



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10, 1200 6th Ave., Suite 900, Seattle, Washington, 98101

REVISED EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-10-2012-0001

On: March 26, 2010
At: Thermo Fluids, Inc. - White City Facility in White City, Oregon
Owned or operated: Brian Haney dba Thermo Fluids, Inc. (Respondent)

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 violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

The parties are 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 \$1,400.00 (REVISED 02/09/2012).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the SPCC regulations, which are published at 40 CFR Part 112, and has violated the regulations as further described in the Form. The Respondent admits he/she is subject to 40 CFR Part 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 it may have to EPA's jurisdiction. The Respondent consents to the assessment of the penalty stated above. 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 \$1,400.00, payable to the "Oil Spill Liability Trust Fund" to: "US Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, PO Box 979077, St. Louis, MO 63197-9000". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2012-0001."

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.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 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 violations identified in the Form.

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 any 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. By its first signature, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

This Expedited Settlement is binding on the parties signing below, and is effective upon EPA's filing of the document with the Regional Hearing Clerk.

APPROVED BY EPA:

Signature of Edward J. Kowalski, Director, Office of Compliance and Enforcement, dated 2/17/2012

APPROVED BY RESPONDENT:

Name (print): BRIAN HANEY
Title (print): CORPORATE EHS MANAGER
Signature: [Signature] Date: 3/12/2012

Estimated cost for correcting the violation(s) is \$4000.00

IT IS SO ORDERED:

Signature of Thomas M. Jahnke, Regional Judicial Officer, EPA Region 10, dated 4/18/12

RECEIVED

12 APR 18 AM 11:29

HEARINGS CLERK
EPA -- REGION 10



**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 10 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

| | | | | | |
|--|---|-------------|---------------------|----------------|--------------|
| Company Name: Thermo Fluids, Inc. | Docket Number: CWA-10-2012-0001 | | | | |
| Facility Name: Thermo Fluids Inc. - White City Facility | Date: 03/26/2010 | | | | |
| Street Address: 535 Industrial Circle | Inspector's Name: Ryan Whitchurch, START Contractor / E&E; Dan Heister, OSC / EPA Region 10 | | | | |
| City: White City | EPA Approving Official: Edward J Kowalski: _____ | | | | |
| State: OR | Enforcement Contacts: | | | | |
| Zip Code: 97503 | <table border="0"> <tr> <td>Name</td> <td>Phone Number</td> </tr> <tr> <td>Kate Spaulding</td> <td>206-553-5429</td> </tr> </table> | Name | Phone Number | Kate Spaulding | 206-553-5429 |
| Name | Phone Number | | | | |
| Kate Spaulding | 206-553-5429 | | | | |

Facility Contact:

**Summary of Findings
(Bulk Storage Facilities)**

| | |
|---|-----------------|
| General Topics: 112.3(d), (e); 112.5(a), (b), (c); 112.7 (b), (c), (d) | \$250.00 |
| No Spill Prevention Control and Countermeasure Plan. | \$0.00 |
| Plan not certified by a professional engineer. | \$0.00 |
| No management approval of plan. | \$0.00 |
| Plan not available for review. | \$0.00 |
| Plan not maintained on site (applies if facility is manned at least eight (8) hours per day). | \$0.00 |
| No evidence of (5) five-year review of plan by owner/operator. | \$0.00 |
| ✓ No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential. | \$50.00 |
| ✓ Amendment(s) not certified by a professional engineer. | \$100.00 |
| Inadequate or no prediction of equipment failure which could result in discharges. | \$0.00 |
| ✓ Plan does not discuss appropriate containment/diversionary structures/equipment. | \$100.00 |
| Claiming installation of appropriate containment/diversionary structures is impractical but: | \$0.00 |
| No contingency plan. | \$0.00 |
| No written commitment of manpower, equipment, and materials. | \$0.00 |

