

**FILED**

31 JUL 24 PM 12:51

REGIONAL HEARING CLERK  
EPA REGION 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 6**

IN THE MATTER OF

Sawtooth Operating Company  
Maco Stewart Facility  
Galveston County  
Texas

Respondent.

---

CWA SECTION 311 CLASS I  
CONSENT AGREEMENT  
AND FINAL ORDER  
UNDER 40 CFR § 22.13(b)

Docket No. CWA-06-2024-4806

**LEGAL AUTHORITY**

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 311(b)(6)(B)(i) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and under the authority provided by 40 CFR §§ 22.13(b) and 22.18(b)(2). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region 6. Pursuant to the April 17, 2019 Region 6 Realignment: General Delegation Memo (General Delegation Memo), the Regional Administrator delegated these authorities to the successor Division Director or Office Director in accordance with the Region 6 2019 reorganization, to wit: the Enforcement and Compliance Assurance Division of EPA, Region 6. The General Delegation Memo has, in turn, further redelegated these authorities to the comparable official subordinate to the Enforcement and Compliance Assurance Division Director, to wit: the Branch Chief, Water Enforcement Branch in Region 6.

**CONSENT AGREEMENT**

**SPCC Stipulations**

The parties, in their own capacity or by their attorneys or other authorized representatives, hereby stipulate:

2. Section 311(j)(1)(C) of the Act, 33 USC § 1321(j)(1)(C), provides that the President shall issue regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil from onshore or offshore vessels and from onshore or offshore facilities, and to contain such discharges."

3. Initially by Executive Order 11548 (July 20, 1970), 35 Fed. Reg. 11677 (July 22, 1970), and most recently by Section 2(b)(1) of Executive Order 12777 (October 18, 1991), 56 Fed. Reg. 54757 (October 22, 1991), the President delegated to EPA his Section 311(j)(1)(C) authority to issue the regulations referenced in the preceding Paragraph for non-transportation-related onshore facilities.

4. EPA subsequently promulgated the Spill Prevention Control & Countermeasure (SPCC) regulations pursuant to delegated statutory authorities, and pursuant to its authorities under the Clean Water Act, 33 USC § 1251 et seq., which established certain procedures, methods and other requirements upon each owner and operator of a non-transportation-related onshore or off-shore facility, if such facility, due to its location, could reasonably be expected to discharge oil into or upon the navigable waters of the United States and their adjoining shorelines in such quantity as EPA has determined in 40 CFR § 110.3 may be harmful to the public health or welfare or the environment of the United States (harmful quantity).

5. In promulgating 40 CFR § 110.3, which implements Section 311(b)(4) of the Act, 33 USC § 1321(b)(4), EPA has determined that discharges of harmful quantities include oil discharges that cause either (1) a violation of applicable water quality standards or (2) a film, sheen upon, or discoloration of the surface of the water or adjoining shorelines, or (3) a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

6. Respondent is a firm conducting business in the State of Texas, with a place of business located at 2900 Galveston Road, Texas City, TX, and is a person within the meaning of Sections 311(a)(7) and 502(5) of the Act, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 CFR § 112.2.

7. Respondent is the owner within the meaning of Section 311(a)(6) of the Act, 33 USC § 1321(a)(6), and 40 CFR § 112.2 of a production terminal, located in Galveston County, TX (the facility). The approximate coordinates of the facility are 29.421734° N and -95.02118° W. Drainage from the facility drains into Moses Bayou then into Moses Lake which is connected to Galveston Bay.

8. The facility has an aggregate above-ground storage capacity greater than 1320 gallons of oil in containers each with a shell capacity of at least 55 gallons. Facility capacity is approximately 168,000 gallons.

9. Moses Bayou is a navigable water of the United States within the meaning of 40 CFR § 112.2.

10. Respondent is engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products located at the facility.

11. The facility is a non-transportation-related facility within the meaning of 40 CFR § 112.2 Appendix A, as incorporated by reference within 40 CFR § 112.2.

12. The facility is an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 USC § 1321(a)(11), 40 CFR § 112.2, and 40 CFR § 112 Appendix B.

13. The facility is therefore a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity (an SPCC-regulated facility).

14. Pursuant to Section 311(j)(1)(C) of the Act, E.O. 12777, and 40 CFR § 112.1 Respondent, as the owner of an SPCC-regulated facility, is subject to the SPCC regulations.

