

IN THE MATTER OF

Oil Patch Fuel & Supply, Inc.
South Shore Ice & Fuel, Inc.
Cameron County, Texas

Respondent.

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

Docket No. CWA-06-2026-4802

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, Delegation No. 2-52-A, dated January 18, 2017, and Delegation No. R6-2-52-A, dated January 20, 2017 (Complainant). 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 125 West South Shore Drive, Port Isabel, TX 78578 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 gasoline, diesel, hydraulic oil, and motor oil facility, located in Cameron County (the facility). The approximate coordinates of the facility are 26.068704° N and -97.20696° W. Drainage from the facility drains into the Intracoastal Waterway.

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 71,000 gallons.

9. The Intracoastal Waterway 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 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).

12. 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

13. Paragraphs 6 through 12 above are re-stipulated as though fully set forth herein.

14. 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.

15. On November 18, 2025, EPA inspected the facility and found that Respondent had failed to develop and implement an SPCC plan for the facility as follows:

- a. Respondent failed to amend the Spill Prevention Control and Countermeasure (SPCC) Plan to reflect changes in the facility design, construction, operation, or maintenance that materially affect the potential for a discharge, as required by 40 CFR § 112.5(a). Specifically, respondent failed to update the plan or implement it to account for the product change in 2009.
- b. The facility's SPCC plan is required to be reviewed and evaluated at least once every five years. Respondent failed to review, evaluate, and update the SPCC plan, as required by 40 CFR § 112.5(b).
- c. Respondent failed to provide an updated SPCC Plan, certified by a licensed Professional Engineer, that attests to all the required elements, as required by 40 CFR § 112.5(c).
- d. The SPCC plan provides an incomplete and/or inadequate description of the facility. Specifically, respondent failed to adequately address in the plan the following:

- Discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.) as required in 40 CFR § 112.7(a)(3)(ii).
 - Methods of Disposal of recovered materials, as required in 40 CFR § 112.7(a)(3)(v).
- e. Respondent failed to adequately identify and evaluate all potential oil discharge pathways to navigable waters or adjoining shorelines. Specifically, the SPCC Plan did not include the required prediction of the discharge direction for reasonably anticipated major equipment failure, as required by 40 CFR § 112.7(b).
- f. The facility maintains mobile/portable containers; however, the respondent failed to describe in the SPCC Plan or identify at the facility the required containment and/or diversionary structures or equipment for those containers, as mandated by 40 CFR § 112.7(c), to prevent discharges from the facility.
- g. While monthly inspections are being performed, the respondent did not adequately demonstrate that each individual tank is inspected in accordance with 40 CFR § 112.7(e).
- h. The SPCC Plan and field operations do not adequately address facility personnel, training, and oil discharge prevention procedures. Specifically, the respondent failed to sufficiently address the following items in both the Plan and at the facility:
- Training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operation; and contents of SPCC Plan, as required in 40 CFR § 112.7(f)(1); and
 - Discharge prevention briefings conducted at least once a year for oil handling personnel to ensure adequate understanding of the Plan., as required in 40 CFR § 112.7(f)(3).
- i. Respondent failed to discuss in the Plan whether brittle-fracture assessment of field-constructed aboveground containers are

performed after repairs, alterations, reconstruction, service changes, or after any discharge or failure due to brittle fracture or other catastrophic causes, nor whether required corrective actions are taken, as required under 40 CFR § 112.7(i).

- j. The SPCC Plan does not address whether the facility conforms with applicable more stringent State rules, regulations, and guidelines, as required under 40 CFR § 112.7(j).
- k. The Plan failed to discuss whether appropriate containment and/or diversionary structures are available to prevent discharges. Additionally, inspection documented numerous cracks, areas of corrosion, and large rooted vegetation within the secondary containment surrounding the largest tanks, in violation of 40 CFR §112.8(c)(2). These conditions compromise the structural integrity of the secondary containment and impair its ability to contain a discharge.
- l. The SPCC Plan and field operations show that the facility drains uncontaminated rainwater from the diked areas. However, the respondent failed to address whether the bypass valve is supervised when opened and resealed, and failed to demonstrate adequate recordkeeping, as required 40 CFR § 112.8(c)(3).
- m. The facility's SPCC Plan and/or field operations did not adequately address the following specific procedures for discharge prevention and containment:
 - Test or inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made
 - Identify in the Plan appropriate qualifications for personnel performing tests and inspections
 - Document the frequency and type of testing and inspections in accordance with industry standards, considering the container size, configuration and design
 - Maintain comparison records of aboveground container integrity testing
 - Regular inspection of container supports and foundations

- Frequent inspection of outside of containers for signs of deterioration, discharges, or accumulation of oil inside diked areas; and
- Maintain records of all inspections and tests, as required in 40 CFR § 112.8(c)(6).

n. The Respondent failed to address whether mobile or portable containers at the facility are positioned to prevent a discharge. Additionally, the respondent failed to address whether mobile or portable containers (excluding mobile refuelers and other non-transportation-related tank trucks) have secondary containment with sufficient capacity to contain the largest single compartment or container and sufficient freeboard to contain precipitation as required by 40 CFR § 112.8(c)(11).

16. 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.

Waiver of Rights

17. 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.

18. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

Penalty

19. The Complainant proposes, and Respondent consents to, the assessment of a civil penalty of **\$19,500.00**.

Payment Terms

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

20. The Respondent shall submit this Consent Agreement and Final Order, with original signature, via electronic mail to:

Energy Sector Compliance Section
U. S. Environmental Protection Agency
Region 6 (6ECD-WE)
1201 Elm Street
Dallas, TX 75270-2102
johnbull.enoch@epa.gov

21. Within thirty (30) days of the effective date of the Final Order, the Respondent shall pay the amount of \$19,500.00 to settle the violations as alleged in the CAFO.

22. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due, using any method or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA's How to Make a Payment website and will not pay with a paper check.

23. When making a payment, Respondent shall:
- a. Identify every payment with "OSTLF-311" and the docket number of this Agreement, Docket No CWA-06-2026-4802,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall also serve, via electronic mail, proof of such payment to the following person(s):

Lorena Vaughn
Regional Hearing Clerk (ORCD)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
vaughn.lorena@epa.gov

Energy Sector Compliance Section
U. S. Environmental Protection Agency
Region 6 (6ECD-WE)
1201 Elm Street
Dallas, TX 75270-2102
johnbull.enoch@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

24. 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) and in accordance with 40 C.F.R. Part 13. In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

25. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.


General Provisions

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

27. 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.

OIL PATCH FUEL & SUPPLY, INC.

Date: 4/6/2026



Christopher Perez
Safety Manager

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 5/1/2026



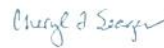
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Bryant Smalley
Chief
Water Enforcement Branch

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.



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Cheryl T Seager, Director
Enforcement and
Compliance Assurance Division

Docket No. CWA-06-2026-4802

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent on this day in the following manner to the email address:

Copy via Email to Respondent – Delivery Receipt Requested

christopher@oilpatchfuelandsupply.com

Mr. Christopher Perez
125 West South Shore Drive
Port Isabel, TX
78578

ENOCH
JOHNBULL

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ENOCH JOHNBULL
Date: 2026.05.07
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Enoch Johnbull
OPA Enforcement Officer