





**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 7 under the authority vested in the Administrator of the 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> Healy Biodiesel, Inc.		<b>Docket Number</b> CWA-07-2015-0082
<b>Facility Name</b> Healy Biodiesel, Inc.		<b>Date</b> March 12, 2015
<b>Address</b> 11130 West 47th Street South		<b>Facility ID Number</b> R7-KS-00280
<b>City</b> Clearwater		<b>Inspector's Name</b> Mark R. Aaron
<b>State</b> Kansas	<b>Zip Code</b> 67026	<b>EPA Approving Official</b> Margaret E. Stockdale
<b>Contact</b> Ben Healy		<b>Enforcement Contact</b> Mark R. Aaron

**Summary of Findings  
(Bulk Storage Facilities)**

GENERAL TOPICS: 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)

(When the SPCC Plan review penalty exceeds \$1,500 enter only the maximum allowable of \$1,500)

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- No Spill Prevention Control and Countermeasure Plan/12.3 (\$1,500)
  - Plan not certified by a professional engineer/12.3(d) (\$450) \$450
  - Certification lacks one or more required elements/12.3(d)(1) (\$100)
  - Plan not maintained on site (if manned at least four hrs/day) or not available for review/12.3(e)(1) (\$300)
  - No evidence of five-year review of plan by owner/operator/12.5(b) (\$75)
  - No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential/12.5(a) (\$75)
  - Amendment(s) not certified by a professional engineer/12.5(c) (\$150)
  - No management approval of plan/12.7 (\$450)
  - Plan does not follow sequence of the rule and/or cross-reference not provided/12.7 (\$150) \$150
  - Plan does not discuss additional procedures/methods/equipment not yet fully operational/12.7 (\$75)

- Plan does not discuss alternative environmental protection to SPCC requirements *12.7(a)(2)* (\$200)
  - Plan has inadequate or no facility diagram *12.7(a)(3)* (\$75) \$75
  - Inadequate or no listing of type of oil and storage capacity layout of containers *12.7(a)(3)(i)* (\$50) \$50
  - Inadequate or no discharge prevention measures *12.7(a)(3)(ii)* (\$50)
  - Inadequate or no description of drainage controls *12.7(a)(3)(iii)* (\$50)
  - Inadequate or no description of countermeasures for discharge discovery, response and cleanup *12.7(a)(3)(iv)* (\$50)
  - Recovered materials not disposed of in accordance with legal requirements *12.7(a)(3)(v)* (\$50)
  - No contact list & phone numbers for response & reporting discharges *12.7(a)(3)(vi)* (\$50)
  - Plan has inadequate or no information and procedures for reporting a discharge *12.7(a)(4)* (\$100)
  - Plan has inadequate or no description and procedures to use when a discharge may occur *12.7(a)(5)* (\$150)
  - Inadequate or no prediction of equipment failure which could result in discharges *12.7(b)* (\$150) \$150
  - Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment *12.7* (\$400)
- If claiming impracticability of containment and appropriate diversionary structures:**
- Impracticability has not been clearly denoted and demonstrated in plan *12.7(d)* (\$100)
  - No contingency plan *12.7(d)(1)* (\$150)
  - No written commitment of manpower, equipment, and materials *12.7(d)(2)* (\$150)
  - No periodic integrity and leak testing, if impracticability is claimed *12.7(d)* (\$150)
  - Plan has no or inadequate discussion of general requirements not already specified *12.7(j)* (\$75)

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**QUALIFIED FACILITY REQUIREMENTS: 112.6**

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- Qualified Facility: No Self certification *112.6(a)* (\$450)
- Qualified Facility: Self certification lacks required elements *112.6(a)* (\$100)
- Qualified Facility: Technical amendments not certified *112.6(b)* (\$150)
- Qualified Facility: Un-allowed deviations from requirements *112.6(c)* (\$100)
- Qualified Facility: Environmental Equivalence or Impracticability not certified by PE *112.6(d)* (\$350)

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**WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)**

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- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 *112.7(e)* (\$75)
- Inspections and tests required are not in accordance with written procedures developed for the facility *112.7(e)* (\$75)

- No Inspection records were available for review *112.7(e)* (\$200) \$200  
(Written procedures and/or a record of inspections and/or customary business records)
- Inspection records are not signed by appropriate supervisor or inspector *112.7(e)* (\$75)
- Inspection records are not maintained for three years *112.7(e)* (\$75)

**PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)**

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- No training on the operation and maintenance of equipment to prevent discharges and/or facility operations *112.7(f)(1)* (\$75) \$75
- No training on discharge procedure protocols *112.7(f)(1)* (\$75) \$75
- No training on the applicable pollution control laws, rules and regulations, and/or SPCC plan *112.7(f)(1)* (\$75) \$75
- Training records not maintained for three years *112.7(f)(1)* (\$75)
- No designated person accountable for spill prevention *112.7(f)(2)* (\$75)
- Spill prevention briefings are not scheduled and conducted at least annually *112.7(f)(3)* (\$75) \$75
- Plan has inadequate or no discussion of personnel and spill prevention procedures *112.7(a)(1)* (\$75)

