance with legal requirements- 112.7(a)(3)(v)	\$50
<input type="checkbox"/>	No contact list & phone numbers for response & reporting discharges- 112.7(a)(3)(vi)	\$50
<input type="checkbox"/>	Plan has inadequate or no information and procedures for reporting a discharge - 112.7(a)(4)	\$100
<input type="checkbox"/>	Plan has inadequate or no description and procedures to use when a discharge may occur - 112.7(a)(5)	\$150
<input type="checkbox"/>	Inadequate or no prediction of equipment failure which could result in discharges- 112.7(b)	\$150
<input type="checkbox"/>	Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- 112.7(c)	\$400
<input type="checkbox"/>	Inadequate containment or drainage for Loading Area - 112.7(c)	\$400
<input type="checkbox"/>	Plan has no or inadequate discussion of any applicable more stringent State rules, regulations, and guidelines -112.7(j)	\$75
<input checked="" 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)	\$150
	<b><i>-If claiming impracticability of appropriate containment/diversionary structures:</i></b>	
<input type="checkbox"/>	Impracticability has not been clearly denoted and demonstrated in plan - 112.7(d)	\$100
<input type="checkbox"/>	No periodic integrity and leak testing- 112.7(d)	\$150
<input type="checkbox"/>	No contingency plan - 112.7(d)(1)	\$150
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials - 112.7(d)(2)	\$150
<input type="checkbox"/>	Plan has no or inadequate discussion of general requirements not already specified - 112.7(j)	\$75
	<b>QUALIFIED FACILITY REQUIREMENTS: §112.6</b>	
<input type="checkbox"/>	Qualified Facility: No Self certification - 112.6(a)	\$450
<input type="checkbox"/>	Qualified Facility: Self certification lacks required elements- 112.6(a) or (b)	\$100

<input type="checkbox"/>	Qualified Facility: Technical amendments not certified - 112.6(a) or (b)	\$150
<input type="checkbox"/>	Qualified Facility: Qualified Facility Plan includes alternative measures not certified by licensed Professional Engineer- 112.6(b)	\$150
<input type="checkbox"/>	Facility: Environmental Equivalence or Impracticability not certified by licensed Professional Engineer-112.6(b)(4)	\$350
<b>WRITTEN PROCEDURES AND INSPECTION RECORDS: §112.7(e)</b>		
<input type="checkbox"/>	Plan does not include inspections and test procedures in accordance with 40 CFR Part 112-112.7(e)	\$75
<input type="checkbox"/>	Inspections and tests required are not in accordance with written procedures developed for the facility- 112.7(e)	\$75
<input checked="" type="checkbox"/>	No Inspection records were available for review- 112.7(e) - Written procedures and/or a record of inspections and/or customary business records:	\$200
<input type="checkbox"/>	Are not signed by appropriate supervisor or inspector- 112.7(e)	\$75
<input type="checkbox"/>	Are not maintained for three years- 112.7(e)	\$75
<b>PERSONNEL TRAINING AND-DISCHARGE PREVENTION PROCEDURES: §112.7(f)</b>		
<input checked="" type="checkbox"/>	No training on the operation and maintenance of equipment to prevent discharges and for facility operations- 112.7(f)(1)	\$75
<input checked="" type="checkbox"/>	No training on discharge procedure protocols- 112.7(f)(1)	\$75
<input checked="" type="checkbox"/>	No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112.7(f)(1)	\$75
<input type="checkbox"/>	No designated person accountable for spill prevention - 112.7(f)(2)	\$75
<input checked="" type="checkbox"/>	Spill prevention briefings are not scheduled and conducted at least once a year- 112.7(f)(3)	\$75
<input type="checkbox"/>	Plan has inadequate or no discussion of personnel training and spill prevention procedures - 112.7(a)(1)	\$75
<b>SECURITY (excluding Production Facilities): §112.7(g)</b>		
<input type="checkbox"/>	Plan does not describe how the facility secures and controls access to the oil handling, processing and storage areas- 112.7(g)	\$150
<input type="checkbox"/>	Master flow and drain valves not secured- 112.7(g)	\$300
<input type="checkbox"/>	Starter controls on oil pumps not secured to prevent unauthorized access - 112.7(g)	\$75
<input type="checkbox"/>	Out-of-service and loading/unloading connections of oil pipelines not adequately secured- 112.7(g)	\$75
<input type="checkbox"/>	Plan does not address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges- 112.7(g)	\$150
<b>FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK: §112.7(h)</b>		
<input type="checkbox"/>	Inadequate secondary containment, and/ or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)	\$750
<input type="checkbox"/>	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
<input type="checkbox"/>	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
<input type="checkbox"/>	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

