



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10, 1200 6th Avenue, Suite 900, Seattle, Washington, 98101

EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-10-2019-0073

On: June 5, 2018  
At: Nikiski Fuel - OSK Dock  
Owned or operated: Nikiski Fuel, LLC (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted a Spill Prevention, Control, and Countermeasures (SPCC) inspection on the above referenced date. Later, an EPA authorized representative used the inspection report to determine compliance with the Oil Pollution Prevention 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 \$1,475.

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 \$1,475, payable to the "Oil Spill Liability Trust Fund" to: "U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000". Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-10-2019-0073."


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.

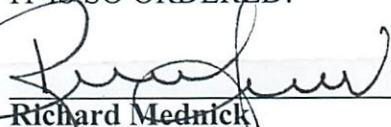
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent 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:  
  
Date: 4/18/2019  
Edward J. Kowalski, Director  
Enforcement & Compliance Assurance Division

APPROVED BY RESPONDENT:  
Name (print): Michael Peek  
Title (print): Operations Manager  
  
Date 4/30/19  
Signature

Estimated cost for correcting the violation(s) is \$5,000.00

IT IS SO ORDERED:  
  
Date May 28, 2019  
Richard Mednick  
Regional Judicial Officer  
EPA Region 10

RECEIVED

19 MAY 29 AM 8:16

HEARINGS CLERK  
EPA -- REGION 10

Certificate of Service

The undersigned certifies that the original signed by the Regional Judicial Officer of the attached **EXPEDITED SPCC SETTLEMENT AGREEMENT, In the Matter of: Nikiski Fuel, LLC, Docket No.: CWA-10-2019-0073**, was filed with the Regional Hearing Clerk, and that true and correct copies of the original were served on the addressees in the following manner on the date specified below:

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

Rick Cool, Compliance Officer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 155  
Mail Stop 20 - C04  
Seattle, Washington 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 to:

Mr. Mike Peek  
Operations Manager  
Nikiski Fuel, LLC  
52505 Nikiski Beach Road  
Nikiski, Alaska 99635

DATED this 29 day of May, 2019

  
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Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10