



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105  
EXPEDITED SPCC SETTLEMENT AGREEMENT**

2007 NOV 21 PM 5:11

DOCKET NO: SPCC-09-2008-0001 <sup>0004</sup>

On: September 14, 2006

At: 5122 Atlantic Blvd.  
Vernon, CA 90040

Owned by: Krystal Enterprises, LLC (Respondent)  
Operated by: Service Oil Transportation Co.

An authorized representative of the United States Environmental Protection Agency ("EPA") conducted an inspection to determine compliance with the Oil Pollution Prevention ("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. By its first signature below, EPA ratifies the Inspection findings and Alleged Violations set forth in the Form.

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 to 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 \$2,400.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is 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 has sent a certified check in the amount of \$2,400.00 payable to the "Environmental Protection Agency," with the notation "Spill Fund- 311" and the Docket Number stated above.

This Expedited Settlement must be returned by certified mail to: OPA Enforcement Coordinator, U.S. Environmental Protection Agency, Region 9 (SFD-9-4), 75 Hawthorne Street, San Francisco, California 94105-3901. The certified check for payment must be sent by certified mail to: U.S. Environmental Protection Agency, P.O. Box 371099M, Pittsburgh, PA 15251.

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 an 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.

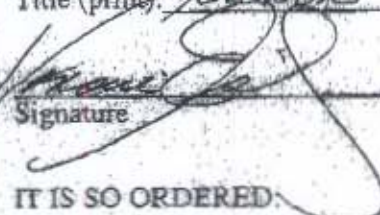
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signified below, and is effective immediately on the date filed with the Regional Hearing Clerk. If Respondent does not sign and return this Expedited Settlement as presented within 10 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.

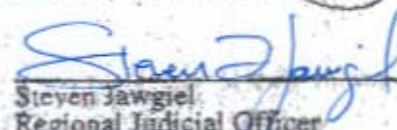
**APPROVED BY EPA:**

 Date: 11-19-2007  
Keith Takata, Director  
Superfund Division

**APPROVED BY RESPONDENT:**

Name (print): VERONICA BEATTIUCHI  
Title (print): OWNER  
 Date: 10/26/07  
Signature

**IT IS SO ORDERED:**

 Date: 11/20/07  
Steven Jawgiel  
Regional Judicial Officer

## 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 9 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.

<p>Company Name <input style="width: 95%;" type="text" value="Krystal Enterprises, LLC"/></p> <p>Facility Name <input style="width: 95%;" type="text"/></p> <p>Address <input style="width: 95%;" type="text" value="5122 Atlantic Blvd"/></p> <p>City: <input style="width: 95%;" type="text" value="Vernon"/></p> <p>State: <input style="width: 40px;" type="text" value="CA"/> Zip Code: <input style="width: 100px;" type="text" value="90040"/></p> <p>Contact: <input style="width: 95%;" type="text" value="Ms. Veronica Escamilla"/></p>	<p>Docket Number: <input style="width: 95%;" type="text" value="SPCC-09-2008-0001"/></p> <p>Date <input style="width: 95%;" type="text" value="9/14/06"/></p> <p>Inspection Number <input style="width: 95%;" type="text" value="06-4089"/></p> <p>Inspector: <input style="width: 95%;" type="text" value="Mr. Peter Reich and Ms. Elizabeth M. Cox"/></p> <p>EPA Approving Official: <input style="width: 95%;" type="text" value="Keith Takata"/></p> <p>Enforcement Contacts: <input style="width: 95%;" type="text" value="Mark Samolis Phone 415-947-4273"/></p>
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### Summary of Inspection 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 \$1,000.00 enter only the minimum allowable of \$1,000.00.)

- |                                     |   |            |
|-------------------------------------|---|------------|
| <input checked="" type="checkbox"/> | No Spill Prevention Control and Countermeasure Plan- 112.3 .....  | \$1,000.00 |
| <input type="checkbox"/>            | Plan not certified by a professional engineer- 112.3(d) .....   | 400.00     |
| <input type="checkbox"/>            | No management approval of plan- 112.7 .....   | 300.00     |
| <input type="checkbox"/>            | Plan not maintained on site (applies if facility is manned at least four (4) hours per day)- 112.3(e)(1) .....  | 100.00     |
| <input type="checkbox"/>            | Plan not available for review- 112.3(e)(1) .....  | 300.00     |
| <input type="checkbox"/>            | No evidence of five-year review of plan by owner/operator- 112.5(b) .....   | 50.00      |
| <input type="checkbox"/>            | No plan amendment(s) if the facility has had a change in: design, construction, operation,<br>or maintenance which affects the facility's discharge potential- 112.5(a) ..... | 50.00      |
| <input type="checkbox"/>            | Amendment(s) not certified by a professional engineer- 112.5(c) .....   | 100.00     |
| <input type="checkbox"/>            | Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7 .....  | 100.00     |

- Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7 ..... 50.00
- Plan does not discuss conformance with SPCC requirement- 112.7(a)(1) ..... 50.00
- Plan does not discuss alternative environmental protection to SPCC requirements- 112.7(a)(2) ..... 50.00
- Plan has inadequate or no facility diagram- 112.7(a)(3) ..... 50.00
- Plan has inadequate or no description of the physical layout of the facility- 112.7(a)(3)(i-vi) ..... 100.00
- Plan has inadequate or no information and procedures for reporting a discharge- 112.7(a)(4) ..... 100.00
- Plan has inadequate or no description and procedures to use when a discharge may occur- 112.7(a)(5) ..... 100.00
- Inadequate or no prediction of equipment failure which could result in discharges- 112.7(b) ..... 100.00
- Plan does not discuss appropriate containment/diversionary structures/equipment- 112.7(c) ..... 100.00
- If claiming impracticability of appropriate containment/diversionary structures:
- Impracticability has not been clearly denoted and demonstrated- 112.7(d) ..... 400.00
- No contingency plan- 112.7(d)(1) ..... 100.00
- No written commitment of manpower, equipment, and materials- 112.7(d)(2) ..... 100.00
- Plan has inadequate or no discussion of conformance with SPCC rules or applicable State rules, regulations and guidelines- 112.7(j) ..... 50.00

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

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- Inspections and tests required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility- 112.7(e) ..... 50.00
- Written procedures and/or a record of inspections and/or customary business records:
- Are not signed by appropriate supervisor or inspector- 112.7(e) ..... 50.00
- Are not kept with the plan- 112.7(e) ..... 50.00
- Are not maintained for three years- 112.7(e) ..... 50.00

**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- 112.7(f)(1) ..... 50.00
- No training on discharge procedure protocols- 112.7(f)(1) ..... 50.00
- No training on the applicable pollution control laws, rules, and regulations- 112.7(f)(1) ..... 50.00
- No training on general facility operations- 112.7(f)(1) ..... 50.00
- No training on the contents of the SPCC Plan- 112.7(f)(1) ..... 50.00
- No designated person accountable for spill prevention- 112.7(f)(2) ..... 50.00
- Spill prevention briefings are not scheduled and conducted periodically- 112.7(f)(3) ..... 50.00

Plan has inadequate or no discussion of personnel and spill prevention procedures ..... 50.00

**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). ..... 100.00

Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g)(2). ..... 200.00

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). ..... 50.00

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). ..... 50.00

Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112.7(g)(5). ..... 100.00

Plan has inadequate or no discussion of facility security ..... 50.00

**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK 112.7(h)**

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Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1). ..... 500.00

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). ..... 300.00

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). .. 200.00

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). ..... 100.00

Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack. .... 50.00

**FACILITY DRAINAGE FROM DIKED AREAS 112.8(b) & (c)**

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Valves used for drainage from diked storage areas to drainage system, watercourse, or effluent treatment system not controlled to prevent a discharge- 112.8(b)(2). ..... 200.00

Run-off rainwater from diked areas is not inspected- 112.8(c)(3)(ii) ..... 300.00

Valves not opened and resealed under responsible supervision- 112.8(c)(3)(iii) ..... 100.00

Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(iv) 50.00

**FACILITY DRAINAGE FROM UNDIKED AREAS 112.8(b)**

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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). ..... 400.00

Two "lift" pumps are not provided for more that one treatment unit- 112.8(b)(5) ..... 100.00

Plan has inadequate or no discussion of facility drainage ..... 50.00

**BULK STORAGE CONTAINERS 112.8(c)**

<input type="checkbox"/>	Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i) .....	50.00
<input type="checkbox"/>	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). ....	300.00
<input checked="" type="checkbox"/>	Secondary containment appears to be inadequate- 112.8(c)(2) .....	500.00
<input type="checkbox"/>	Containment systems, including walls and floors are not sufficiently impervious to contain oil- 112.8(c)(2) ....	250.00
<input type="checkbox"/>	Excessive vegetation which affects the integrity and/or walls slightly eroded .....	200.00
<input type="checkbox"/>	Containment bypass valves are not sealed closed when not draining rainwater- 112.8(c)(3)(i) .....	400.00
<input type="checkbox"/>	Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing- 112.8(c)(4). ....	100.00
<input type="checkbox"/>	Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5). ....	100.00
<input type="checkbox"/>	Aboveground tanks are not subject to visual inspections- 112.8(c)(6) .....	200.00
<input checked="" type="checkbox"/>	Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6). ....	300.00
<input type="checkbox"/>	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). ....	100.00
<input type="checkbox"/>	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). ....	100.00

