



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1
5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912
EXPEDITED SETTLEMENT AGREEMENT**

**In the Matter of American GreenFuels, LLC, New Haven, CT
Docket No. CWA-01-2023-0035**

Received by
EPA Region 1
Hearing Clerk

The U.S. Environmental Protection Agency ("EPA") has determined that the facility owned and operated by American GreenFuels, LLC ("Respondent") and located at 30 Waterfront Street, New Haven, Connecticut was in noncompliance with the Oil Pollution Prevention regulations promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321(j), by failing to have an adequate and fully implemented Spill Prevention, Control and Countermeasure ("SPCC") plan as noted on the attached SPCC Inspection Findings and Violation Form ("Violation Form"). The Parties enter into this Expedited Settlement Agreement to settle EPA's claims for such violation for a total penalty of \$9,623. The Parties are authorized to enter into this Expedited Settlement Agreement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and in accordance with 40 C.F.R. § 22.13(b) and 22.18.

copy of the Expedited Settlement Agreement will also be electronically conveyed to the Respondent.

This Expedited Settlement Agreement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail. Respondent understands that the mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

This settlement is subject to the following terms:

If Respondent does not sign and return this Expedited Settlement Agreement within 30 days of the date of its receipt, the proposed Expedited Settlement offer is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the violation form.

EPA finds that the Respondent is subject to the applicable Oil Pollution Prevention regulations and has violated the regulations by failing to have an adequate and fully implemented SPCC plan. Respondent admits it is subject to the Oil Pollution Prevention regulations and neither admits nor denies that it is in violation of such regulations. Respondent waives any objections it may have to EPA's jurisdiction and consents to the assessment of the penalty stated above.

After this Expedited Settlement Agreement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described herein through the effective date of this Expedited Settlement Agreement. EPA does not waive any rights to take enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

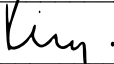
Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has corrected the violations identified in the Violation Form and has made an electronic payment or has sent a bank, cashier's, or certified check in the amount of \$9,623, payable to the United States Treasury to: Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the case name and docket number ("In the Matter of American GreenFuels, LLC Docket No. CWA-01-2023-0035") and "Oil Spill Liability Trust Fund - 311." If making an electronic payment Respondent shall follow the instructions available for making payments to EPA available at <https://www.epa.gov/financial/makepayment>

APPROVED BY EPA:

Date: _____
James Chow, Acting Director, Enforcement and Compliance
Assurance Division

Respondent shall send an electronic copy of the check, or electronic proof of payment, to Diane Boudrot, at: Boudrot.diane@epa.gov and to Wanda Santiago, Regional Hearing Clerk at: R1_Hearing_Clerk_Filings@epa.gov.

APPROVED BY RESPONDENT:

Name (print): Kevin Luddy
Title (print): Executive VP & Chief Financial Officer
Signature:  Date: Feb. 23, 2023


Upon signing and returning this Expedited Settlement Agreement 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 Agreement without further notice.

IT IS SO ORDERED:

Once the Expedited Settlement Agreement is signed by the Regional Judicial Officer, it will be electronically filed with the Regional Hearing Clerk and a copy mailed or emailed to the U.S. EPA Cincinnati Finance Office. A

Date: _____
LeAnn Jensen
Regional Judicial Officer

**Spill Prevention Control and Countermeasure Inspection
Findings and Violations Form**

Company Name:		Docket Number:		
American GreenFuels, LLC		CWA-01-2023-0035		
Facility Name:		Date of Inspection:		
American GreenFuels, LLC		November 15, 2022		
Corporate Address:		Facility Address		
30 Waterfront Street		Same		
City:		Inspector's Name(s):		
New Haven, Connecticut 06512		Joseph Canzano and Gerry Keefe		
State:	Zip Code:			
Same as Above	Same as Above	Same as Above		
Facility Contact:		Enforcement Contact:		
Ming Chai, Plant Manager MChai@americangreenfuels.com Tel: 203-672.9028x106 Peter Baiardi, HSE Manager PBaiardi@americangreenfuels.com Tel: 203-672-9028x103		Joseph Canzano, Inspector canzano.joseph@epa.gov Tel: 617-918-1763 Gerry Keefe, Inspector keefe.jerry@epa.gov Tel: 617-918-8376		

Summary of Findings

On May 15, 2022, the Facility reported a discharge of biofuel oil from a tanker truck during transfer at a loading rack into the New Haven Harbor by way of a storm drain. According to Facility representatives, 250 gallons spilled at the loading rack and a small quantity flowed into a nearby storm drain which discharges into the New Haven Harbor.