**SECURITY (excluding Production Facilities) 112.7(g)**

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- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production *112.7(g)(1)* (\$150)
- Master flow and drain valves that permit direct outward flow to the surface are not secured in a closed when in a non-operating or standby status *112.7(g)(2)* (\$300)
- Starter controls on pumps are not locked in the "off" position or located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status *112.7(g)(3)* (\$75)
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status *112.7(g)(4)* (\$75)
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism *112.7(g)(5)* (\$150)
- Plan has inadequate or no discussion of facility security *112.7(a)(1)* (\$75) \$75

**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)**

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- Inadequate containment for Loading Area [not consistent with 112.7(c)] *112.7(c)* (\$400)
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin treatment system, or quick drainage system *112.7(h)(1)* (\$750)
- 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)

- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake (\$300) interlock system to prevent vehicular departure before complete disconnect from transfer lines *112.7(h)(2)*
- 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)
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack *112.7(a)(1)* (\$75)

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**QUALIFIED OIL OPERATIONAL EQUIPMENT 112.7(k)**

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- 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)
- Failure to provide an oil spill contingency plan *112.7(k)(2)(ii)(A)* (\$150)
- No written commitment of manpower, equipment, and materials *112.7(k)(2)(ii)(B)* (\$150)

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**FACILITY DRAINAGE 112.8(b) & (c)**

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- 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)and(2), and 112.8(c)(3)(i)* (\$600)
- Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision *112.8(c)(3)(ii)and(iii)* (\$450)
- Adequate records (or NPDES permit records) of drainage from diked areas not maintained *112.8(c)(3)(iv)* (\$75)
- Drainage from undiked areas do not flow into catchment basins ponds or lagoons, or no diversion system to retain or return a discharge to the facility *112.8(b)(3)and(4)* (\$450)
- Two "lift" pumps are not provided for more that one treatment unit *112.8(b)(5)* (\$50)
- Plan has inadequate or no discussion of facility drainage *112.7(a)(1)* (\$75)

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**BULK STORAGE CONTAINERS 112.8(c)**

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- Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture *112.7(i)* (\$75)
- Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture *112.7(i)* (\$300)
- Material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature *112.8(c)(1)* (\$450)
- Secondary containment appears to be inadequate *112.8(c)(2)* (\$750)
- Containment systems, including walls and floors, are not sufficiently impervious to contain oil *112.8(c)(2)* (\$375)
- Excessive vegetation which affects the integrity (\$150)
- Walls of containment system slightly eroded or have low areas (\$300)
- Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing *112.8(c)(4)* (\$150)

- Partially buried tanks do not have buried sections protected from corrosion *112.8(c)(5)* (\$150)
- Aboveground tanks are not subject to visual inspections *112.8(c)(6)* (\$450)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc. *112.8(c)(6)* (\$450) \$450
- Records of inspections (or customary business records) do not include inspections of tank supports, foundation, deterioration, discharges and/or accumulations of oil inside diked areas *112.8(c)(6)* (\$75)
- Steam return/exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer or other separation system *112.8(c)(7)* (\$150)
- Tank battery installations are not in accordance with good engineering practice because none of the following are present *112.8(c)(8)* (\$450)
- No testing of liquid level sensing devices to ensure proper operation *112.8(c)(8)(v)* (\$75)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills *112.8(c)(9)* (\$150)
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected *112.8(c)(10)* (\$450)
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water *112.8(c)(11)* (\$150)
- Secondary containment inadequate for mobile or portable storage tanks *112.8(c)(11)* (\$500)
- Plan has inadequate, or no discussion of bulk storage tanks *112.7(a)(1)* (\$75)

**FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)**

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- Buried piping is not corrosion protected with protective wrapping, coating or cathodic protection protection *112.8(d)(1)* (\$150)
  - Corrective action is not taken on exposed sections of buried piping when deterioration is found *112.8(d)(1)* (\$450)
  - Not-in-service or standby piping is not capped or blank-flanged and marked as to origin *112.8(d)(2)* (\$75)
  - Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction *112.8(d)(3)* (\$75)
  - Aboveground valves, piping and appurtenances are not inspected regularly *112.8(d)(4)* (\$300)
  - Periodic integrity and leak testing of buried piping is not conducted *112.8(d)(4)* (\$150)
  - Vehicle traffic is not warned of aboveground piping or other oil transfer operation *112.8(d)(5)* (\$150)
  - Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process *112.7(a)(1)* (\$75)
  - 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) \$150  
(Do not use this if FRP subject; go to traditional enforcement)

<b>TOTAL</b>	<b>\$2,050</b>
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IN THE MATTER Of Healy Biodiesel, Inc., Respondent  
Docket No. CWA-07-2015-0082

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

[aaron.mark@epa.gov](mailto:aaron.mark@epa.gov)

Copy by First Class Mail to Respondent:

Ben Healy, President  
Healy Biodiesel, Inc.  
11130 West 47<sup>th</sup> Street South  
Clearwater, Kansas 67026

Dated: 10/6/16



Kathy Robinson  
Hearing Clerk, Region 7