| | |
|---|-----------------|
| Written Procedures and Inspection Records 112.7(e)(8) | \$0.00 |
| Inspections required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility. | \$0.00 |
| Written procedures and a record of inspections are not signed by facility supervisor. | \$0.00 |
| Written procedures and a record of inspections are not made part of the plan. | \$0.00 |
| Written procedures and a record of inspections are not maintained for (5) five years. | \$0.00 |
| Personnel Training and Spill Prevention Procedures 112.7(e)(10) | \$0.00 |
| No training on the operation and maintenance of equipment to prevent discharges. | \$0.00 |
| No training on the applicable laws, rules, and regulations. | \$0.00 |
| No designated person responsible for spill prevention. | \$0.00 |
| Spill prevention briefings are not scheduled and conducted periodically. | \$0.00 |
| Plan has inadequate or no discussion of personnel and spill prevention procedures. | \$0.00 |
| Facility Drainage, Onshore (excluding Production Facilities) 112.7(e)(1) | \$0.00 |
| Valves used to drain diked areas are not of manual, open-and-closed design (note: flapper-type valves should not be used). | \$0.00 |
| Pumps or ejectors not manually activated when diked storage areas drained. | \$0.00 |
| Drainage from undiked areas not into ponds, lagoons, or catchment basins, or no diversion systems to return spills to the facility. | \$0.00 |
| Plan has inadequate or no discussion of facility drainage. | \$0.00 |
| Bulk Storage Tanks (excluding Production Facilities) 112.7(e)(2) | \$750.00 |
| ✓ Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature. | \$300.00 |
| Secondary containment appears to be grossly inadequate. | \$0.00 |
| ✓ Materials of construction are not sufficiently impervious. | \$250.00 |
| Excessive vegetation which affects the integrity of the containment system. | \$0.00 |
| ✓ Walls of containment system are slightly eroded or have low areas. | \$200.00 |
| When drainage from diked areas is to a storm drain, open water course, or lake or pond: | \$0.00 |
| Bypass valve not normally sealed closed. | \$0.00 |
| Runoff rain water not inspected and/or will cause a harmful discharge as defined in 40 CFR 110. | \$0.00 |
| Bypass valve is not opened and resealed under responsible supervision. | \$0.00 |
| Adequate records of drainage events are not maintained. | \$0.00 |
| Underground tanks are not protected from corrosion or are not subjected to regular pressure testing. | \$0.00 |
| Partially buried tanks do not have buried sections protected from corrosion. | \$0.00 |
| Aboveground tanks not subject to periodic integrity testing, such as visual, hydrostatic, and nondestructive methods, etc. | \$0.00 |
| Outside of tank not frequently observed for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked area. | \$0.00 |
| Steam return /exhaust of internal heating coils which discharge into an open water course not monitored, passed through a settling tank, skimmer, or other separation system. | \$0.00 |
| Records of inspections of aboveground tanks are not maintained. | \$0.00 |
| Tanks are not "fail-safe" engineered: | \$400.00 |
| No audible or visual high liquid level alarm, or.... | \$0.00 |
| No high-level pump cutoff devices set to stop flow at a predetermined tank content level, or... | \$0.00 |
| No direct communications between tank gauger and pumping station, or... | \$0.00 |
| No fast response system for determining liquid levels, such as computers, telepulse or direct vision gauges. | \$0.00 |

| | |
|--|------------------|
| No testing of liquid level sensing devices to ensure proper operation. | \$0.00 |
| Disposal facilities which discharge plant effluents directly to navigable waters are not monitored frequently to detect oil spills. | \$0.00 |
| ✓ Visible oil leaks resulting in accumulations of oil in diked areas are not promptly corrected. | \$300.00 |
| ✓ Mobile or portable storage tanks are not positioned to prevent spilled oil from reaching navigable water, or are in area subject to flooding. | \$100.00 |
| Secondary containment inadequate for mobile or portable storage tanks. | \$0.00 |
| Plan has inadequate or no discussion of bulk storage tanks. | \$0.00 |
| Facility Transfer Operations, Pumping, and In-Plant Processes, onshore (excluding Production Facilities) 112.7(e)(3) | \$0.00 |
| Buried piping not corrosion protected with protective wrapping, coating, or cathodic protection. | \$0.00 |
| Corrective action not taken on buried piping when corrosion damage found. | \$0.00 |
| Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin. | \$0.00 |
| Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction. | \$0.00 |
| Aboveground valves and pipelines are not inspected regularly. | \$0.00 |
| Periodic pressure testing of the valves and pipelines is not conducted. | \$0.00 |
| Vehicle traffic not warned verbally or by appropriate signs of aboveground piping. | \$0.00 |
| Plan has inadequate or no discussion of facility transfer operations, pumping, and in-plant processes. | \$0.00 |
| Facility Tank Car and Tank Truck Loading/Unloading Rack, Onshore 112.7(e)(4) | \$0.00 |
| Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system. | \$0.00 |
| Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck. | \$0.00 |
| There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines. | \$0.00 |
| There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck. | \$0.00 |
| Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack | \$0.00 |
| Security (excluding Production Facilities) 112.7(e)(9) | \$0.00 |
| Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production. | \$0.00 |
| Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not secured in closed position when in a non-operating or standby status. | \$0.00 |
| 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. | \$0.00 |
| Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service. | \$0.00 |
| Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism. | \$0.00 |
| Plan has inadequate or no discussion of facility security. | \$0.00 |
| | TOTAL |
| | \$1400.00 |

