



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105  
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO.: SPCC-09-2011-0009

On: May 4, 2011

At: McGee Creek Maintenance Facility  
Mammoth Lakes, CA 93546

Owned & Operated by: Cal Trans (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 failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM ("Form"), which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits to being subject to 40 CFR § 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. Respondent may have to EPA's jurisdiction.

EPA is 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 \$650.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: 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 \$650.00, payable to the "Treasurer, United States of America" with the notation "Spill Fund - 311" and the Docket Number stated above.

This Expedited Settlement must be returned by certified mail to: OPA Enforcement Coordinator, U.S. Environmental Protection Agency, Region 9 (SFD-9-4), 75 Hawthorne Street, San Francisco, California 94105-3901. The certified check for payment must 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.

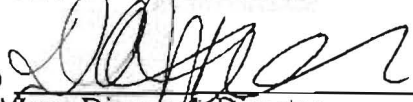
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the

violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take an 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.

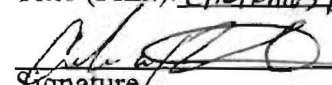
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the party signing below, and is effective immediately on the date filed with the Regional Hearing Clerk. If Respondent does not sign and return this Expedited Settlement presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn with prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.


APPROVED BY EPA:

 Date 7/8/11  
Jane Diamond, Director  
Superfund Division

APPROVED BY RESPONDENT:

Name (Print): Andy Richard  
Title (Print): CALTRANS DIST 9 Hazard Manager  
 Date 6-29-11  
Signature

IT IS SO ORDERED:


 Date 07/13/11  
Steven Jawgiel  
Regional Judicial Officer

2011 JUL 18 AM 9:51  
REGIONAL HEARING CLERK  
FILED  
R9 REV. 11/3/07

## 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 9 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:	Docket Number:	
Cal Trans	SPCC-09-11-0009	
Facility Name:	Date:	
McGee Creek Maintenance Facility	May 4, 2011	
Address:	Inspection Number:	
Hwy 395	11-4040	
City:	Inspector Name:	
Mammoth Lakes	Pete Reich	
State:	Zip Code:	EPA Approving Official:
CA	93546	Jane Diamond
Contact:	Enforcement Contact:	
Mr. Andy Richard	Mark Samolis (415) 947-4273	

### Summary of Findings (Bulk Storage Facilities)

**GENERAL TOPICS: 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)**  
(When the SPCC Plan review penalty exceeds \$1,500.00 enter only the maximum allowable of \$1,500.00.)

<input type="checkbox"/>	No Spill Prevention Control and Countermeasure Plan-112.3 .....	\$1,000.00
<input type="checkbox"/>	Plan not certified by a professional engineer- 112.3(d) .....	450.00
<input checked="" type="checkbox"/>	Certification lacks one or more required elements - 112.3(d)(1).....	100.00
<input type="checkbox"/>	No management approval of plan- 112.7.....	450.00
<input type="checkbox"/>	Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112.3(e)(1).....	300.00
<input type="checkbox"/>	No evidence of five-year review of plan by owner/operator- 112.5(b) .....	75.00
<input checked="" type="checkbox"/>	No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential- 112.5(a) .....	75.00
<input checked="" type="checkbox"/>	Amendment(s) not certified by a professional engineer- 112.5(c) .....	150.00
<input checked="" type="checkbox"/>	Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7 .....	150.00
<input type="checkbox"/>	Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7 .....	75.00

- Inspections and tests required are not in accordance with written procedures developed for the facility- 112.7(e) .. 75.00
- No Inspection records were available for review - 112.7(e) .....200.00
- Written procedures and/or a record of inspections and/or customary business records:
- Are not signed by appropriate supervisor or inspector- 112.7(e) ..... 75.00
- Are not maintained for three years- 112.7(e)..... 75.00

**PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)**

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- No training on the operation and maintenance of equipment to prevent discharges and or facility operations - 112.7(f)(1)..... 75.00
- No training on discharge procedure protocols- 112.7(f)(1) ..... 75.00
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112.7(f)(1) ..... 75.00
- Training records not maintained for 3 years- 112.7(f)(1) ..... 75.00
- No designated person accountable for spill prevention- 112.7(f)(2)..... 75.00
- Spill prevention briefings are not scheduled and conducted at least annually- 112.7(f)(3) ..... 75.00
- Plan has inadequate or no discussion of personnel and spill prevention procedures-112.7(a)(1) ..... 75.00

**SECURITY (excluding Production Facilities) 112.7(g)**

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- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production- 112.7(g)(1). ..... 150.00
- Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g)(2).....300.00
- 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- 112.7(g)(3). ..... 75.00
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status- 112.7(g)(4). ..... 75.00
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112.7(g)(5). ..... 150.00
- Plan has inadequate or no discussion of facility security-112.7(a)(1) ..... 75.00

**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)**

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- Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112.7(c).....400.00
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1)..... 750.00

- Excessive vegetation which affects the integrity ..... 150.00
- Walls of containment system slightly eroded or have low areas.....300.00
- Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing- 112.8(c)(4)..... 150.00
- Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5)..... 150.00
- Aboveground tanks are not subject to visual inspections- 112.8(c)(6).....450.00
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6). .....450.00
- Records of inspections (or customary business records) do not include inspections of tank supports/foundation, deterioration, discharges and/or accumulations of oil inside diked areas- 112.8(c)(6).....75.00
- Steam return /exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system- 112.8(c)(7). ..... 150.00
- Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112.8(c)(8).....450.00
- No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v) .....75.00
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112.8(c)(9) ..... 150.00
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10) ..... 450.00
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112.8(c)(11)..... 150.00
- Secondary containment inadequate for mobile or portable storage tanks- 112.8(c)(11)..... 750.00
- Plan has inadequate or no discussion of bulk storage tanks-112.7(a)(1) ..... 75.00

**FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)**

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- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112.8(d)(1). ... 150.00
  - Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112.8(d)(1) .....450.00
  - Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2) .....75.00
  - Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112.8(d)(3).....75.00
  - Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4) .....300.00
  - Periodic integrity and leak testing of buried piping is not conducted- 112.8(d)(4) ..... 150.00
  - Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112.8(d)(5). ..... 150.00

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order (Docket No. SPCC-09-2011-0009) against Caltrans/McGee Creek Maintenance Facility, was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

**CERTIFIED MAIL NUMBER:** 7010-1060-0002-0242-7587

Mr. Andy Richard  
Cal Trans/McGee Creek Maintenance Facility  
Hwy 395  
Mammoth Lakes, CA 93546



Bryan K. Goodwin  
Bryan K. Goodwin  
Regional Hearing Clerk  
U.S. EPA, Region IX

7/17/11

Date