



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10, 1200 6th Ave., Seattle, Washington, 98101

EXPEDITED SPCC SETTLEMENT AGREEMENT

DOCKET NO. CWA-OPA 10-2008-0006

On June 26, 2007

At: Bailey Oil Company

Owned or operated: Dee Ray Bailey (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 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 **\$1,150**

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 \$1,150, payable to the "Environmental Protection Agency," to: "USEPA, P.O. Box 371099M, Pittsburgh, Pa. 15251," and Respondent has noted on the penalty payment check "Spill Fund-311" and the docket number of this case, "CWA-OPA 10-2008-0006."

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 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:

Kimberly A. Ogle Date: 10/29/07
Kimberly A. Ogle, Manager
NPDES Compliance Unit
Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): Dee Ray Bailey
Title (print): President
Dee Ray Bailey Date 1-30-08
Signature

Estimated cost for correcting the violation(s) is \$15000.00

IT IS SO ORDERED:

Richard G. McAllister Date Feb 4, 2008
Richard G. McAllister
Regional Judicial Officer
EPA Region 10

RECEIVED
08 FEB -4 PM 4: 24
HEARINGS CLERK
EPA -- REGION 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SPCC SETTLEMENT AGREEMENT** in **In the Matter of: Bailey Oil Company, DOCKET NO.: CWA/OPA-10-2008-0006** was filed with the Regional Hearing Clerk on February 4, 2008.


On February 4, 2008 the undersigned certifies that a true and correct copy of the document was delivered to:

Stephanie Mairs, Esquire
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158
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 on February 4, 2008 to:

Bailey Oil Company
Dee Ray Bailey
350 West Main Street
Jerome, Idaho 83338

DATED this 4th day of February 2008.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10