On December 1, 2022, EPA conducted an announced inspection at the Facility. Facility representatives informed EPA inspectors that the loading rack's spill containment system did not fully contain the spilled oil during transfer. Facility representatives also informed the inspectors that the Facility implemented certain changes following the May 2022 spill, including the installation of additional berm and an emergency shut off switch, changing standard operating procedures for transfers at the loading rack, and adding an oil filled container. Additionally, Facility representatives informed the inspectors that the Facility had instituted certain changes which materially affects its potential for discharge but did not fully amend the SPCC plan, including the site diagram, within six months of changes.

On December 21, 2022, the Facility submitted to EPA an amended SPCC plan which includes Facility changes and corrects SPCC plan violations. This ESA resolves violations listed below from May 15, 2022 through December 21, 2022.

(Bulk Storage Facilities)

GENERAL TOPICS: 40 CFR §112.3(a), (d), (e); §112.5(a), (b), (c); §112.7 (a), (b), (c), (d)

- No Spill Prevention Control and Countermeasure Plan - *112.3*
- Plan not certified by a professional engineer - *112.3(d)*
- Certification lacks one or more required elements - *112.3(d)(1)*
- Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - *112.3(e)(1)*
- 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)*
- No evidence of five-year review of plan by owner/operator - *112.5(b)*
- Amendment(s) not certified by a professional engineer - *112.5(c)* -
- No management approval of plan - *112.7*
- Plan does not follow sequence of the rule and/or cross-reference not provided - *112.7*
- Plan does not discuss additional procedures/methods/equipment not yet fully operational - *112.7*
- Plan does not discuss conformance with SPCC requirement - *112.7(a)(1)*
- Plan does not discuss alternative environmental protection to SPCC requirements - *112.7(a)(2)*
- Plan has inadequate or no facility diagram, - *112.7(a)(3)*
- Inadequate or no listing of type of oil and storage capacity of containers - *112.7(a)(3)(i)*
- Inadequate or no discharge prevention measures - *112.7(a)(3)(ii)*
- Inadequate or no description of drainage controls - *112.8(b)(3)*
- Inadequate or no description of countermeasures for discharge discovery, response and cleanup - *112.7(a)(3)(iv)*
- Methods of disposal of recovered materials not in accordance with legal requirements - *112.7(a)(3)(v)*
- No contact list & phone numbers for response & reporting discharges - *112.7(a)(3)(vi)*
- Plan has inadequate or no information and procedures for reporting a discharge - *112.7(a)(4)*
- Plan has inadequate or no description and procedures to use when a discharge may occur - *112.7(a)(5)*
- Inadequate or no prediction of equipment failure which could result in discharges - *112.7(b)*
- Plan does not discuss, and facility does not implement appropriate containment/diversionary structures/equipment - *112.7(c)*
- Inadequate containment or drainage for Loading Area - *112.7(c)*
- Plan has no or inadequate discussion of any applicable more stringent State regulations, and guidelines - *112.7(j)*

- Plan did not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e). [40 CFR 112.20\(f\)](#)

- If claiming impracticability of appropriate containment/diversionary structures:

- Impracticability has not been clearly denoted and demonstrated in plan - [112.7\(d\)](#)
- No periodic integrity and leak testing - [112.7\(d\)](#)
- No contingency plan - [112.7\(d\)\(1\)](#)
- No written commitment of manpower, equipment, and materials - [112.7\(d\)\(2\)](#)
- Plan has no or inadequate discussion of general requirements not already specified - [112.7\(j\)](#)

QUALIFIED FACILITY REQUIREMENTS: §112.6

- Qualified Facility: No Self certification - [112.6\(a\)](#)
- Qualified Facility: Self certification lacks required elements - [112.6\(a\) or \(b\)](#)
- Qualified Facility: Technical amendments not certified - [112.6\(a\) or \(b\)](#)
- Qualified Facility: Qualified Facility Plan includes alternative measures not certified by licensed Professional Engineer - [112.6\(b\)](#)
- Facility: Environmental Equivalence or Impracticability not certified by licensed Professional Engineer - [112.6\(b\)\(4\)](#)

WRITTEN PROCEDURES AND INSPECTION RECORDS: §112.7(e)

- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - [112.7\(e\)](#)
- Inspections and tests required are not in accordance with written procedures developed for the facility. - [112.7\(e\)](#)
- No Inspection records were available for review - [112.7\(e\)](#)
- Are not signed by appropriate supervisor or inspector- [112.7\(e\)](#)
- Are not maintained for three years - [112.7\(e\)](#)

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES: §112.7(f)

- No training documentation on the operation and maintenance of equipment to prevent discharges and for facility operations - [112.7\(f\)\(1\)](#)
- No training on discharge procedure protocols - [112.7\(f\)\(1\)](#)
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan - [112.7\(f\)\(1\)](#)
- No designated person accountable for spill prevention - [112.7\(f\)\(2\)](#)

- Spill prevention briefings are not scheduled and conducted at least once a year - *112.7(f)(3)*
- Plan has inadequate or no discussion of personnel training and spill prevention procedures - *112.7(a)(1)*