#### SPCC Allegations

15. Paragraphs 1 through 14 above are re-stipulated as though fully set forth herein.

16. 40 CFR § 112.3 requires that the owner or operator of an SPCC-regulated facility must prepare a SPCC plan in writing and implement that plan in accordance with 40 CFR § 112.7 and any other applicable section of 40 CFR Part 112.

17. On February 15, 2024, EPA inspected the facility and found that Respondent had failed to develop and implement a SPCC plan for the facility as follows:

- a. Respondent failed to provide a plan that is certified by a Professional Engineer (PE) and includes statements that the PE attests:
  - PE is familiar with the requirements of 40 CFR part 112
  - PE or agent has visited and examined the facility
  - Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112
  - Procedures for required inspections and testing have been established
  - Plan is adequate for the facility

- For produced water containers subject to 112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan, if applicable, as required in 40 CFR § 112.3(d).
- b. Respondent failed to provide evidence of review and evaluation of the Plan completed at least once every 5 years in accordance with 40 CFR § 112.5(b).
- c. Respondent failed to provide within the plan physical layout of facility and a diagram that identifies:
  - Location and contents of all regulated fixed oil storage containers
  - Storage areas where mobile or portable containers are located
  - Completely buried tanks otherwise exempt from the SPCC requirements (marked as "exempt")
  - Transfer stations
  - Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under § 112.1(d)(11), as require in 40 CFR § 112.7(a)(3).
- d. Respondent failed to address in the plan for each fixed container, type of oil and storage capacity (see Appendix A of this checklist). For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities in accordance with 40 CFR § 112.7(a)(3)(i).
- e. Respondent failed to address in the plan discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.) in accordance with 40 CFR § 112.7(a)(3)(ii).
- f. Respondent failed to address in the plan countermeasures for discharge discovery, response, and cleanup (both facilities and contractor's resources) in accordance with 40 CFR § 112.7(a)(3)(iv).
- g. Respondent failed to address in the plan methods of disposal of recovered materials in accordance with applicable legal requirements in accordance with 40 CFR § 112.7(a)(3)(v).

- h. Respondent failed to organize the plan so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency in accordance with 40 CFR § 112.7(a)(5).
- i. Respondent failed to include in the plan a prediction of the direction, rate of flow, and total quantity of oil that could be discharges for each type of major equipment failure where experience indicates a reasonable potential for equipment failure in accordance with 40 CFR § 112.7(b).
- j. Respondent failed to address in the plan appropriate containment and/or diversionary structures or equipment for mobile/portable containers, oil-filled operational equipment (as defined in 112.2), piping and related appurtenances as required in 40 CFR § 112.7(c).
- k. Respondent failed to perform inspections and tests at the facility in accordance with written procedures. Additionally, record of inspections or tests are not signed by supervisor or inspector and kept with Plan for a period of three years as required in 40 CFR § 112.7(e).
- l. The facility field operations do not adequately address the facility personnel, training, and oil discharge prevention procedures. Additionally, respondent failed to conduct training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations and general facility operation in accordance with 40 CFR § 112.7(f)(1).
- m. Respondent failed to conduct discharge prevention briefings at the facility, at least, once a year for oil handling personnel to assure adequate understanding of the Plan as required in 40 CFR § 112.7(f)(3).
- n. Respondent failed to address at the facility whether drains for dikes or equivalent measures are closed and sealed except when draining uncontaminated rainwater. Respondent must remove accumulated oil or the rainwater and then return it to storage or dispose of in accordance with legally approved methods. Specifically, facility failed to include in the plan bypass valve opened and resealed under responsible supervision and maintain adequate records of drainage in accordance with 40 CFR § 112.9(b)(1).