RECEIVED

12 APR 24 AM 8:47

HEARINGS CLERK
EPA--REGION 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In The Matter Of: Thermo Fluids, Inc., Docket No. CWA-10-2012-0001** was filed with the Regional Hearing Clerk.

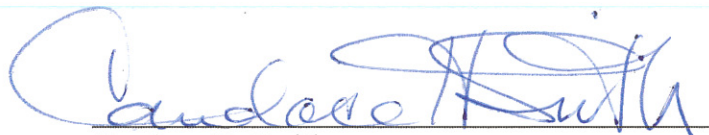
The undersigned certifies that a true and correct copy of the document was delivered to:

Kate Spaulding
U.S. Environmental Protection Agency
Region 10, M/S: OCE-133
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on to:

Mr. Troy Hacker
Thermal Fluids, Inc.
4301 West Jefferson
Phoenix, AZ 85043

DATED this 24 day of April, 2012.



Candace H. Smith
Regional Hearing Clerk
EPA, Region 10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

AUG 16 2011

RECEIVED

12 APR 24 PM 1:27

HEARINGS CLERK
OFFICE OF COMPLIANCE AND ENFORCEMENT
REGION 10

Reply To: OCE-133

CERTIFIED MAIL 7011 0470 0002 9128 3472
RETURN RECEIPT REQUESTED

Mr. Troy Hacker
Thermo Fluids, Inc.
4301 West Jefferson
Phoenix, Arizona 85043

Re: Expedited SPCC Settlement Agreement
Docket No. **CWA-10-2012-0001**
Thermo Fluids, Inc. – White City Facility

Dear Mr. Hacker:

On March 26, 2010, the subject facility was inspected by the Environmental Protection Agency (EPA). During the inspection, apparent violations of the Spill Prevention, Control and Countermeasures (SPCC) regulations were found. The specific allegations are identified in the enclosed SPCC Inspection Findings, Alleged Violations and Proposed Penalty Form (Penalty Form). EPA has authority under Section 311 of the Clean Water Act to pursue civil penalties for violations of the SPCC regulations. EPA encourages the expedited settlement of easily verifiable violations of SPCC requirements, such as the alleged violations cited in the Expedited SPCC Settlement Agreement (Settlement Agreement). The enclosed Settlement Agreement has been issued in accordance with 40 C.F.R. Part 22, "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."

You may resolve the cited violations quickly by **correcting the cited violations**, mailing a check for the penalty as described below, inserting in the space provided on the Settlement Agreement the estimated cost for correcting the violations, and signing and returning the original Settlement Agreement **within 30 days** of your receipt of this letter. In addition, please provide documentation such as photographs, an updated SPCC plan or other relevant materials showing that your facility has met the requirements and has come into compliance with 40 C.F.R. Part 112. As previously stated, as a condition of the settlement, you must correct the violations within 30 days of your receipt of this letter. EPA, at its discretion, may grant one 30-day extension to come into compliance if you demonstrate that it is technically infeasible or impractical to achieve compliance within 30 days. A request for a 30-day extension should be sent to:

Kate Spaulding, Enforcement Coordinator
EPA, Region 10
Mailstop OCE-133
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

The Settlement Agreement, when executed by both parties, is binding on both you and EPA. Upon receipt of the signed document and a check for the amount of the penalty, EPA will take no further action against you for the violations cited in the Settlement Agreement. EPA will neither accept nor approve the Settlement Agreement if returned more than 30 days after the date of your receipt of this letter unless an extension has been granted by EPA.

