



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

FEB 20 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alfred L. Price
President
Atlantic Petroleum, Inc.
1614 East Innes Street
Salisbury, North Carolina 28146

RE: Expedited Settlement Agreement
Docket No. CWA-04-2013-7006(b)

Dear Mr. Price:

Enclosed is a copy of the Expedited Settlement Agreement (ESA) for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the ESA has been executed by both parties and is binding on the EPA and you. Upon receipt of your assessed penalty of \$4,500.00, the EPA will take no further action against you for the violations cited in the ESA.

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, Atlantic Petroleum, Inc.) and the EPA docket number CWA-04-2013-7016(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 ESA, 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

Internet Address (URL) • <http://www.epa.gov>

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If you have any questions, please contact John C. Goodwin at (404) 562-8564.

Sincerely,



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

Enclosures

cc: USCG

ENCLOSURE A

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) 425-1818

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



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

DOCKET NO.: CWA-04-2013-7006(b)

On January 20, 2010 at 9:30 a.m., the United States Environmental Protection Agency (EPA) inspected the oil storage facility at 1614 Innes Street, Salisbury, North Carolina, owned and operated by Atlantic Petroleum (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.

EPA finds Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. Respondent admits being subject to 40 CFR § 112 and that 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 Allegation(s) in the Form.

EPA is authorized to enter into this Expedited Settlement Agreement (ESA) 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 ESA in order to settle the civil violations described in the Form for a penalty of \$4,500. 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 fifteen (15) days of receiving written notice that the ESA has been executed and is effective. **Do not enclose payment.** 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, EPA will take no further action against 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 Respondent of the SPCC regulations or of any other federal statute or regulations.

Upon signing and returning this ESA 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 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, and pay the assessed penalty within fifteen (15) days of receipt of written notice that the ESA is executed and effective, the ESA will be withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY RESPONDENT:

Name (print): Alfred L. Price

Title (print): Pres.

Alfred L. Price Date 12/20/13
Signature

APPROVED BY EPA:

César A. Zapata Date 01/13/14

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

IT IS SO ORDERED:

Susan B. Schub Date: 1/20/2014
Susan B. Schub,
Regional Judicial Officer

RECEIVED
EPA REGION 4
2014 FEB 20 PM 2:19
HEARING CLERK

Docket No. CWA-04-2013-7006(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 Atlantic Petroleum, Docket No. CWA-04-2013-7006(b) (filed with the Regional Hearing Clerk on 2-20, 2014) was served on 2-20, 2014 in the manner specified to each of the person set forth below:

Alfred Price, President
Atlantic Petroleum
1614 Innes Street
Salisbury, North Carolina 28146

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: 2-20-14



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