



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC - 9 2019

REPLY TO THE ATTENTION OF:

SENT VIA E-MAIL

Louis J. Carter
President
Jackson Oil and Solvents
1970 Kentucky Avenue
Indianapolis, IN 46221
(317) 636-4424
JC@jos.us.com

Re: SPCC Expedited Settlement Agreement
Jackson Oil and Solvents
Docket No: **CWA-05-2020-0001**

Dear Mr. Carter:

Enclosed, please find a signed, fully-executed SPCC Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on *December 9, 2019* 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 \$2,600.

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

CWA-05-2020-0001



SPCC EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R5-CWA-ESA-2019-003

On June 15, 2016, authorized representatives of the United States Environmental Protection Agency (EPA) conducted an inspection at the **Jackson Oil and Solvents** facility located at 1970 Kentucky Avenue, Indianapolis, IN 46221, owned and/or operated by Jackson Oil and Solvents, 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" (Violations Form), which is incorporated by reference.

EPA is authorized to enter into this Expedited Settlement Agreement (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 Violations Form, waives any objections it may have to EPA's jurisdiction, and consents to the terms of this Agreement.

Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$2,600 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-2019-003". 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, SE-5J, 77 West 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 Violations Form. 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 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 Agreement is binding on the parties signing below. Each person signing this 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 Agreement as presented within thirty (30) days of the date of its receipt, the proposed 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 Agreement by email at the following valid email addresses:
stanuch.terry@epa.gov (for Complainant) and
LC@jos.us.com (for Respondent).
(print email address)

APPROVED BY RESPONDENT:

Name (print): Loel L. Carter
Title (print): President
Signature: [Signature]
Date: 11-15-19

IT IS APPROVED AND SO ORDERED.

[Signature] for Date: 12/6/19
Douglas Ballotti, Director
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
Region 5

SPCC Expedited Settlement Agreement
In the matter of: Jackson Oil and Solvents
Docket Number: . **CWA-05-2020-0001**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **SPCC Expedited Settlement Agreement**, docket number **CWA-05-2020-0001** which was filed on in the following manner to the following addressees:

Copy by E-mail to Respondent: Louis L. Carter
President
Jackson Oil and Solvents
(317) 636-4421
LC@jos.us.com

Copy by E-mail to Attorney for Complainant: Terry Stanuch
stanuch.terry@epa.gov

Copy by E-mail to Enforcement Officer: Ellen Riley
riley.ellen@epa.gov

Copy by E-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated:

September 9, 2019



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5