



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 6, 1201 ELM STREET, DALLAS, TEXAS 75270-2102
EXPEDITED SPCC SETTLEMENT AGREEMENT

FILED

DOCKET NO. CWA-06-2019-4305 2019 AUG 21 AM 8:18

On: May 06, 2019 REGIONAL HEARING CLERK
 EPA REGION VI

At: Long Oil, LLC, Labadie Lease, Off County Road 3505, Pawhuska, Osage County, OK, 74056. Owned or operated by: Long Oil, LLC, 2200 McKenzie Road, Pawhuska, OK 74056 (Respondent).

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Spill Prevention, Control and Countermeasure (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (33 USC § 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 USC § 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 \$600.00. 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 \$600.00, payable to the "Environmental Protection Agency," to: "USEPA, Fines & Penalties, P.O. Box 979077, St. Louis, MO 63197-9000," and Respondent has noted on the penalty payment check "Spill Fund-311" and the docket number of this case, "CWA-06-2019-4305."

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.

Failure by the Respondent to pay the penalty assessed by the Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 USC §1321(b)(6)(H). In any

such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

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.

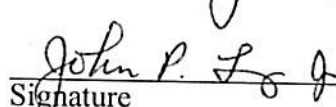
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent 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:


 Date: 6/28/2019
 Jerry Saunders
 Chief
 Water Enforcement Branch
 Enforcement and
 Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): John P Long Jr
 Title (print): John P. Long Jr Owner
 Date: _____
 Signature

Estimated cost for correcting the violation(s) is \$600.00.


IT IS SO ORDERED:

 Date: 8/14/19
 Cheryl T Seager.
 Director
 Enforcement and
 Compliance Assurance Division

Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form

(Note: Do not use this form if there is no secondary containment)

These Findings, Alleged Violations and Penalties are issued by EPA Region 6 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

Company Name Long Oil, LLC	Docket Number: CWA-06-2019-4305	
Facility Name Labadie Lease	Date 5/6/2019	
Address 2200 McKenzie Road	Inspection Number SPCC-OK-2019-00080	
City: Pawhuska	Inspectors Name: Tom McKay	
State: OK Zip Code: 74056	EPA Approving Official: Bryant Smalley	
Contact: John Long (918) 625-7282	Enforcement Contacts: Enoch Johnbull (214) 665-3173	

Summary of Findings

(Onshore Oil Production Facilities)

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

(When the SPCC Plan review penalty exceeds \$1,500.00 enter only the maximum allowable of \$1,500.00.)

- No Spill Prevention Control and Countermeasure Plan- 112.3..... \$1,500.00
- Plan not certified by a professional engineer- 112.3(d) 450.00
- Certification lacks one or more required elements- 112.3(d)(1) 100.00
- No management approval of plan- 112.7 450.00
- Plan not maintained on site (if facility is manned at least 4 hrs/day) or not available for review- 112.3(e)(1) 300.00
- No evidence of five-year review of plan by owner/operator- 112.5(b) 75.00
- 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) 75.00
- Amendment(s) not certified by a professional engineer- 112.5(c) 150.00

WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)

- The Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - *112.7(e)* 75.00
- Inspections and tests required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility- *112.7(e)*..... 75.00
- No Inspection records were available for review - *112.7(e)*..... 200.00

Written procedures and/or a record of inspections and/or customary business records:

- Are not signed by appropriate supervisor or inspector- *112.7(e)*..... 75.00
- Are not maintained for three years- *112.7(e)*..... 75.00

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- No training on the operation and maintenance of equipment to prevent discharges- *112.7(f)(1)* 75.00
- No training on discharge procedure protocols- *112.7(f)(1)* 75.00
- No training on the applicable pollution control laws, rules, and regulations- *112.7(f)(1)* 75.00
- Training records not maintained for three years- *112.7(f)*..... 75.00
- No training on the contents of the SPCC Plan- *112.7(f)(1)* 75.00
- No designated person accountable for spill prevention- *112.7(f)(2)*..... 75.00
- Spill prevention briefings are not scheduled and conducted periodically- *112.7(f)(3)* 75.00
- Plan has inadequate or no discussion of personnel and spill prevention procedures- *112.7(f)* 75.00

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

- Inadequate containment for Loading Area (not consistent with 112.7(c)) - *112.7(c)*. 400.00
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- *112.7(h)(1)*. 750.00
- 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)*..... 450.00
- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines- *112.7(h)(2)*..... 300.00
- 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)*..... 150.00
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack -*112.7(j)*..... 75.00

- Bank battery installations are not in accordance with good engineering practice because none of the following are present- 112.9(c)(4)..... 450.00
 - (1) Adequate tank capacity to prevent tank overflow- 112.9(c)(4)(i), or
 - (2) Overflow equalizing lines between the tanks- 112.9(c)(4)(ii), or
 - (3) Vacuum protection to prevent tank collapse- 112.9(c)(4)(iii), or
 - (4) High level alarms to generate and transmit an alarm signal where facilities are part of a computer control system- 112.9(c)(4)(iv).
- Plan has inadequate or no discussion of bulk storage tanks- 112.7(a)(1) 75.00

FACILITY TRANSFER OPERATIONS, OIL PRODUCTION FACILITY 112.9(D)

- Above ground valves and pipelines are not examined periodically on a scheduled basis for general condition (includes items, such as: flange joints, valve glands 2nd bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods/stuffing box.)- 112.9(d)(1)..... 450.00
 - Brine and saltwater disposal facilities are not examined often- 112.9(d)(2)..... 450.00
 - Inadequate or no flowline maintenance program (includes: examination, corrosion protection, flowline replacement)- 112.9(d)(3) 450.00
 - Plan has inadequate or no discussion of oil production facilities- 112.7(a)(1) 75.00
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- Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part- 112.20(e) 150.00
(Do not use this if FRP subject, go to traditional enforcement)

TOTAL \$ 600.00

Docket No. CWA-06-2019-4305

CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing "Consent Agreement and Final Order," issued pursuant to 40 C.F.R. 22.13(b), was filed on August 20, 2019, with the Regional Hearing Clerk, U.S. EPA Region 6, 1201 Elm Street, Dallas, TX 75270-2102; and that on the same date a copy of the same was sent to the following, in the manner specified below:

NAME: John Long
ADDRESS: 2200 McKenzie Road
Pawhuska, OK 74056



Enoch Johnbull
OPA Enforcement Officer