



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2011 SEP 15 AM 10:32

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2011-0029

IN THE MATTER OF:

OILFIELD SALVAGE & SERVICE CO.

Respondent

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FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

The Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 15th Day of September, 2011

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 15 AM 10:33

In the Matter of:

Oilfield Salvage & Service Co.

Respondent.

FILED
EPA REGION VIII
HEARINGS CLERK

EXPEDITED CONSENT AGREEMENT

DOCKET NO.: CWA-08-2011-0029

1. Pursuant to 40 C.F.R. § 22.13(b), Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Oilfield Salvage & Service Co., by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:
2. The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.
3. Respondent owns an onshore oil production facility, Wilson 1-6 Facility, located at Track 53A NENE, Section 6, Township 55 N, Range 73 W in Campbell County, Wyoming.
4. Wilson 1-6 Facility is located within the Bitter Creek drainage, a tributary to the Powder River and discharges of harmful quantities of oil from the Wilson 1-6 Facility could reasonably be expected to reach navigable waters of the United States or adjoining shorelines.

5. Wilson 1-6 Facility has a total storage capacity of approximately 855 barrels of oil and is subject to the SPCC regulations.
6. Respondent admits its facility is subject to the SPCC regulations.
7. Respondent prepared an SPCC plan dated September 8, 2005, covering the facility.
8. The EPA has reviewed the 2005 SPCC plan during the October 26, 2009 inspection and determined that the plan does not meet the requirements set forth under 40 C.F.R. § 112. The deficiencies in the SPCC Plan are set forth in the attached list, Attachment 1, incorporated herein by reference.
9. Respondent failed to prepare and implement an adequate, written SPCC Plan for its Wilson 1-6 Facility in accordance with 40 C.F.R. § 112. Respondent's failure to prepare and implement an adequate, written SPCC Plan for its Wilson 1-6 Facility constitutes a violation of Section 311(j)(1)(C) of the Act.
10. Respondent admits that it failed to prepare and implement an adequate, written SPCC Plan for its Wilson 1-6 Facility in accordance with 40 C.F.R. §§ 112.7, 112.9 and/or 112.10.
11. Respondent agrees to correct the cited violations of 40 C.F.R. Part 112 on the attached list within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.
12. Respondent agrees to submit a revised copy of the SPCC Plan for its Wilson 1-6 Facility to EPA for its review and approval and documentation that the technical violations have been corrected.
13. Respondent admits that EPA has jurisdiction in this proceeding.

14. Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.
15. This Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.
16. This Agreement contains all terms of the settlement agreed to by the parties.
17. Respondent consents and agrees to the assessment of a civil penalty of \$ 2,125.00 for violations of Section 311(j) of the Act, which, shall be paid no later than thirty (30) days after the effective date of the Final Order by means of a cashier's or certified check, or by wire transfer. If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF – 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U. S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

If the Respondent sends payment by overnight mail, the payment should be sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Wire transfers should be directed to:

Federal Reserve Bank of New York
ABA: 021030004
Account: 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"

18. The Respondent shall submit copies of the check (or, in the case of a wire transfer, copies of the confirmation) to the following persons:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

and

Donna K. Inman

Technical Enforcement Program (8ENF-UFO)
USEPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129


19. Respondent will revise, implement, and maintain an SPCC plan in accordance with 40 C.F.R. § 112.

20. Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this Consent Agreement once incorporated into the Final Order, or fails to make the corrective measures to obtain compliance, this agreement is null and void, and EPA may pursue any applicable enforcement options.

21. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement.
22. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
23. Each party shall bear its own costs and attorneys fees in connection with this matter.
24. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this Consent Agreement.


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,

Office of Enforcement Compliance and Environmental Justice, Complainant.

By: 
Sandra A. Stavnes, Director
UIC/FIFRA/OPA Technical Enforcement Programs
Office of Enforcement, Compliance and
Environmental Justice

Date: 9-14-11

Oilfield Salvage & Service Co., Respondent.

By: 
Name: D. Dean Unruh
Title: Vice President

Date: 9-8-11

LIST OF SPCC VIOLATIONS

Specific violations in the SPCC Plan are:

Inadequate cross reference in violation of 40 C.F.R. §112.7. There are inaccurate regulatory citations.

Inadequate discharge prevention measures in violation of 40 C.F.R. § 112.7(a)(3)(ii).

Inadequate countermeasures for discharge discovery in violation of 40 C.F.R. § 112.7(a)(3)(iv).

Discharge notification form lacks required information (i.e. quantity in water and media impacted) in violation of 40 C.F.R. § 112.7(a)(4).

Inadequate discussion of failures that could result in discharges (i.e. potential sources and rates for each) in violation of 40 C.F.R. §112.7(b).

Inadequate discussion that adequate secondary containment has been provided for all areas including loading/unloading area from which a discharge of oil could occur in violation of 40 C.F.R. § 112.7(c).

Inadequate discussion regarding alternative for secondary containment in violation of 40 C.F.R. § 112.7(d). No reason is provided as to why secondary containment is impracticable and the Contingency Plan does not meet the requirements of Part 109.

Inadequate written procedures for required inspections and testing in violation of 40 C.F.R. §112.7(e). There is no provision for signature of inspector.

Plan does not address the records maintenance for rainwater pumped from secondary containment violation of 40 C.F.R. § 112.9(b).

Plan indicates bulk storage containers lack adequate secondary containment in violation of 40 C.F.R. § 112.9(c). A method to add capacity was stated, but there is no schedule for corrective actions. No documentation has been provided to EPA to show that corrective actions have been completed.

Plan has no procedures for inspection of salt water disposal facilities, if any, in violation of 40 C.F.R. § 112.9(d)(2).

Plan has no discussion regarding drilling and workover operations in violation of 40 C.F.R. § 112.10.

The Substantial Harm Certification statement is not signed in violation of 40 C.F.R. § 112.20.

Effective January 14, 2010- *Plan has no flowline maintenance program to prevent discharges in violation of 40 C.F.R. § 112.9(d)(3).*

Technical implementation violations noted during the inspection for which no verification of corrective actions has been received are:

Inadequate secondary containment for bulk storage containers in violation of 40 C.F.R. §112.9(c).

Inadequate training for personnel in violation of 40 C.F.R. §112.7(f) as evidenced by eroded secondary containment dike and vegetation in dike.

Drainage from undiked areas not to catchment basin or holding pond in violation of 40 C.F.R. § 112.9(d)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT AND FINAL ORDER** in the matter of **OILFIELD SALVAGE & SERVICE CO.; DOCKET NO.: CWA-08-2011-0029**, was filed with the Regional Hearing Clerk on September 15, 2011.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda L. Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail on September 15, 2011, to:

Dean Unruh, Vice President
Oilfield Salvage & Service Co.
5435 South Prince Street
Littleton, CO 80120

And emailed to:

Elizabeth Whitsel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

September 15, 2011



Tina Artemis
Paralegal/Regional Hearing Clerk