SECURITY (excluding Production Facilities): §112.7(g)

- Plan does not describe how the facility secures and controls access to the oil handling, processing and storage areas - *112.7(g)*
- Master flow and drain valves not secured - *112.7(g)*
- Starter controls on oil pumps not secured to prevent unauthorized access - *112.7(g)*
- Out-of-service and loading/unloading connections of oil pipelines not adequately secured - *112.7(g)*
- Plan does not address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges - *112.7(g)*

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK: §112.7(h)

- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system - *112.7(h)(1)*
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck - *112.7(h)(1)*
- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before completing disconnect from transfer lines - *112.7(h)(2)*
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck - *112.7(h)(3)*
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-*112.7(a)(1)*

QUALIFIED OIL OPERATIONAL EQUIPMENT: §112.7(k)

- Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge - *112.7(k)(2)(i)*
- Failure to provide an oil spill contingency plan - *112.7(k)(2)(ii)(A)*
- No written commitment of manpower, equipment, and materials - *112.7(k)(2)(ii)(B)*

FACILITY DRAINAGE: §112.8(b) & (c) and/or §112.12(b) & (c)

- Two “lift” pumps are not provided for more than one treatment unit - *112.8(b)(5)*

- Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge - *112.8(b)(1)&(2) and 112.8(c)(3)(i)*
- Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision - *112.8(c)(3)(ii) & (iii)*
- Adequate records (or NPDES permit records) of drainage from diked areas not maintained - *112.8(c)(3)(iv)*
- Drainage from un-diked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility - *112.8(b)(3)&(4)*
- Plan has inadequate or no discussion of facility drainage - *112.7(a)(1)*

BULK STORAGE CONTAINERS: § 112.7(i), §112.8(c) and/or §112.12(c)

- Failure to conduct evaluation of field-constructed aboveground containers for risk of discharge or failure due to brittle fracture or other catastrophe - *112.7(i)*
- Material and construction of containers not compatible with the oil stored and the conditions of storage such as pressure and temperature - *112.8(c)(1)*
- Secondary containment capacity is inadequate - *112.8(c)(2)*
- Secondary containment systems are not sufficiently impervious to contain oil - *112.8(c)(2)*
- Completely buried metallic tanks are not protected from corrosion or are not subjected to regular pressure testing - *112.8(c)(4)*
- Buried sections of partially buried metallic tanks are not protected from corrosion - *112.8(c)(5)*
- Above ground containers are not subject to periodic integrity testing techniques such as visual inspections, hydrostatic testing, or other nondestructive testing methods - *112.8(c)(6)*
- Above ground tanks are not subject to visual inspections - *112.8(c)(6)*
- Records of inspections (or customary business records) do not include inspections of container supports/foundation, signs of container deterioration, discharges and/or accumulations of oil inside diked areas - *112.8(c)(6)*
- Steam return /exhaust of internal heating coils that discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system - *112.8(c)(7)*
- Container installations are not engineered or updated in accordance with good engineering practice because none of the following are present - *112.8(c)(8)*
 - high liquid level alarm with audible or visual signal, or audible air vent - *112.8(c)(8)(i)*
 - high liquid level pump cutoff devices set to stop flow at a predetermined level - *112.8(c)(8)(ii)*
 - direct audible or code signal communication between container gauger and pumping station - *112.8(c)(8)(iii)*
 - fast response system for determining liquid level of each bulk storage container, or direct vision gauges with a person present to monitor gauges and the overall filling of bulk storage containers - *112.8(c)(8)(iv)*
- No testing of liquid level sensing devices to ensure proper operation - *112.8(c)(8)(v)*

- Effluent treatment facilities not observed frequently to detect possible system upsets that could cause a discharge as described in §112.1(b) - *112.8(c)(9)*
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected - *112.8(c)(10)*
- Mobile or portable storage containers are not positioned or located to prevent discharged oil from reaching navigable water, or have inadequate secondary containment - *112.8(c)(11)*
- Secondary containment inadequate for mobile or portable storage tanks - *112.8(c)(11)*
- Plan has inadequate or no discussion of bulk storage tanks - *112.7(a)(1)*

FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS: §112.8(d) and §112.12(d)

- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection - *112.8(d)(1)*
- Corrective action is not taken on exposed sections of buried piping when deterioration is found - *112.8(d)(1)*
- Not-in-service or standby piping is not capped or blank-flanged and marked as to origin - *112.8(d)(2)*
- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction - *112.8(d)(3)*
- Above ground valves, piping and appurtenances are not inspected regularly- *112.8(d)(4)*
- Periodic integrity and leak testing of buried piping is not conducted at time of installation, modification, construction, relocation, or replacement - *112.8(d)(4)*
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations - *112.8(d)(5)*
- Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process - *112.7(a)(1)*