<input type="checkbox"/>	Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-112.7(a)(3)	\$75
<b>QUALIFIED OIL OPERATIONAL EQUIPMENT: §112.7(k)</b>		
<input type="checkbox"/>	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)	\$150
<input type="checkbox"/>	Failure to provide an oil spill contingency plan- 112.7(k)(2)(ii)(A)	\$150
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials - 112.7(k)(2)(ii)(B)	\$150
<b>FACILITY DRAINAGE: §112.8(b) &amp; (c) and/or §112.12(b) &amp; (c)</b>		
<input type="checkbox"/>	Two "lift" pumps are not provided for more than one treatment unit- 112.8(b)(5)	\$50
<input type="checkbox"/>	Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge – 112.8(b)(1)&(2) and 112.8(c)(3)(i)	\$600
<input type="checkbox"/>	Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision – 112.8(c)(3)(ii)&(iii)	\$450
<input type="checkbox"/>	Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(iv)	\$75
<input type="checkbox"/>	Drainage from undiked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility - 112.8(b)(3)&(4)	\$450
<input type="checkbox"/>	Plan has inadequate or no discussion of facility drainage - 112.7	\$75
<b>BULK STORAGE CONTAINERS: § 112.7(i), §112.8(c) and/or §112.12(c)</b>		
<input type="checkbox"/>	Failure to conduct evaluation of field-constructed aboveground containers for risk of discharge or failure due to brittle fracture or other catastrophe- 112.7(i)	\$300
<input type="checkbox"/>	Material and construction of containers not compatible with the oil stored and the conditions of storage such as pressure and temperature- 112.8(c)(1)	\$450
<input checked="" type="checkbox"/>	Secondary containment capacity is inadequate- 112.8(c)(2)	\$750
<input type="checkbox"/>	Secondary containment systems are not sufficiently impervious to contain oil- 112.8(c)(2)	\$375
<input type="checkbox"/>	Completely buried metallic tanks are not protected from corrosion or are not subjected to regular pressure testing- 112.8(c)(4)	\$150
<input type="checkbox"/>	Buried sections of partially buried metallic tanks are not protected from corrosion- 112.8(c)(5)	\$150
<input type="checkbox"/>	Above ground containers are not subject to periodic integrity testing techniques such as visual inspections, hydrostatic testing, or other nondestructive testing methods- 112.8(c)(6)	\$450
<input checked="" type="checkbox"/>	Above ground tanks are not subject to visual inspections- 112.8(c)(6)	\$450
<input type="checkbox"/>	Records of inspections (or customary business records) do not include inspections of container supports/foundation, signs of container deterioration, discharges and/or accumulations of oil inside diked areas- 112.8(c)(6)	\$75
<input type="checkbox"/>	Steam return /exhaust of internal heating coils that discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system- 112.8(c)(7)	\$150

<input type="checkbox"/>	Container installations are not engineered or updated in accordance with good engineering practice because none of the following are present - 112.8(c)(8) high liquid level alarm with audible or visual signal, or audible air vent - 112.8(c)(8)(i) high liquid level pump cutoff devices set to stop flow at a predetermined level- 112.8(c)(8)(ii) direct audible or code signal communication between container gauger and pumping station- 112.8(c)(8)(iii) fast response system for determining liquid level of each bulk storage container, or direct vision gauges with a person present to monitor gauges and the overall filling of bulk storage containers- 112.8(c)(8)(iv)	\$450
<input type="checkbox"/>	No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v)	\$75
<input type="checkbox"/>	Effluent treatment facilities not observed frequently to detect possible system upsets that could cause a discharge as described in §112.1(b)- 112.8(c)(9)	\$150
<input type="checkbox"/>	Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10)	\$450
<input checked="" type="checkbox"/>	Mobile or portable storage containers are not positioned or located to prevent discharged oil from reaching navigable water, or have inadequate secondary containment- 112.8(c)(11)	\$150
<input type="checkbox"/>	Secondary containment inadequate for mobile or portable storage tanks- 112.8(c)(11)	\$500
<input type="checkbox"/>	Plan has inadequate or no discussion of bulk storage tanks - 112.7(a)(l)	\$75
<b>FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS: §112.8(d) and §112.12(d)</b>		
<input type="checkbox"/>	Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection - 112.8(d)(1)	\$150
<input type="checkbox"/>	Corrective action is not taken on exposed sections of buried piping when deterioration is found 112.8(d)(1)	\$450
<input type="checkbox"/>	Not-in-service or standby piping is not capped or blank-flanged and marked as to origin- 112.8(d)(2)	\$75
<input type="checkbox"/>	Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112.8(d)(3)	\$75
<input type="checkbox"/>	Above ground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4)	\$300
<input type="checkbox"/>	Periodic integrity and leak testing of buried piping is not conducted at time of installation, modification, construction, relocation, or replacement- 112.8(d)(4)	\$150
<input type="checkbox"/>	Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112.8(d)(5)	\$150
<input type="checkbox"/>	Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process- 112.7(a)(l)	\$75
<b>TOTAL</b>		<b>\$2,975</b>

