

NOV 20 2006



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

DOCKET NO. CWA-04-2006-7006

On: April 17, 2006 Time: 09:00
At: 520 Thomas Street, Camilla, Mitchell County, GA 31730,
Massey Industrial Oil, Inc. (Respondent), an authorized
representative of the United States Environmental Protection
Agency (EPA) conducted an inspection 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 the Respondent is subject to the SPCC regulations
and has violated the SPCC regulations as further described in
the Form. The Respondent admits being subject to 40 CFR
§ 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 Respondent may have to EPA's jurisdiction.

EPA is 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 \$ 1,250.00. The Respondent
consents to the assessment of this penalty.

This Expedited Settlement 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
upon written notice that Expedited Settlement has been
executed and is effective. EPA will provide instructions in
writing on the procedures for making penalty payments to the
"Oil Spill Liability Trust Fund".

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.

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 the Regional Hearing Clerks
signature. 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 noncompliance identified
in the Form.

APPROVED BY RESPONDENT:

Name (print): Massey Industrial Oil, Inc.
Sammy K. Massey
Title (print): Owner

Sammy K. Massey Date 11/22/06
Signature

APPROVED BY EPA:

J. I. Palmer, Jr. Date DEC 4 2006
Regional Administrator

IT IS SO ORDERED:

Susan B. Schub Date: Dec. 5 2006
Susan B. Schub, Regional Judicial Officer

RECEIVED
EPA REGION IV
2006 DEC 20 PM 3:00
HEARING CLERK

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 4 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

<p>Company Name Massey Industrial Oil, Inc.</p> <p>Facility Name Massey Industrial Oil, Inc.</p> <p>Address 520 Thomas Street</p> <p>City: Camilla</p> <p>State: Zip Code: GA 31730</p> <p>Contact: Sammy Massey</p>	<p>Docket Number: CWA-04-2006-7006</p> <p>Date April 17, 2006</p> <p>Inspection Number GA 0603-001</p> <p>Inspector: Chris Russell, OSC</p> <p>EPA Approving Official: Ted Walden, OSC</p> <p>Enforcement Contacts: Mel Rechtman Phone 404-562-8745 Ted Walden Phone 404-562-8752</p>
--	---



Summary of Findings - Bulk Storage Facilities

Section 112.3: Requirement to prepare and implement SPCC plan

- No Spill Prevention Control and Countermeasure Plan \$1,000.00
- Plan prepared prior to July 2002 not certified by a professional engineer \$300.00
- Plan not maintained on site \$100.00
- Plan not available for review \$300.00

Section 112.5: Amendment of SPCC plan by owners or operators

- No SPCC plan amendment(s) prior to July 2002 after the facility has had a change in: design, construction, operation, or maintenance, which affects the facility's discharge potential \$50.00
- No evidence of five-year review of plan by owner/operator \$50.00

Technical amendment(s) prior to July 2002 not certified by a Professional Engineer (PE) \$100.00

Section 112.7: General requirements for Spill Prevention, Control, and Countermeasure Plan

- No management approval of plan with the authority to commit the necessary resources \$300.00
- Inadequate or no prediction of the direction, rate of flow, and total quantity of oil which could be discharged from facility due to equipment failures \$100.00
- Plan does not discuss appropriate containment and/or diversionary structures/equipment \$100.00
- Claiming installation of appropriate containment/diversionary structures is not practicable with:
- No contingency plan or FRP (if FRP is applicable) \$100.00
- and/or-
- No evidence of tank/container integrity testing nor evidence of leak testing of valves and piping \$100.00

Section 112.7(e): Inspections, tests, and records:

No written records of inspections and tests are available at facility \$50.00

Section 112.7(f): Personnel, training, and discharge prevention procedures:

- No discussion of training for oil-handling personnel on the operation and maintenance of equipment to prevent discharges \$50.00
- No designated person responsible for discharge prevention \$50.00

Section 112.7(g): Security

- Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production \$100.00
- Master flow and drain valves that permit direct outward flow of tank's contents to the surface are not adequately secured in closed position when in a non-operating or standby status \$200.00
- Starter controls on pumps are not locked in the "off" position and located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status \$50.00
- Loading and unloading connection(s) of pipelines are not capped or blank-flanged when not in service . \$50.00
- Facility lighting not commensurate with the type and location of facility to facilitate the discovery of spills during hours of darkness and to deter vandalism \$100.00

