



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

SEP 09 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bob Summers
Owner/Partner
H & S Fuels
385 West Main Street
Gallatin, Tennessee 37066

Re: Spill Prevention and Countermeasures Expedited Settlement Agreement
H & S Fuels
Facility Inspection Identification No.: TN1304-001
Docket No. CWA-04-2014-7001(b)

Dear Mr. Summers:

This letter is to notify H & S Fuels that the Expedited Settlement Agreement (ESA) for the above-referenced matter has been signed by the U.S. Environmental Protection Agency and became effective on the date of filing with the Regional Hearing Clerk, as required by 40 C.F.R. §§ 22.6 and 22.31, as indicated on the Certificate of Service. The ESA is binding on the EPA and H & S Fuels. A copy of the ESA is enclosed.

Pursuant to the ESA, H & S Fuels shall submit the payment of \$3,200 within thirty (30) days of the receipt of this letter. The payment shall be made in one of the forms stated in Enclosure A. For additional payment information see EPA's payments webpage <http://www2.epa.gov/financial/makepayment>.

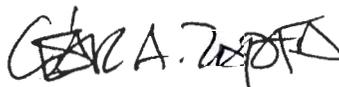
If paying by check, you shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Ms. Patricia Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

John C. Goodwin
RCRA and OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

If you have any questions, please contact John C. Goodwin (404) 562-8488.

Sincerely,

A handwritten signature in black ink, appearing to read "CÉSAR A. ZAPATA". The signature is stylized with some overlapping letters.

César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

cc: USCG

ENCLOSURE A

COLLECTION INFORMATION

Payments by Mail:

To make a payment to EPA by mail, send a check to the EPA lockbox listed below.

Address Format for U.S. Postal Service:

U.S. Environmental Protection Agency
P. O. Box 979077
St. Louis, MO63197-9000

Address Format for Common Carriers (Fedex, DHL, UPS):

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Wire Transfers:

Wire transfers to EPA can be done through the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account Number: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, NY 10045

Field Tag 4200 of the Fedwire message should read: D 68010727 Environmental Protection Agency

Automated Clearinghouse Payments (also known as REX or remittance express);

Automated Clearinghouse payments to EPA can be made through the US Treasury using the following information:

US Treasury REX/Cashlink ACH Receiver

ABA: 051036706

Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22 – checking

Physical location of US Treasury Facility:

5700 Rivertech Court

Riverdale, MD 20737

US Treasury Contact Information:

John Schmid: 202-874-7026

Remittance Express (REX): 1-866-234-5681



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
61 FORSYTH ST S.W. ATLANTA, GEORGIA 30303-8960**

SPCC EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CWA-04-2014-7001(b)

On August 19, 2013, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of the facility located at 385 West Main Street, Gallatin, Tennessee, owned and/or operated by H & S Fuels (Respondent) to determine compliance with the Spill Prevention, Control and Countermeasures (SPCC) regulations promulgated at 40 CFR Part 112 under the Clean Water Act (CWA) § 1321(j), 33 U.S.C. § 1321(j). Based on that inspection, the EPA finds that Respondent had failed to comply with the SPCC regulations as described on the attached "SPCC Inspection, Findings, Alleged Violations and Proposed Penalty Form" (Form), which is incorporated by reference.

The EPA finds Respondent's conduct is subject to the SPCC regulations and Respondent has violated the SPCC regulations as described in the Form. Respondent admits being subject to 40 CFR Part 112 and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent does not contest the inspection findings, and neither admits nor denies the allegations in the Form.

The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) under the authority vested in the Administrator of the EPA by CWA §311(b)(6)(B)(i), 33U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b) and § 22.18(b)(2)-(3). The parties enter into this ESA to settle the civil violations described in the Form for a penalty of \$3,200. Respondent consents to the assessment of this penalty.

This ESA 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 have been corrected and Respondent is in compliance with 40 C.F.R. Part 112. Respondent agrees to pay the penalty assessed within thirty (30) calendar days of receiving written notice that the ESA has been executed and is effective. **Do not enclose payment.** The EPA will provide instructions in writing on the procedures for making the penalty payment to the "Oil Spill Liability Trust Fund".

After the parties sign this ESA and Respondent pays the civil penalty, the EPA will take no further action against Respondent for the violations of the SPCC regulations described in the Form. However, the EPA does not waive any rights to take enforcement action for any other violations by Respondent of the SPCC regulations or of any other federal statute or regulation.

Upon signing and returning this ESA to the EPA, Respondent waives any right to judicial review under CWA § 311(b)(6)(G), 33 U.S.C. § 1321(b)(6)(G), any right to appeal or request a hearing to contest any fact or allegation, and consents to the EPA's approval of the ESA without further notice. Failure by Respondent to pay the penalty assessed by this ESA in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to CWA § 1321(b)(6)(H), 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

This ESA is binding on the parties signing below. Each person signing this ESA certifies that he or she has the authority to sign for the party who he or she represents and to bind that party to its terms. The ESA is effective upon the EPA's filing of the ESA with the Regional Hearing Clerk. If Respondent does not sign and return this ESA as presented within fourteen (14) calendar days of the date of its receipt, the proposed ESA will be withdrawn without prejudice to the EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY RESPONDENT:

Name (print): Bob Summers
 Title (print): Owner / PARTNER
 Signature: Bob Summers Date: 8-28-14

APPROVED BY EPA:

César A. Zapata Date: 9-8-14
 César A. Zapata
 Chief, RCRA/OPA Enforcement & Compliance Branch
 RCRA Division

IT IS SO ORDERED:

Susan B. Schub Date: 9/9/14
 Susan B. Schub
 Regional Judicial Officer

RECEIVED
 EPA REGION IV
 2014 SEP -9 PM 3:36
 HEARING CLERK

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of H & S Fuels, Docket Number: CWA-04-2014-7001(b), and have served the parties listed below in the manner indicated:

Teresa Mann
Assistant Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

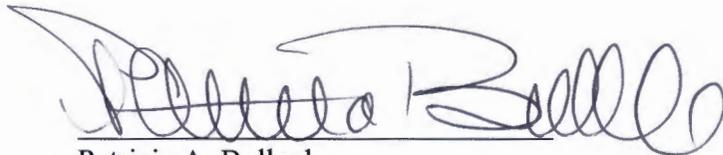
(Via EPA's electronic mail)

Bob Summers
Owner/Partner
H & S Fuels
385 West Main Street
Gallatin, Tennessee 37066

(Via Certified Mail - Return Receipt
Requested)

Date: _____

9-9-14



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511