If you do not pay the penalty and return the Settlement Agreement within 30 days of your receipt of this letter, unless an extension has been granted by EPA, the Settlement Agreement will be automatically withdrawn without prejudice to EPA's ability to file an enforcement action for the cited violations. Failure to sign and return the Settlement Agreement and pay the penalty within the approved time does not relieve you of the responsibility to comply fully with the SPCC regulations, including correcting the violations that have been specifically identified in the Penalty Form. If you decide not to sign and return the Settlement Agreement and pay the penalty, EPA can pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$37,500 per violation up to a maximum penalty of \$177,500.

You are required in the Settlement Agreement to certify that you have corrected the violations and paid the penalty. As noted above, **you are also required to document the corrections you have made by providing adequate documentation addressed to the above referenced Enforcement Officer in Seattle.** The payment for the penalty amount must be in the form of a certified check payable to the Oil Spill Liability Trust Fund, with EPA and the Docket Number of the Expedited Settlement Agreement on the check. The Docket Number is located at the top of the left column of the Expedited Settlement Agreement. The check is to be sent by certified mail to:

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

You are also required to send a copy of the certified check and the original Expedited Settlement Agreement to:

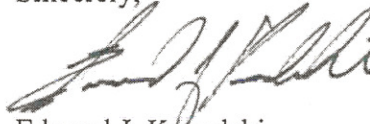
**Attn: Carol Kennedy, Regional Hearing Clerk
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900 (M/S ORC-158)
Seattle, WA 98101-1128**

You should retain a copy of the Settlement Agreement and of the penalty payment. EPA will forward to you a copy of the fully executed Expedited Settlement Agreement.

By terms of the Settlement Agreement, and upon EPA's receipt of the signed Settlement Agreement and a check for the amount of the penalty, you waive your opportunity for a hearing pursuant to Section 311 of the Clean Water Act. EPA will treat any response to the proposed Settlement Agreement, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing an expedited settlement of this matter.

If you have any questions, please contact Kate Spaulding, Enforcement Coordinator, at 206-553-5429.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc w/encl: Michael Zollitsch
Oregon Department of Environmental Quality



**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 10 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

| Company Name: Thermo Fluids, Inc. | Docket Number: CWA-10-2012-0001 | | | | |
|--|---|------|--------------|----------------|--------------|
| Facility Name: Thermo Fluids Inc. - White City Facility | Date: 03/26/2010 | | | | |
| Street Address: 535 Industrial Circle | Inspector's Name: Ryan Whitchurch, START Contractor / E&E; Dan Heister, OSC / EPA Region 10 | | | | |
| City: White City | EPA Approving Official: Edward J Kowalski: _____ | | | | |
| State: OR | Enforcement Contacts: | | | | |
| Zip Code: 97503 | <table border="0"> <thead> <tr> <th style="text-align: left;">Name</th> <th style="text-align: left;">Phone Number</th> </tr> </thead> <tbody> <tr> <td>Kate Spaulding</td> <td>206-553-5429</td> </tr> </tbody> </table> | Name | Phone Number | Kate Spaulding | 206-553-5429 |
| Name | Phone Number | | | | |
| Kate Spaulding | 206-553-5429 | | | | |

Facility Contact:

**Summary of Findings
(Bulk Storage Facilities)**

| | |
|---|-----------------|
| General Topics: 112.3(d), (e); 112.5(a), (b), (c); 112.7 (b), (c), (d) | \$250.00 |
| No Spill Prevention Control and Countermeasure Plan. | \$0.00 |
| Plan not certified by a professional engineer. | \$0.00 |
| No management approval of plan. | \$0.00 |
| Plan not available for review. | \$0.00 |
| Plan not maintained on site (applies if facility is manned at least eight (8) hours per day). | \$0.00 |
| No evidence of (5) five-year review of plan by owner/operator. | \$0.00 |
| ✓ No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential. | \$50.00 |
| ✓ Amendment(s) not certified by a professional engineer. | \$100.00 |
| Inadequate or no prediction of equipment failure which could result in discharges. | \$0.00 |
| ✓ Plan does not discuss appropriate containment/diversionary structures/equipment. | \$100.00 |
| Claiming installation of appropriate containment/diversionary structures is impractical but: | \$0.00 |
| No contingency plan. | \$0.00 |
| No written commitment of manpower, equipment, and materials. | \$0.00 |