Section 112.7(h): Facility tank car and tank truck loading/unloading rack

- Rack drainage does not flow to catchment basin, treatment system, nor quick drainage system \$500.00
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck \$300.00

There is no interlocked warning light, physical barrier system, or warning signs to prevent vehicular departure before complete disconnect from transfer lines \$200.00

Section 112.8(b): Facility Drainage

If pumps or ejectors are used to drain diked storage areas, these devices are not manually activated ... \$100.00

Valves used to drain diked areas are not of manual, open-and-closed design \$200.00

Storm-water from diked areas is not inspected for the presence of oil before being drained if facility drainage drains directly into a watercourse and not into a wastewater treatment plant \$300.00

Drainage from undiked areas does not flow into ponds, lagoons, catchment basins, nor diversion system designed to retain or return oil to the facility \$300.00

Section 112.8(c): Bulk Storage Containers

Material and construction of tanks not compatible to the material stored and the conditions of storage such as pressure and temperature \$300.00

Secondary containment structures for bulk storage containers (tanks) are inadequate \$500.00

Diked areas are not sufficiently impervious to contain discharged oil \$250.00

Underground tanks are not protected from corrosion \$100.00

Partially buried tanks are not protected from corrosion \$100.00

Areas outside of container not frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked area \$100.00

Records of inspections of aboveground tanks are not maintained \$50.00

Tanks are not "fail-safe" engineered with a least one of the following devices: \$300.00

- audible or visual high liquid level alarm
- high-level pump cutoff devices set to stop flow at a predetermined tank content level
- direct communications between tank gauger and pumping station
- fast response system for determining liquid levels, such as computers, telepulse, or direct vision gauges

No testing of liquid level sensing devices to ensure proper operation \$50.00

Visible oil leaks from a container (including but not limited to a loss of oil from seams, gaskets, piping, pumps, valves, rivets, and bolts) are not promptly corrected \$300.00

Accumulations of oil in diked areas are not promptly removed \$300.00

Mobile or portable storage tanks are not positioned to prevent a discharge \$100.00

Inadequate containment for mobile or portable storage tanks \$500.00

Section 112.8(d): Facility Transfer Operations, Pumping, and Facility Process

- Corrective action not taken on buried piping when corrosion damage was found \$300.00
 - Terminal connections at transfer points on not-in-service or standby pipelines are not capped or blank-flanged and marked as to origin \$50.00
 - Aboveground valves and pipelines are not inspected regularly \$200.00
 - Vehicle traffic not warned (verbally, signs, etc) of aboveground piping or other oil transfer operations . \$100.00
-
-

TOTAL: \$1,250.00

Docket No. CWA-04-2006-7006

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Massey Industrial Oil, Inc., Docket No. CWA-04-2006-7006 (filed with the Regional Hearing Clerk on ~~DEC 20 2006~~ 2006) was served on ~~DEC 20 2006~~ 2006 in the manner specified to each of the persons set forth below:

Sammy K. Massey
Massey Industrial Oil, Inc.
520 Thomas Street
Camilla, GA 31730

Via Certified Mail,
Return Requested

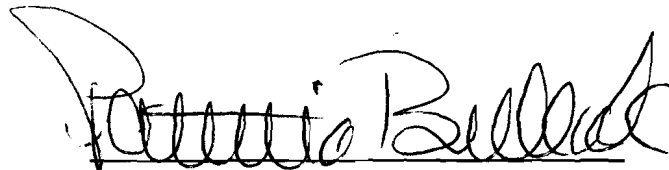
Victor Weeks, Risk Management Plan Coordinator
EPCRA Enforcement Section
U.S. EPA, Region 4
61 Forsyth St.
Atlanta, GA 30303

Via EPA's Internal Mail

Mel Rechtman
RCRA OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, GA 30303

Via EPA's Internal Mail

Date: 12-20-06



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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 20 2006

4WD-ERRB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Sammy K. Massey
Massey Industrial Oil, Inc/prises
520 Thomas Street
Camilla, GA 31730

SUBJ: Consent Agreement and Final Order:
Docket No. CWA-04-2006-7006

Dear Mr. Massey:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO) 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 (EPA) hereby notifies you that the Expedited Settlement Agreement has been executed by both parties and is binding on EPA and you. Upon receipt of your assessed penalty of \$500.00, EPA will take no further action against you for the violations cited in the Settlement Agreement. Your copy of the executed agreement is enclosed.