- o. Respondent failed to address in the plan field drainage systems (e.g., drainage ditches or road ditches) and oil traps, sumps, or skimmers inspected at regularly scheduled intervals for oil, and accumulations of oil promptly removed in accordance with 40 CFR § 112.9(b)(2).
- p. During the inspection it was observed that facility tanks have corrosion and numerous leaks. Specifically, respondent failed to provide at the facility container materials and construction that are compatible with material stored and conditions of storage such as pressure and temperature as required in 40 CFR § 112.9(c)(1).
- q. Respondent failed to address in the plan secondary containment provided for all tank battery, separation and treating facilities sized to hold the capacity of largest single container and sufficient freeboard for precipitation. Respondent also failed to address in the plan drainage from undiked area safely confined in a catchment basin or holding pond in accordance with 40 CFR § 112.9(c)(2).
- r. Respondent failed to address in the plan and implement at the facility new and old tank batteries engineered/updated in accordance with good engineering practices to prevent discharges. Specifically, respondent failed to mention adequate container capacity to prevent overflow if a pumper/gauger is delayed in making regularly scheduled round, overflow equalizing lines between containers so that a full container can overflow to an adjacent container, adequate vacuum protection to prevent container collapse, or high level sensors to generate and transmit an alarm to the computer where the facility is subject to a computer production control system in accordance with 40 CFR § 112.9(c)(4).
- s. Respondent failed to implement at the facility all aboveground valves and piping associated with transfer operations are inspected periodically and upon a regular schedule to determine their general condition. Include the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items in accordance with 40 CFR § 112.9(d)(1).
- t. Respondent failed to address in the plan an oil spill contingency plan following the provisions of 40 CFR § 109. Respondent also failed to address a written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that might be harmful in accordance with 40 CFR § 112.9(d)(3)(i) - 112.9(d)(3)(ii).

- u. Respondent failed to address in the plan a maintenance program for flowlines and intra-facility gathering lines and associated valves and equipment are compatible with type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment in accordance with 40 CFR § 112.9(d)(4)(i).
- v. Respondent failed to address in the plan and implement at the facility a maintenance plan for flowlines and intra-facility gathering lines and associated appurtenances are visually inspected and/or tested on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge; repairs or other corrective actions are made to any flowlines and intra-facility gathering lines and associated appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge; oil removed or other actions initiated to promptly stabilize and remediate any accumulations of oil discharges associated with the flowlines, intra-facility gathering lines, and associated appurtenances in accordance with 40 CFR § 112.9(d)(3)(ii) - 112.9(d)(3)(iv).

18. Respondent's failure to fully develop and implement its SPCC plan for the facility violated 40 CFR § 112.3 and impacted its ability to prevent an oil spill.

#### Spill Stipulations

19. Paragraphs 1 through 14 above are hereby re-stipulated as though fully set forth herein.

20. Section 311(b)(3) of the Act prohibits the discharge of oil or a hazardous substance into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.

21. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. §1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters of the United States in such quantities that have been determined may be harmful to the



public health or welfare or environment of the United States are defined in 40 CFR § 110.3 to include discharges of oil that violate applicable water quality standards or cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

**Spill Allegations**

Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the violations alleged in paragraphs 22-25.

22. Paragraphs 1 - 14 and 19 - 21 above are hereby incorporated by reference.

23. On December 25, 2023, Respondent discharged approximately 146 barrels of oil as defined in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), and 40 CFR § 110.1, from its facility into or upon Moses Bayou and the adjoining shorelines.

24. Respondent's December 25, 2023, discharge of oil from its facility caused a sheen upon or discoloration of the surface of Moses Bayou, and therefore, was in a quantity that has been determined may be harmful under 40 CFR § 110.3, which implements Sections 311(b)(3) and (b)(4) of the Act.

25. Respondent's December 25, 2023, discharge of oil from its facility into or upon Moses Bayou, and adjoining shorelines in a quantity that has been determined may be harmful under 40 CFR § 110.3, violated Section 311(b)(3) of the Act.

**Waiver of Rights**

26. Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the other specific violations alleged above. Respondent waives the right to a hearing under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the Act, 33 U.S.C. §1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

**Penalty**

27. The Complainant proposes, and Respondent consents to, the assessment of a civil penalty of **\$55,600.00**.

**Payment Terms**

Based on the forgoing, the parties, in their own capacity or by their attorneys or authorized representatives, hereby agree that:

28. Within thirty (30) days of the effective date of the Final Order, the Respondent shall pay the amount of **\$55,600.00** by means of a cashier's or certified check, or by electronic funds transfer (EFT). The Respondent shall submit this Consent Agreement and Final Order, with original signature, along with documentation of the penalty payment via Mail and E-Mail to:

Energy Sector Compliance Section  
U. S. Environmental Protection Agency  
Region 6 (6ECD-WE)  
1201 Elm Street  
Dallas, TX 75270-2102  
[blaha.michael@epa.gov](mailto:blaha.michael@epa.gov)

- If you are paying by check, pay the check to "Environmental Protection Agency," noting on the check "OSTLF-311" and docket number CWA-06-2024-4806. If you use the U.S. Postal Service, address the payment to:

Docket No. CWA-06-2024-4806

U.S. Environmental Protection Agency, Fines & Penalties  
P.O. Box 979078, St. Louis, MO 63197-9000

- If you use a private delivery service, address the payment to:

U.S. Bank  
1005 Convention Plaza, Mail Station SL-MO-C2GL  
St. Louis, MO 63101

- The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following person:

Lorena Vaughn  
Regional Hearing Clerk (6RC)  
U.S. Environmental Protection Agency  
Region 6  
1201 Elm Street  
Dallas, TX 75270-2102

29. Failure by the Respondent to pay the penalty assessed by the Final Order 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 Section 311(b)(6)(H) of the Act, 33 USC §1321(b)(6)(H). In any such collection action, the validity, amount, and appropriateness of the penalty agreed to herein shall not be subject to review.

#### General Provisions

30. The Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

31. The Final Order does not constitute a waiver, suspension, or modification of the requirements of Section 311 of the Act, 33 USC §1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue

any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Payment of the penalty pursuant to this Consent Agreement resolves only Respondent's liability for federal civil penalties for the violations and facts stipulated to and alleged herein.

Sawtooth Operating Company

Date: 7/29/24

  
\_\_\_\_\_  
Robert Chain  
Operations Manager  
Sawtooth Operating Company

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 7/30/2024

  
\_\_\_\_\_  
Bryant Smalley  
Chief  
Water Enforcement Branch

**FINAL ORDER**

Pursuant to Section 311(b)(6) of the Act, 33 USC § 1321(b)(6) and the delegated authority of the undersigned, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," codified at 40 CFR Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order, and the Stipulations by the parties and Allegations by the Complainant are adopted as Findings in this Final Order.

The Respondent is ordered to comply with the terms of the Consent Agreement.

Date: July 31, 2024



Digitally signed by  
CHERYL SEAGER  
Date: 2024.07.31  
10:23:47 -05'00'

---

Cheryl T Seager, Director  
Enforcement and  
Compliance Assurance Division

## Sawtooth Operating Company –Maco Stewart Facility– List of Violations

### SPCC Violations

- a. Respondent failed to provide a plan that is certified by a Professional Engineer (PE) and includes statements that the PE attests:
  - PE is familiar with the requirements of 40 CFR part 112
  - PE or agent has visited and examined the facility
  - Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112
  - Procedures for required inspections and testing have been established
  - Plan is adequate for the facility
  - For produced water containers subject to 112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan, if applicable, as required in 40 CFR § 112.3(d).
- b. Respondent failed to provide evidence of review and evaluation of the Plan completed at least once every 5 years in accordance with 40 CFR § 112.5(b).
- c. Respondent failed to provide within the plan physical layout of facility and a diagram that identifies:
  - Location and contents of all regulated fixed oil storage containers
  - Storage areas where mobile or portable containers are located
  - Completely buried tanks otherwise exempt from the SPCC requirements (marked as “exempt”)
  - Transfer stations
  - Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under §112.1(d)(11), as require in 40 CFR § 112.7(a)(3).
- d. Respondent failed to address in the plan for each fixed container, type of oil and storage capacity (see Appendix A of this checklist). For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities in accordance with 40 CFR § 112.7(a)(3)(i).
- e. Respondent failed to address in the plan discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.) in accordance with 40 CFR § 112.7(a)(3)(ii).