| | |
|---|-----------------|
| Written Procedures and Inspection Records 112.7(e)(8) | \$0.00 |
| Inspections required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility. | \$0.00 |
| Written procedures and a record of inspections are not signed by facility supervisor. | \$0.00 |
| Written procedures and a record of inspections are not made part of the plan. | \$0.00 |
| Written procedures and a record of inspections are not maintained for (5) five years. | \$0.00 |
| Personnel Training and Spill Prevention Procedures 112.7(e)(10) | \$0.00 |
| No training on the operation and maintenance of equipment to prevent discharges. | \$0.00 |
| No training on the applicable laws, rules, and regulations. | \$0.00 |
| No designated person responsible for spill prevention. | \$0.00 |
| Spill prevention briefings are not scheduled and conducted periodically. | \$0.00 |
| Plan has inadequate or no discussion of personnel and spill prevention procedures. | \$0.00 |
| Facility Drainage, Onshore (excluding Production Facilities) 112.7(e)(1) | \$0.00 |
| Valves used to drain diked areas are not of manual, open-and-closed design (note: flapper-type valves should not be used). | \$0.00 |
| Pumps or ejectors not manually activated when diked storage areas drained. | \$0.00 |
| Drainage from undiked areas not into ponds, lagoons, or catchment basins, or no diversion systems to return spills to the facility. | \$0.00 |
| Plan has inadequate or no discussion of facility drainage. | \$0.00 |
| Bulk Storage Tanks (excluding Production Facilities) 112.7(e)(2) | \$750.00 |
| ✓ Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature. | \$300.00 |
| ✓ Secondary containment appears to be grossly inadequate. | \$0.00 |
| ✓ Materials of construction are not sufficiently impervious. | \$250.00 |
| Excessive vegetation which affects the integrity of the containment system. | \$0.00 |
| ✓ Walls of containment system are slightly eroded or have low areas. | \$200.00 |
| When drainage from diked areas is to a storm drain, open water course, or lake or pond: | \$0.00 |
| Bypass valve not normally sealed closed. | \$0.00 |
| Runoff rain water not inspected and/or will cause a harmful discharge as defined in 40 CFR 110. | \$0.00 |
| Bypass valve is not opened and resealed under responsible supervision. | \$0.00 |
| Adequate records of drainage events are not maintained. | \$0.00 |
| Underground tanks are not protected from corrosion or are not subjected to regular pressure testing. | \$0.00 |
| Partially buried tanks do not have buried sections protected from corrosion. | \$0.00 |
| Aboveground tanks not subject to periodic integrity testing, such as visual, hydrostatic, and nondestructive methods, etc. | \$0.00 |
| Outside of tank not frequently observed for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked area. | \$0.00 |
| Steam return /exhaust of internal heating coils which discharge into an open water course not monitored, passed through a settling tank, skimmer, or other separation system. | \$0.00 |
| Records of inspections of aboveground tanks are not maintained. | \$0.00 |
| Tanks are not "fail-safe" engineered: | \$400.00 |
| No audible or visual high liquid level alarm, or.... | \$0.00 |
| No high-level pump cutoff devices set to stop flow at a predetermined tank content level, or... | \$0.00 |
| No direct communications between tank gauger and pumping station, or... | \$0.00 |
| No fast response system for determining liquid levels, such as computers, telepulse or direct vision gauges. | \$0.00 |