You must submit your payment within seven (7) days of your receipt of this letter by either electronic funds transfer, certified or cashiers 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, PDM Bridge, LLC,) and the EPA docket number CWA-04-2006-5023, and shall be sent depending upon your preferred method of payment identified in Enclosure A.

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

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

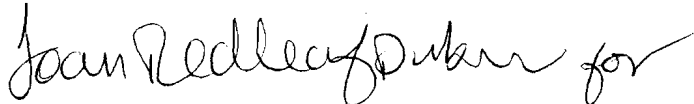
A copy of the check shall simultaneously be sent to at the time Respondent shall send separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

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

Mel Rechtman at:
U.S. EPA - Region 4
RCRA/OPA Enforcement & Compliance Branch
RCRA Division
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

If you have any questions, please contact Mel Rechtman at (404)562-8745.

Sincerely,

A handwritten signature in black ink, appearing to read "Narindar Kumar for". The signature is fluid and cursive.

Narindar Kumar, Chief
RCRA/OPA Enforcement & Compliance Branch
RCRA Division

Enclosure:
Expedited Settlement Agreement
Enclosure A - Payment Information
cc: USCG

Cashiers Check

074679

Date: 11/22/06

Branch: 0001

\$1,250.00

Planters and Citizens Bank

21 North Kanny Road, P.O. Box 449
Camilla, Georgia 31730

REMITTER SAMMY MASSEY

PAY TO THE ORDER OF EXACTLY **1,250 AND 00/100 DOLLARS
OIL SPILL LIABILITY TRUST FUND

Massey Industrial Oil
Sammy K. Massey
Docket # - CWA-042 2006 - 7006

Michelle Hayes

⑈0000074679⑈ ⑆061202957⑆ 900018⑈

Cashiers Check

Planters and Citizens Bank

21 North Kanny Road, P.O. Box 449
Camilla, Georgia 31730

074679

DATE: 11/22/06

REMITTER: SAMMY MASSEY

TO: OIL SPILL LIABILITY TRUST FUND

BRANCH: 0001
ORIGINATOR: MIPHAYES
TIME: 13:23:26
CK AMT: \$1,250.00
FEE AMT: \$5.00
TOTAL: \$1,255.00

NON-NEGOTIABLE

*original marked
X check 12-20-06*



Document Review

**IFMS Document: BD
2740775Z113**

01/17/07

Document Summary: General Ledger Entries

Document: BD 2740775Z113

SFO: AP27

Date: 12/20/06

Amount: \$1,250.00

Collected: \$1,250.00

Closed: 01/08/07

Due From: MASSEY INDUSTRIAL OIL, INC
520 THOMAS ST
CAMILLA, GA 31730

Due Date: 01/19/07

Comments: CWA4067006

Interest: \$0.00

Handling: \$0.00

Penalty: \$0.00

Writeoff: \$0.00

Document Details:

Line	Line Amt	Collected	Writeoff	Closed	Int Rate	Reporting Category	BFY	Fu
001	\$1,250.00	\$1,250.00	\$0.00	\$1,250.00	4.000	75-OIL SPILL CIVIL PENALTIES	2007	10

Document Activity:

Date	Ref Amount	Related Document	Direction	Date	Ref Amount	Related Document	Date	R
01/08/07	\$1,250.00	CR 2740775Z113	Forward					
12/21/06	\$1,250.00	Increase						

Warehouse Homepage

EPA@Work Home | EPA Internet | Comments
http://iasint.rtpnc.epa.gov/neis/ifms_doc.resolve
 This web page was last updated on 09/15/2006.
 This data was last updated on 01/17/2007 08:03
 This page coordinated by: Virginia Reagan