



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 901 N. 5th ST., KANSAS CITY, KANSAS 66101

10 MAY 12 PM 3:42

DOCKET NO. CWA-07-2010-0087

On October 20, 2009

At: 17939 Canyon Road, Russell, Kansas

Owned or operated by Plains Pipeline(Respondent), discharged 55 gallons of oil in violation of regulations promulgated at 40 C.F.R. Part 112 under Section 311(b)(3) of the Clean Water Act as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM, (Form), which is hereby incorporated by reference.

This proceeding and the Expedited Settlement are 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 C.F.R. §§ 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 \$500.

This settlement is subject to the following terms and conditions:

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 \$500, payable to the "Environmental Protection Agency," via certified mail to:

U.S. Environmental Protection Agency
P.O. Box 979077
St. Louis, MO 63197-9000

and Respondent has noted on the penalty payment check Docket No. CWA-07-2010-0087 and "OSLTF - 311." The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:

Paula Higbee
U.S. Environmental Protection Agency
Region 7, AWMD/STOP
901 N. 5th Street
Kansas City, KS 66101

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the oil spill 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 Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

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.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:
[Signature] Date 5-5-2010
Chief, Storage Tank and Oil Pollution Branch (STOP)
Air and Waste Management Division

APPROVED BY RESPONDENT:
Name (print): TROY E. VALENZUELA
Title (print): VICE PRESIDENT - E.H.S.
Signature: [Signature]
Date: 4-19-10

The estimated cost for correcting the violation(s) is:
\$ 6182.82

IT IS SO ORDERED:
[Signature] Date May 12, 2010
Robert L. Patrick
Regional Judicial Officer

## FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. Plains Pipeline is a corporation organized under the laws of Delaware with a right-of-way pipeline located at 17939 Canyon Road, Russell, Kansas. The Respondent is a person within the meaning of Section 311 (a)(7) of the Act, 33 U.S.C. §1321 (a)(7).

2. Respondent is the (owner/operator) of an onshore facility within the meaning of Section 311 (a)(10) of the Act, 33 U.S.C. §1321 (a)(10) of the Act, which is located on a right-of-way located at 17939 Canyon Road, Russell, Kansas.

3. Section 311(b)(3) of the Act prohibits the discharge of oil 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. MAY

4. 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 C.F.R. § 110.3 to include discharges of oil that cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines.

5. On October 20, 2009, respondent discharged 1 barrel of oil as defined in Section 311 (a)(1) of the Act, 33 U.S.C. §1321(a)(1), and 40 C.F.R. §110.1, from its facility into or upon the Saline River and/or adjoining shorelines.

6. The Saline River is a navigable water of the United States as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 C.F.R. §110.1.

7. Respondent's October 20, 2009, discharge of oil from its facility caused [a sheen upon or discoloration of the surface of the Saline River and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. §110.3, which implements Sections 311(b)(3) and (b)(4) of the Act.

8. Respondent's October 20, 2009, discharge of oil from its facility into or upon the Saline River and/or adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. §110.3 violated Section 311(b)(3) of the Act. Pursuant to Section 311(b)(6)(B)(i) of the Act, and 40 C.F.R. 19.4, the respondent is liable ~~from~~ civil penalties of up to \$16,000 per violation, up to a maximum of \$37,500. FOR?

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IN THE MATTER OF Plains Pipeline, Respondent  
Docket No. CWA-07-2010-0087

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited SPCC Settlement Agreement was sent this day in the following manner to the addressees:

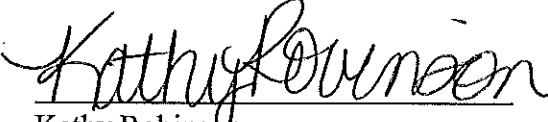
Copy hand delivered to  
Attorney for Complainant:

Howard Bunch  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Troy E. Valenzuela, Vice President EH&S  
Plains Pipeline  
17939 Canyon Road  
Russell, Kansas 67665

Dated: 5/14/10

  
Kathy Robinson  
Hearing Clerk, Region 7