**Container installations are not engineered if:**

<input checked="" type="checkbox"/>	No audible or visual high liquid level alarm- 112.8(c)(8)(i), or .....	300.00
<input type="checkbox"/>	No high liquid level pump cutoff devices- 112.8(c)(8)(ii), or .....	300.00
<input type="checkbox"/>	No audible or code signal communications between tank gauger and pumping station- 112.8(c)(8)(iii), or .....	300.00
<input type="checkbox"/>	No fast response system for determining liquid levels, such as computers, telepulse or direct vision gauges- 112.8(c)(8)(iv). ....	300.00
<input type="checkbox"/>	No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v) .....	50.00
<input type="checkbox"/>	Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112.8(c)(9) .....	100.00
<input checked="" type="checkbox"/>	Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10) .....	300.00
<input type="checkbox"/>	Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112.8(c)(11) .....	100.00
<input type="checkbox"/>	Secondary containment inadequate for mobile or portable storage tanks- 112.8(c)(11) .....	500.00
<input type="checkbox"/>	Plan has inadequate or no discussion of bulk storage tanks .....	50.00

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

- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112.8(d)(4). 100.00
- Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112.8(d)(1) . . . 300.00
- Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2) . . . . . 50.00
- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112.8(d)(3). . . . . 50.00
- Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4) . . . . . 200.00
- Periodic integrity and leak testing of buried piping is not conducted- 112.8(d)(4) . . . . . 100.00
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112.8(d)(5). . . . . 100.00
- Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process. . . . . 50.00

**TOTAL \$ 2,400.00**

**Explanation of Violations:**

1. 40 CFR § 112.7 requires the development and implementation of a SPCC Plan that has been certified by a professional engineer. The plan must be in writing and in accordance with good engineering practices. The plan must conform to all applicable requirements listed in 40 CFR § 112.1 through 112.8. Regular inspections and training according to the SPCC rule must be documented with the plan and kept for a minimum of 3 years.

In addition, 40 CFR § 112.7(c) requires general drainage controls through application of appropriate containment or diversionary structures or equipment. The facility lacks general containment for the area used for truck parking when fuel is being transferred into the aboveground storage containers. A spill would flow directly off the property and into an adjacent storm drain that discharges to the Los Angeles River. Also, some stretches of aboveground piping were observed outside the diked containment area, which also require general drainage controls.

2. 40 CFR § 112.8(c)(2) requires secondary containment for aboveground storage containers capable of accounting for the entire contents of the largest tank plus freeboard for precipitation, and be sufficiently impervious to contain spilled oil. The secondary containment dike walls were cracked and in very poor condition. The integrity of the containment system is clearly compromised. Cracks were observed in several locations of the tank farm secondary containment walls.

In addition, 55-gallon drums of oil were observed to be stored in the back of a pickup truck with inadequate secondary containment. Portable oil containers that are 55 gallons or greater are subject SPCC requirements and require full secondary containment for the largest container plus freeboard for precipitation. 40 CFR § 112.8(c)(11) requires secondary containment for mobile or portable oil storage containers that are 55-gallons or greater.

3. 40 CFR § 112.8(c)(6) requires aboveground storage containers to be tested for integrity on a regular schedule. The containers must be tested on a regular schedule according to industry standards for non-destructive shell testing and records must be kept with the Plan.

4. 40 CFR § 112.8(c)(8) requires aboveground storage containers to be engineered or upgraded according to good engineering practice. It was observed that operators stick check the tanks to determine liquid levels. There are no direct vision gauges. The containers have not been engineered or upgraded according to good engineering practice.

5. 40 CFR § 112.8(c)(10) requires that accumulations of oil be promptly removed and the problem corrected. The presence of oil in the secondary containment area and throughout the operations area indicated that inspections were not being conducted

Significant oil staining was observed throughout the facility. Accumulations of oil must be promptly removed and the problem

corrected. The presence of oil outside secondary containment in the transfer areas are an indication of poor operating practices. Covering oil staining with fresh sand is not adequate.

**Area of Concern:**

1. Facility fencing was dilapidated and broken in several areas, rendering the facility unsecure. Fencing is required to prevent unauthorized access to the facility when unattended and prevent acts of vandalism. 40 CFR § 112.7(g)(1) requires fencing for facilities handling, storing or processing oil.

**CERTIFICATION OF SERVICE**

I certify that the original and the foregoing Expedited SPCC Settlement Agreement in the matter of **Krystal Enterprises, LLC, SPCC-09-2008-0004** has been filed with the Region 9 Hearing Clerk and that copies were sent return receipt requested to the following:

Ms Veronica Escamilla  
Krystal Enterprises, LLC  
1050 E. Angeleno Ave.  
Burbank, CA 91501

Certified Mail No.:  
7005 2570 0001 6436 7805

Date: 11-26-07



Danielle Carr  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105