**EPA SPCC INSPECTION VIOLATION SUMMARY**  
**Pacific Star Seafoods, Inc. – Main Plant K-1**  
**Kenai, Alaska 99611**

**Inspection Date: July 19, 2017**

SPCC RULE REFERENCE (40 CFR - Part 112)	PLAN	FIELD	SPCC INSPECTION DEFICIENCY DESCRIPTION
112.3(d), PE Certification	X	NA	This part requires in relevant part that the licensed professional engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.
112.5(b), Plan Review	X	NA	This part requires in relevant part that the owner or operator complete a review and evaluation of the Plan at least every five years from the date the facility becomes subject to this part and that the owner or operator must document completion of the review and evaluation and must sign a statement as to whether the plan will be amended.
112.7, Plan – Management Approval	X	NA	This part requires in relevant part that the Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan and that you must prepare the Plan in writing.
112.20(e), Certificate of Substantial Harm Criteria	X	NA	This part provides in relevant part that if the owner or operator of a facility determines pursuant to paragraph (a)(2) of § 112.20 that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part. See Part 112, Appendix C, Attachment C-II – Certification of the Applicability of the Substantial Harm Criteria.
112.7(e), Inspections, Tests and Records	X	X	Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under the usual and customary business practices will suffice for the purposes of this paragraph.
112.7(f)(1) and (f)(3), Personnel Training	X	X	<p>Personnel, training, and discharge prevention procedures.</p> <p>(1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan.</p> <p>...</p> <p>(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year for oil handling to assure adequate understanding of the Plan for that facility. Such briefings must highlight and describe known discharges as described in § 112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.</p>

**EPA SPCC INSPECTION VIOLATION SUMMARY**  
**Pacific Star Seafoods, Inc. – Main Plant K-1**  
**Kenai, Alaska 99611**

**Inspection Date: July 19, 2017**

SPCC RULE REFERENCE (40 CFR - Part 112)	PLAN	FIELD	SPCC INSPECTION DEFICIENCY DESCRIPTION
112.8(c)(2), Secondary Containment Capacity	X	X	This part requires in relevant part that the owner or operator must construct all bulk storage tank installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
112.8(c)(6), Container Inspections	X	X	This part provides in relevant part: <ul style="list-style-type: none"> <li>• Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs.</li> <li>• You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections which take into account the container size, configuration and design.</li> <li>• You must keep comparison records of above ground container integrity testing are maintained.</li> <li>• You must also inspect the container's supports and foundations.</li> <li>• You must frequently inspect the outside of the containers for signs of deterioration, discharges, or accumulation of oil inside diked areas.</li> </ul>
112.8(c)(11), Containment for Mobile and Portable Containers	X	X	This part requires in relevant part that the owner or operator must position or locate mobile and portable oil storage containers to prevent a discharge as described in § 112.1(b) and must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

## Cool, Richard

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**From:** Nate Berga <Nateb@eefoods.com>  
**Sent:** Wednesday, August 15, 2018 5:16 PM  
**To:** Cool, Richard; Trisha Heisel  
**Cc:** PSSI Safety  
**Subject:** RE: EPA Expedited Settlement Agreements - Estimated Costs for Correcting Violations?

Mr. Cool,

Here are the amounts spent per location not including the penalties:

K1: \$6,866.66  
K2: \$6,803.29  
K3: \$25,977.88

Thanks,

Nate Berga

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**From:** Cool, Richard <Cool.Richard@epa.gov>  
**Sent:** Wednesday, August 15, 2018 6:45 AM  
**To:** Trisha Heisel <trishah@eefoods.com>; Nate Berga <Nateb@eefoods.com>  
**Cc:** PSSI Safety <pssisafety@eefoods.com>  
**Subject:** EPA Expedited Settlement Agreements - Estimated Costs for Correcting Violations?

Hello Nate & Trisha:

I received your priority mailing of the completed ESAs this Monday, Aug. 13. Thank you for your timely processing and cooperation.

I am contacting you to request some additional information that should have been entered in the ESAs. Under each of the ESA "Approved by Respondent" signature block there is an entry identified as "Estimated cost for correcting the violation(s) is \$\_\_\_\_\_." See attached copy with that entry highlighted.

Each of your three ESAs just had the ESA penalty amount. Instead of that penalty amount, we would have expected to see estimated costs for the PE's drafting and updating of the SPCC plans, costs related to any on-the-ground secondary containment updating, etc. These would only need to be good faith estimates and no documentation is needed to verify your estimates.

It's preferable to have site-specific cost estimates on each of the three sites if that is possible and done without a lot of time investment – again, all that is needed is an estimate so you could choose to allocate PE costs as you deem appropriate to each of the sites and the same with other costs.

So if your estimated cost is not in fact just the penalty, then could you send me an email with your cost estimates for corrective actions and I will attach your email to the ESA packets that are submitted to the regional judicial officer (RJO) for final entry and order.

I would appreciate getting this information as soon as you can because it should be a part of the overall ESA packets submitted to that RJO.