

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Toni Bandrowicz 5/23/14  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CWA-01-2014-0031

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Brewer Pilots Point Marina, Inc.  
123 Pilots Point Drive  
Westbrook, CT

Total Dollar Amount of Receivable \$ 3,200 Due Date: 6/18/14

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

Phone Number \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

BY HAND

May 19, 2014

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
1 Congress Street  
Suite 1100, Mail Code RAA  
Boston, MA 02114-2023

Re: In the Matter of Brewer Pilots Point Marina, Inc., Westbrook, CT 06498  
Docket No. CWA-01-2014-0031

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Pursuant to EPA Order Classification No.: 2551.1A dated June 7, 2006, the Regional Hearing Clerk (RHC) shall send a copy of the CAFO in any Clean Water Act (CWA) case assessing a penalty under the authority of Section 311 of the CWA to:

U.S EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268

In addition, the RHC must pass along the name and address of the regional attorney responsible for any collection recommendation if the civil debt becomes delinquent. For this case, the responsible attorney is:

Tonia Bandrowicz  
Senior Enforcement Counsel  
EPA Region 1  
1 Congress St., Suite 1100 (SEL)  
Boston, MA 02114-2023  
Tel: 617-918-1734



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

EXPEDITED SPCC SETTLEMENT AGREEMENT

Docket No. CWA-01-2014-0031

On September 9, 2013 at Brewer Pilots Point Marina, Inc., ("Respondent") a saltwater marina, located at 63 Pilots Point Drive, Westbrook, Connecticut, an authorized representative of the United States Environmental Protection Agency ("EPA") conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR part 112 under Section 311(j) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321(j). EPA determined that Respondent, as owner or operator of the facility, violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan ("SPCC") Inspection Findings and Violations Form ("Violations Form") which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Violations set forth in the Violations Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violations Form for a penalty of \$3,200. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 CFR § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violations Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violations Form. Respondent admits to the facts in the first paragraph of this Settlement Agreement, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations identified in the Violations Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility brought in full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing). Respondent has sent a certified check in the amount of \$3,200, payable to the Environmental Protection Agency, to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311." Respondent shall send a copy of the check to Diane Boisclair, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-3), Boston, Massachusetts 02109-3912, and to the Regional Hearing Clerk, Environmental Protection Agency, Region 1, 5 Post

Office Square (ORC-18), Boston, Massachusetts 02109-3912.

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 filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

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 Violations Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any 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.

APPROVED BY EPA:

Joanna Jerison Date: 4/25/14  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): GEREMY MADONEN  
Title (print): SR Manager  
Signature: MADONEN Date: 5/7/14

IT IS SO ORDERED:

LeAnn Jensen Date: 5/13/14  
LeAnn Jensen  
Acting Regional Judicial Officer

**In the Matter of Brewer Pilots Point Marina, Inc.**  
**EPA Docket No. CWA-01-2014-0031**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

Jeremy Maxwell, Gen. Mgr.  
Brewer Pilots Point Marina, Inc.  
63 Pilots Point Drive  
Westbrook, CT 05498

Dated: 5-19-14



Diane Boisclair  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone: (617) 918-1762  
Fax: (617) 918-0762

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

Company Name: <b>Brewer Pilots Point Marina, Inc.</b>		Docket Number: 	
Facility Name/Address: <b>Brewer Pilots Point Marina, Inc. 63 Pilots Point Drive Westbrook, CT 06498</b>		Date of Inspection: <b>September 9, 2013</b>	
Mailing/Corporate Address: <b>63 Pilots Point Drive</b>		<b>Jeremy Maxwell, General Manager</b>	
City: <b>Westbrook</b>		Inspector's Name: <b>Jerry Keefe, Oil Spill Prevention Inspector</b>	
State: <b>CT</b>	Zip Code: <b>06498</b>	Enforcement Contact: <b>Joseph Canzano, Oil Spill Prevention Compliance Coordinator</b>	
Facility Contact: <b>Jeremy Maxwell</b>		<b>General Manager</b>	



**Summary of Findings**

(Bulk Storage Facilities)

*On September 9, 2013 EPA (OEME, Jerry Keefe) inspected the facility and observed: certain oil storage tanks without sized and general containment; oil discharge from a container; and oil in the secondary containment area. In addition, the facility's SPCC Plan was not being fully implemented as required by the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112: not reviewed by management within five years of development, not signed by Professional Engineer, periodic tank inspection documents not being conducted in accordance with industrial standards and specifications, and tank inspection and employee training records incomplete and/or not being maintained.*

*On October 28, 2014 and February 27, 2014 the facility submitted a response to EPA's inspection and January 24, 2014 Request for Information. The facility submitted an amended SPCC Plan February 2014 and indicated full compliance with the Oil Pollution Prevention Regulations will be achieved no later than August 26, 2014. EPA approves of this schedule.*

**GENERAL TOPICS:**

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)
- Engineer's certification lacks one or more required elements - 112.3(d)(1)
- No management approval of plan- 112.7
- Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112.3(e)(1)

Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112.6(b)(3)(Tier II)

**WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)**

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- 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)**

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- No training on the operation and maintenance of equipment to prevent discharges and or 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)
- Training records not maintained for 3 years- 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 annually- 112.7(f)(3)
- Plan has inadequate or no discussion of personnel and spill prevention procedures-112.7(a)(1)

**SECURITY (excluding Production Facilities) 112.7(g)**

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- Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g).
- Starter controls on pumps are not locked in the "off" position or located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status- 112.7(g)
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status- 112.7(g)
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112.7(g)
- Plan has inadequate or no discussion of facility security-112.7(a)(1), (g)

**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)**

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- Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112.7(e)
- Inadequate secondary containment for loading rack, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1).

regular pressure testing- 112.8(c)(4)

- Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5)
- Aboveground tanks are not subject to visual inspections- 112.8(c)(6)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6)
- Records of inspections (or customary business records) do not include inspections of tank supports/foundation, deterioration, discharges and/or accumulations of oil inside diked areas- 112.8(c)(6)
- Steam return /exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system- 112.8(c)(7)
- Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112.8(c)(8)
- No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 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 to prevent discharged oil from reaching navigable water- 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)**

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- 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 are 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)
- Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4)
- Periodic integrity and leak testing of buried piping is not conducted- 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)
- Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Section 112.20(e).