



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 21 2018

REPLY TO THE ATTENTION OF:

SENT VIA E-MAIL

Travis Holder
Treasurer
R.D. Holder Oil Co., Inc.
600 N. Dayton Lakeview Road
New Carlisle, Ohio 45344
(937) 882-0095
rwheatstone@holderoil.com

Re: SPCC Expedited Settlement Agreement
RD Holder Oil Co., Inc.
Docket No: **R5-CWA-ESA-2018-001** **CWA-05-2018-0013**

Dear Mr. Holder:

Enclosed, please find a signed, fully-executed SPCC Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on *8/21/2018*, with the Regional Hearing Clerk (RHC).

We have received the copy of the check payable to the Environmental Protection Agency for the civil penalty in the amount of \$2,200.

Thank you for your cooperation in resolving this matter. If you have any questions or concerns regarding this matter, please contact Ellen Riley, of my staff, at 312-886-9497 or at riley.ellen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans".

Michael E. Hans, Chief
Chemical Emergency Preparedness and Prevention Section

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 5

77 West Jackson Boulevard
Chicago, IL 60604



SPCC EXPEDITED SETTLEMENT AGREEMENT

CWA-05-2018-0013

DOCKET NO. R5-CWA-ESA-2018-001

On September 13, 2017, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection at the facility located at 304 West Market Street, Washington Court House, Ohio, owned and/or operated by R.D. Holder Oil Co., Inc. (Respondent) to determine compliance with the Oil Pollution Prevention (SPCC) regulations codified at 40 C.F.R. Part 112 under the Clean Water Act (CWA) § 311(j), 33 U.S.C. § 1321(j). Based on that inspection, EPA finds that Respondent has 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.

EPA is authorized to enter into this Expedited Settlement Agreement under the authority vested in the Administrator of EPA by CWA § 311(b)(6)(B)(i) 33 U.S.C. § 1321(b)(6)(B)(i), and by 40 C.F.R. § 22.13(b) and § 22.18(b)(2)-(3). EPA finds that Respondent is subject to the SPCC regulations and has violated the SPCC regulations as described in the Form. Respondent admits that EPA has jurisdiction over Respondent and that Respondent is subject to 40 C.F.R. Part 112. Respondent does not contest the factual findings in the Form, waives any objections it may have to EPA's jurisdiction, and consents to the terms of this Expedited Settlement Agreement.

Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$2,200 for the SPCC violations identified in the Form by sending a cashier's or certified check to the "Environmental Protection Agency," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Respondent has noted on the penalty payment check "OSLTF-311" and the docket number of this case, R5-CWA-ESA-2018-001. Respondent must also send a notice of payment that states Respondent's name, address, docket number, and a photocopy of the check to EPA Region 5 to the attention of: Ellen Riley, SC-5J, 77 W. Jackson Blvd., Chicago, IL 60604.

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 that Respondent is in compliance with CWA § 311 and 40 C.F.R. Part 112.

After the parties sign this Agreement and Respondent pays the civil penalty, EPA will take no further action against Respondent for the violations of the SPCC regulations described in the Form. However, 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 Expedited Settlement Agreement to EPA, Respondent waives any right to judicial review under CWA § 311(b)(6)(G), 33 U.S.C. § 1321(b)(6)(G), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706, any right to appeal or request a hearing to contest any fact or allegation, and consents to EPA's approval of the Expedited Settlement Agreement without further notice. Failure by Respondent to pay the penalty assessed by this Agreement 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 § 311(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. The penalty is not deductible for federal income tax purposes.

This Expedited Settlement Agreement is binding on the parties signing below. Each person signing this Expedited Settlement Agreement certifies that he or she has the authority to sign for the party for whom he or she represents and to bind that party and any successors and assigns to its terms. If Respondent does not sign and return this Expedited Settlement Agreement as presented within thirty (30) days of the date of its receipt, the proposed Expedited Settlement Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form. Each party to this action shall bear its own costs and fees, if any.

The parties consent to service of this Expedited Settlement Agreement by email at the following valid email addresses: barton.kasey@epa.gov (for Complainant) and RWHETSTONE@HOLDEROIL.COM (for Respondent). (print email address)

APPROVED BY RESPONDENT:

Name (print): TRAVIS HOLDER

Title (print): TREASURER

Signature: [Handwritten Signature]

Date: 8/10/18

IT IS APPROVED AND SO ORDERED.

[Handwritten Signature] Date: 8-21-18

Douglas Ballotti, Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

No. [REDACTED]

Remitter Travis Holder

Date 08/07/2018

PURCHASER'S RECEIPT

Pay Two Thousand Two Hundred Dollars & 00/100 \$ ** 2,200.00 **

To the Order Of
Environmental Protection Agency

By NON-NEGOTIABLE
Authorized Signer

CWA-05-2018-0013



VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

CASHIER'S CHECK

The Huntington National Bank - Branch 031704
Columbus, Ohio 43219



No. [REDACTED]

Remitter Travis Holder R.D. Holder Oil Co.

Date 08/07/2018

Pay Two Thousand Two Hundred Dollars & 00/100 \$ ** 2,200.00 **

To the Order Of
Environmental Protection Agency

Drawer: The Huntington National Bank
Columbus, Ohio 43219

DRAWEE: The Huntington National Bank
Columbus, Ohio 43219

POCKET # RS-CWA-ESA-2018-001
OSLTF-3H

By [Signature]
Authorized Signer

[REDACTED]

Details on back