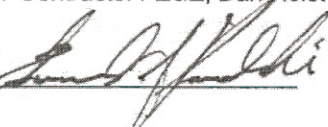
| | | |
|---|--|------------------|
| | No testing of liquid level sensing devices to ensure proper operation. | \$0.00 |
| | Disposal facilities which discharge plant effluents directly to navigable waters are not monitored frequently to detect oil spills. | \$0.00 |
| ✓ | Visible oil leaks resulting in accumulations of oil in diked areas are not promptly corrected. | \$300.00 |
| ✓ | Mobile or portable storage tanks are not positioned to prevent spilled oil from reaching navigable water, or are in area subject to flooding. | \$100.00 |
| | Secondary containment inadequate for mobile or portable storage tanks. | \$0.00 |
| | Plan has inadequate or no discussion of bulk storage tanks. | \$0.00 |
| | Facility Transfer Operations, Pumping, and In-Plant Processes, onshore (excluding Production Facilities) 112.7(e)(3) | \$0.00 |
| | Buried piping not corrosion protected with protective wrapping, coating, or cathodic protection. | \$0.00 |
| | Corrective action not taken on buried piping when corrosion damage found. | \$0.00 |
| | Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin. | \$0.00 |
| | Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction. | \$0.00 |
| | Aboveground valves and pipelines are not inspected regularly. | \$0.00 |
| | Periodic pressure testing of the valves and pipelines is not conducted. | \$0.00 |
| | Vehicle traffic not warned verbally or by appropriate signs of aboveground piping. | \$0.00 |
| | Plan has inadequate or no discussion of facility transfer operations, pumping, and in-plant processes. | \$0.00 |
| | Facility Tank Car and Tank Truck Loading/Unloading Rack, Onshore 112.7(e)(4) | \$0.00 |
| | Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system. | \$0.00 |
| | Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck. | \$0.00 |
| | There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines. | \$0.00 |
| | There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck. | \$0.00 |
| | Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack | \$0.00 |
| | Security (excluding Production Facilities) 112.7(e)(9) | \$0.00 |
| | Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production. | \$0.00 |
| | Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not secured in closed position when in a non-operating or standby status. | \$0.00 |
| | 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. | \$0.00 |
| | Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service. | \$0.00 |
| | Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism. | \$0.00 |
| | Plan has inadequate or no discussion of facility security. | \$0.00 |
| | TOTAL | \$1400.00 |



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 10 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

| | |
|--|--|
| ESA Generated Date: | 08/12/2011 |
| Company Name: | Docket Number: |
| Thermo Fluids, Inc. | CWA-10-2012-0001 |
| Facility Name: | Inspection Date: |
| Thermo Fluids Inc. - White City Facility | 03/26/2010 |
| Street Address: | Inspector's Name: |
| 535 Industrial Circle | Ryan Whitchurch, START Contractor / E&E; Dan Heister, OSC / EPA Region 10 |
| City: | EPA Approving Official: |
| White City | Edward J. Kowalski:  |
| State: | Enforcement Contacts: |
| OR | |
| Zip Code: | |
| 97503 | |

| Name/Title | Phone Number |
|----------------|--------------|
| Kate Spaulding | 206-553-5429 |
| | |
| | |

Facility Contact:

**Summary of Findings
(Bulk Storage Facilities)**

| | |
|---|-----------------|
| General Topics: 112.3(d), (e); 112.5(a), (b), (c); 112.7 (b), (c), (d) | \$250.00 |
| No Spill Prevention Control and Countermeasure Plan. | \$0.00 |
| Plan not certified by a professional engineer. | \$0.00 |
| No management approval of plan. | \$0.00 |
| Plan not available for review. | \$0.00 |
| Plan not maintained on site (applies if facility is manned at least eight (8) hours per day). | \$0.00 |
| No evidence of (5) five year review of plan by owner/operator. | \$0.00 |
| No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential. | \$50.00 |
| Amendment(s) not certified by a professional engineer. | \$100.00 |
| Inadequate or no prediction of equipment failure which could result in discharges. | \$0.00 |
| Plan does not discuss appropriate containment/diversionary structures/equipment. | \$100.00 |
| Claiming installation of appropriate containment/diversionary structures is impractical but: | \$0.00 |
| No contingency plan. | \$0.00 |
| No written commitment of manpower, equipment, and materials. | \$0.00 |