- f. Respondent failed to address in the plan countermeasures for discharge discovery, response, and cleanup (both facilities and contractor's resources) in accordance with 40 CFR § 112.7(a)(3)(iv).
- g. Respondent failed to address in the plan methods of disposal of recovered materials in accordance with applicable legal requirements in accordance with 40 CFR § 112.7(a)(3)(v).
- h. Respondent failed to organize the plan so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency in accordance with 40 CFR § 112.7(a)(5).
- i. Respondent failed to include in the plan a prediction of the direction, rate of flow, and total quantity of oil that could be discharges for each type of major equipment failure where experience indicates a reasonable potential for equipment failure in accordance with 40 CFR § 112.7(b).
- j. Respondent failed to address in the plan appropriate containment and/or diversionary structures or equipment for mobile/portable containers, oil-filled operational equipment (as defined in 112.2), piping and related appurtenances as required in 40 CFR § 112.7(c).
- k. Respondent failed to perform inspections and tests at the facility in accordance with written procedures. Additionally, record of inspections or tests are not signed by supervisor or inspector and kept with Plan for a period of three years as required in 40 CFR § 112.7(e).
- l. The facility field operations do not adequately address the facility personnel, training, and oil discharge prevention procedures. Additionally, respondent failed to conduct training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations and general facility operation in accordance with 40 CFR § 112.7(f)(1).
- m. Respondent failed to conduct discharge prevention briefings at the facility, at least, once a year for oil handling personnel to assure adequate understanding of the Plan as required in 40 CFR § 112.7(f)(3).
- n. Respondent failed to address at the facility whether drains for dikes or equivalent measures are closed and sealed except when draining uncontaminated rainwater. Respondent must remove accumulated oil or the rainwater and then return it to storage or dispose of in accordance with legally approved methods. Specifically, facility failed to include in the plan bypass valve opened and resealed under responsible supervision and maintain adequate records of drainage in accordance with 40 CFR § 112.9(b)(1).
- o. Respondent failed to address in the plan field drainage systems (e.g., drainage ditches or road ditches) and oil traps, sumps, or skimmers inspected at regularly scheduled intervals

for oil, and accumulations of oil promptly removed in accordance with 40 CFR § 112.9(b)(2).

- p. During the inspection it was observed that facility tanks have corrosion and numerous leaks. Specifically, respondent failed to provide at the facility container materials and construction that are compatible with material stored and conditions of storage such as pressure and temperature as required in 40 CFR § 112.9(c)(1).
- q. Respondent failed to address in the plan secondary containment provided for all tank battery, separation and treating facilities sized to hold the capacity of largest single container and sufficient freeboard for precipitation. Respondent also failed to address in the plan drainage from undiked area safely confined in a catchment basin or holding pond in accordance with 40 CFR § 112.9(c)(2).
- r. Respondent failed to address in the plan and implement at the facility new and old tank batteries engineered/updated in accordance with good engineering practices to prevent discharges. Specifically, respondent failed to mention adequate container capacity to prevent overflow if a pumper/gauger is delayed in making regularly scheduled round, overflow equalizing lines between containers so that a full container can overflow to an adjacent container, adequate vacuum protection to prevent container collapse, or high level sensors to generate and transmit an alarm to the computer where the facility is subject to a computer production control system in accordance with 40 CFR § 112.9(c)(4).
- s. Respondent failed to implement at the facility all aboveground valves and piping associated with transfer operations are inspected periodically and upon a regular schedule to determine their general condition. Include the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items in accordance with 40 CFR § 112.9(d)(1).
- t. Respondent failed to address in the plan an oil spill contingency plan following the provisions of 40 CFR § 109. Respondent also failed to address a written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that might be harmful in accordance with 40 CFR § 112.9(d)(3)(i) - 112.9(d)(3)(ii).
- u. Respondent failed to address in the plan a maintenance program for flowlines and intra-facility gathering lines and associated valves and equipment are compatible with type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment in accordance with 40 CFR § 112.9(d)(4)(i).
- v. Respondent failed to address in the plan and implement at the facility a maintenance plan for flowlines and intra-facility gathering lines and associated appurtenances are visually inspected and/or tested on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge; repairs or other corrective actions are made to any flowlines and intra-facility gathering lines and associated



appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge; oil removed or other actions initiated to promptly stabilize and remediate any accumulations of oil discharges associated with the flowlines, intra-facility gathering lines, and associated appurtenances in accordance with 40 CFR § 112.9(d)(3)(ii) - 112.9(d)(3)(iv).

\*Penalty amount will include 146 bbl crude spill

**CERTIFICATE OF SERVICE**

I certify that the original and one copy of the foregoing "Consent Agreement and Final Order," issued pursuant to 40 C.F.R. 22.13(b), was filed on July 31, 2024, with the Regional Hearing Clerk, U.S. EPA Region 6, 1201 Elm Street, Dallas, TX 75270-2102; and that on the same date a copy of the same was sent to the following, in the manner specified below:

Copy by certified mail,  
return receipt requested:

NAME: Mr. Robert Chain  
ADDRESS: 2900 Galveston Road  
Texas City, TX 77591

**MICHAEL  
BLAHA**

Digitally signed by  
MICHAEL BLAHA  
Date: 2024.07.31 15:23:25  
-05'00'

---

Michael Blaha  
OPA Enforcement Officer