



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 12 2013

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. David Miller, Facility Manager  
Petroliance, LLC  
1445 Greenleaf Street  
Charleston, South Carolina 29405

SUBJ: Consent Agreement and Final Order  
Docket No. CWA-04-2013-7004(b)  
SPCC Case Number: SC1004-002

Dear Mr. Miller:

The U.S. Environmental Protection Agency hereby notifies you that the Expedited Settlement Agreement (ESA) has been executed by both parties and is binding on the EPA and you. Upon receipt of your assessed penalty of \$1,000.00, the EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed ESA is enclosed.

You must submit your payment within thirty (30) days of your receipt of this letter by either electronic funds transfer, certified or cashier's check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund-311, Petroliance, LLC) and the EPA docket number CWA-04-2013-7004(b), and shall be sent depending upon your preferred method of payment identified in Enclosure A.

At the same time, you shall send a separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Ms. Patricia Bullock  
Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-8960

Ms. Quantindra Smith  
RCRA and OPA Enforcement and Compliance Branch  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

If you have any questions, please contact Quantindra Smith at (404) 562-8564.

Sincerely,

A handwritten signature in black ink, appearing to read "CÉSAR A. ZAPATA". The signature is stylized with a large initial "C" and a long horizontal stroke.

César A. Zapata  
Chief, RCRA and OPA Enforcement and  
Compliance Branch  
RCRA Division

Enclosures



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
61 FORSYTH ST S.W. ATLANTA, GEORGIA 30303-8960  
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO.: CWA-04-2013-7004(b)

On September 14, 2010, at 8:30 a.m., the United States Environmental Protection Agency (EPA) inspected the oil storage facility located at 1445 Greenleaf Street, Charleston, South Carolina, owned and operated by Petroliance, LLC (Respondent) to determine compliance with the Spill Prevention, Control and Countermeasures (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.

The EPA finds Respondent's conduct is subject to the SPCC regulations and Respondent has violated the SPCC regulations as further described in the Form. Respondent admits being subject to 40 CFR § 112 and that the EPA has jurisdiction over Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings and neither admits nor denies the Allegations in the Form.

The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) under the authority vested in the Administrator of the 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 ESA in order to settle the civil violations described in the Form for a penalty of \$1,000.00. Respondent consents to the assessment of this penalty.

This ESA is also 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 agrees to payment of the penalty within thirty (30) days of receiving written notice that ESA has been executed and is effective. **Do not enclose payment.** The EPA will provide instructions in writing on the procedures for making penalty payments to the "Oil Spill Liability Trust Fund".

After this ESA becomes effective, the EPA will take no further action against Respondent for the violations of the SPCC regulations described in the Form. However, the 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.

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

This ESA is binding on the parties signing below, and is effective upon EPA's filing of the ESA with the Regional Hearing Clerk. If Respondent does not sign and return this ESA as presented within fifteen (15) days of the date of its receipt, the proposed ESA will be withdrawn without prejudice to the EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY RESPONDENT:

Name (print): David K Miller  
Title (print): FACILITY MANAGER

David K. Miller Date 9-11-13  
Signature

RECEIVED  
EPA REGION IV  
2013 SEP 12 AM 10:22  
HEARING CLERK

APPROVED BY EPA:

César Zapata Date 9/4/13  
César Zapata, Chief  
RCRA/OPA Enforcement & Compliance Branch  
RCRA Division

IT IS SO ORDERED:

Susan B. Schub Date: 9/12/13  
Susan B. Schub,  
Regional Judicial Officer



Docket No. CWA-04-2013-7004(b)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Petroliance, LLC, Docket No. CWA-04-2013-7004(b) (filed with the Regional Hearing Clerk on SEP 12 2013) was served on SEP 12 2013 in the manner specified to each of the person set forth below:

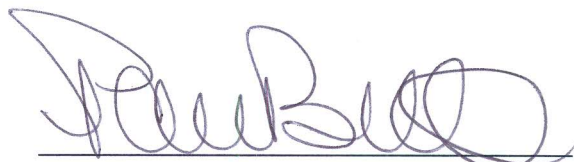
Mr. David Miller, Facility  
Peroliance, LLC  
1445 Greenleaf Street  
Charleston, South Carolina 29405

CERTIFIED MAIL  
Return Receipt Requested

Quantindra Smith  
RCRA & OPA Enforcement & Compliance Branch  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

EPA's Internal Mail and PDF

Date: 9-12-13



Patricia Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9511

## COLLECTION INFORMATION

### CHECK PAYMENTS:

U.S. Environmental Protection Agency  
Fines and Penalties  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

### WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

### OVERNIGHT MAIL:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

Contact: Natalie Pearson 314-418-1818

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency  
US Treasury REX / ACH Receiver  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contacts: John Schmid 202-874-7028 or  
Remittance Express 1-866-234-5681  
ABA = 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 310006  
CTX Format

### ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter sfo 1.1 in the search field

Open form and complete required fields.