| | |
|---|-----------------|
| Written Procedures and Inspection Records 112.7(e)(8) | \$0.00 |
| Inspections required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility. | \$0.00 |
| Written procedures and a record of inspections are not signed by facility supervisor. | \$0.00 |
| Written procedures and a record of inspections are not made part of the plan. | \$0.00 |
| Written procedures and a record of inspections are not maintained for (5) five years. | \$0.00 |
| Personnel Training and Spill Prevention Procedures 112.7(e)(10) | \$0.00 |
| No training on the operation and maintenance of equipment to prevent discharges. | \$0.00 |
| No training on the applicable laws, rules, and regulations. | \$0.00 |
| No designated person responsible for spill prevention. | \$0.00 |
| Spill prevention briefings are not scheduled and conducted periodically. | \$0.00 |
| Plan has inadequate or no discussion of personnel and spill prevention procedures. | \$0.00 |
| Facility Drainage, Onshore (excluding Production Facilities) 112.7(e)(1) | \$0.00 |
| Valves used to drain diked areas are not of manual, open-and-closed design (note: flapper-type valves should not be used). | \$0.00 |
| Pumps or ejectors not manually activated when diked storage areas drained. | \$0.00 |
| Drainage from undiked areas not into ponds, lagoons, or catchment basins, or no diversion systems to return spills to the facility. | \$0.00 |
| Plan has inadequate or no discussion of facility drainage. | \$0.00 |
| Bulk Storage Tanks (excluding Production Facilities) 112.7(e)(2) | \$750.00 |
| Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature. | \$300.00 |
| Secondary containment appears to be grossly inadequate. | \$0.00 |
| Materials of construction are not sufficiently impervious. | \$250.00 |
| Excessive vegetation which affects the integrity of the containment system. | \$0.00 |
| Walls of containment system are slightly eroded or have low areas. | \$200.00 |
| When drainage from diked areas is to a storm drain, open water course, or lake or pond: | \$300.00 |
| Bypass valve not normally sealed closed. | \$0.00 |
| Runoff rain water not inspected and/or will cause a harmful discharge as defined in 40 CFR 110. | \$0.00 |
| Bypass valve is not opened and resealed under responsible supervision. | \$0.00 |
| Adequate records of drainage events are not maintained. | \$0.00 |
| Underground tanks are not protected from corrosion or are not subjected to regular pressure testing. | \$0.00 |
| Partially buried tanks do not have buried sections protected from corrosion. | \$0.00 |
| Aboveground tanks not subject to periodic integrity testing, such as visual, hydrostatic, and nondestructive methods, etc. | \$300.00 |
| Outside of tank not frequently observed for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked area. | \$0.00 |
| Steam return /exhaust of internal heating coils which discharge into an open water course not monitored, passed through a settling tank, skimmer, or other separation system. | \$0.00 |
| Records of inspections of aboveground tanks are not maintained. | \$0.00 |
| Tanks are not "fail-safe" engineered: | \$400.00 |
| No audible or visual high liquid level alarm, or.... | \$0.00 |
| No high-level pump cutoff devices set to stop flow at a predetermined tank content level, or... | \$0.00 |
| No direct communications between tank gauger and pumping station, or... | \$0.00 |
| No fast response system for determining liquid levels, such as computers, telepulse or direct vision gauges. | \$0.00 |
| No testing of liquid level sensing devices to ensure proper operation. | \$0.00 |

| | |
|--|------------------|
| Disposal facilities which discharge plant effluents directly to navigable waters are not monitored frequently to detect oil spills. | \$0.00 |
| Visible oil leaks resulting in accumulations of oil in diked areas are not promptly corrected. | \$300.00 |
| Mobile or portable storage tanks are not positioned to prevent spilled oil from reaching navigable water, or are in area subject to flooding. | \$100.00 |
| Secondary containment inadequate for mobile or portable storage tanks. | \$0.00 |
| Plan has inadequate or no discussion of bulk storage tanks. | \$0.00 |
| Facility Transfer Operations, Pumping, and In-Plant Processes, onshore (excluding Production Facilities) 112.7(e)(3) | \$0.00 |
| Buried piping not corrosion protected with protective wrapping, coating, or cathodic protection. | \$0.00 |
| Corrective action not taken on buried piping when corrosion damage found. | \$0.00 |
| Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin. | \$0.00 |
| Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction. | \$0.00 |
| Aboveground valves and pipelines are not inspected regularly. | \$0.00 |
| Periodic pressure testing of the valves and pipelines is not conducted. | \$0.00 |
| Vehicle traffic not warned verbally or by appropriate signs of aboveground piping. | \$0.00 |
| Plan has inadequate or no discussion of facility transfer operations, pumping, and in-plant processes. | \$0.00 |
| Facility Tank Car and Tank Truck Loading/Unloading Rack, Onshore 112.7(e)(4) | \$0.00 |
| Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system. | \$0.00 |
| Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck. | \$0.00 |
| There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines. | \$0.00 |
| There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck. | \$0.00 |
| Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack | \$0.00 |
| Security (excluding Production Facilities) 112.7(e)(9) | \$0.00 |
| Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production. | \$0.00 |
| Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not secured in closed position when in a non-operating or standby status. | \$0.00 |
| 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. | \$0.00 |
| Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service. | \$0.00 |
| Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism. | \$0.00 |
| Plan has inadequate or no discussion of facility security. | \$0.00 |
| | TOTAL |
| | \$1700.00 |

