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July 30, 2010

Ms. Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Docket no. CWA-08-2010-0020

Dear Ms. Artemis:

This correspondence will verify receipt of the administrative complaint dated July 26, 2010 and received July 28, 2010, in Price, Utah.

We have been working on the recommendations outline in Ms. Nakad's September 1, 2009 on site inspection. We have contacted the consulting firm used in our original spill prevention and control and countermeasure (SPCC) plan written in July of 2000 asking for their assistance in updating our plan to include Ms. Nakad's comments. Additionally, we have been working on the dirt berm and concrete retaining wall mentioned in Ms. Nakad's notes.

We began immediately after our inspection making the improvements outlined on the inspection report. Photos of our progress were sent to Ms. Nakad. She replied to the photos on September 30, 2009 (see copy of her remarks, exhibit 1). I responded to Ms. Nakad on October 1, 2009 (copy attached exhibit 2; I apologize for the poor quality).

I was somewhat taken back by the July 26, 2010 complaint letter. We do of course wish to contest the allegations and penalties outlined in the complaint. Your assistance in doing so would be appreciated.

I intend to forward the information from the engineering firm updating our SPCC plan. Please advise any additional information required.

Sincerely,

Ellis L. Pierce
President
Pierce Oil Company, Inc.

EXHIBIT 1

From:**Date:** 09/30/09 10:43:52**To:****Cc:****Subject:** Re: Fw: 18 pictures for you

I had a look at the photos you sent. It is good that you compacted the dirt berm before you put the loose stones on top. However, I think it would serve you better to put the straw bales behind the dirt/stone berm rather than behind the concrete berm (unless there are cracks in the concrete berm - if so, the cracks must be repaired). You must maintain the dirt/stone berm to ensure that it does not wear or wash away as the previous berm did. I am also concerned as to whether the totes (if any have oil in them) on the west side have enough berm left along the south side. It was difficult to tell when I did the inspection due to the vegetation. Please check to ensure that a discharge from the totes would not flow down gradient to the storm drain in the street behind the facility. While you only have to provide containment sufficient for the largest tote, the containment must be able to prevent a discharge to navigable waters. The slope on the south side is quite steep towards the storm drain and a discharge may flow quickly to the drain especially during a rain event.

Should you open a road to the street behind the facility, you will need to install a traffic bump or trench to ensure that you have sufficient containment to prevent discharged oil from flowing off site into the storm drain in the street as the storm drains discharges to the Price River. Also did you install any berm on the east side of the warehouse where there are drums without containment near the fence?

I have not received corrections to the SPCC Plan. If that has been accomplished, please send the revised pages to the SPCC Plan.

Jane Nakad
OPA Compliance Specialist and Enforcement Officer
Technical Enforcement Program
303-312-6202

U.S. Environmental Protection Agency
Mail Code: 8ENF-UFO
1595 Wynkoop Street
Denver, CO 80202

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EXHIBIT 2

From:
 Date: 10/01/09 08:19:58
 To:
 Cc:
 Subject: Re: Fw: 12 pictures for you

Ms. Nakad

Your suggestion to place the straw bales behind the dirt berm makes sense. I will attend to it.

The concrete retaining wall does not have any cracks in it. The purpose of the straw is to filter any contaminants that may find their way into the containment.

Should release occur from a leak on the west side the dirt berm would direct any liquid into the containment provided by the concrete retaining wall, not towards the storm drain on Price river drive.

It is my intention to open an entrance to the city street. When that is done I will address a water way that will insure any potential for contamination will be addressed.

It was my intention to make the corrections to the SPCC plan after I have addressed all the issues we discussed. I have constructed a berm behind the storage shed on the south east side of the property. That project is nearly complete. I will send you pictures upon completion.

Thank you for your assistance. I appreciate your help and patience.

Eric Pierce
 Pierce Oil Co. Inc
 P O Box 792
 Price, Utah 84501
 435 637 3211 X 12
 Fax 435 637 6628

----- Original Message -----

From:
 Date: 10/01/09 10:41:52
 To:
 Cc:
 Subject: Re: Fw: 18 pictures for you

I will look at the photos you sent. It is good that you compacted the dirt berm before you put the loose stones on top. However, I think it would be better to put the straw bales behind the dirt berm rather than behind the concrete berm to catch any leaks. The straw bales will catch any leaks that occur before they reach the concrete berm. If you have any questions, please let me know.