



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

EXPEDITED SPCC SETTLEMENT AGREEMENT

In the matter of Bursaw Gas and Oil, Inc.  
Docket No. CWA-01-2018-0012

On May 17, 2017 at Bursaw Gas and Oil, Inc.'s ("Respondent's") oil storage and distribution facility, located at 94 Great Road, Acton, Massachusetts, 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 C.F.R. 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 \$3,300. 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 C.F.R. § 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 \$3,300, 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 Heather Thompson, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-4), 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:

 Date: 12/4/17  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

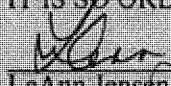
APPROVED BY RESPONDENT:

Name (print): Jeffrey W Bursaw

Title (print): President

Signature:  Date: 12-15-2017

IT IS SO ORDERED:

 Date: 12/21/17  
LeAnn Jensen  
Acting Regional Judicial Officer

RECEIVED

JAN 08 2018

Office of Regional Hearing Clerk

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

Company Name: <b>Bursaw Gas &amp; Oil Inc.</b>		Docket Number: <b>CWA-01-2018-0012</b>
Facility Name: <b>S.A.A</b>		Date of Inspection: <b>May 17, 2017</b>
Address: <b>94 Great Road</b>		
City: <b>Acton</b>	Inspector's Name(s): <b>Joseph Canzano</b>	
State: <b>MA</b>	Zip Code: <b>01720</b>	
Facility Contact: <b>Jeffrey Bursaw Tel: 978-263-8752</b>		Enforcement Contact: <b>Joseph Canzano, Spill Prevention Compliance Coordinator Tel: 617-918-1763</b>



**Summary of Findings**

*EPA conducted a site inspection on May 17, 2017. At the time of the inspection the SPCC Plan was not available for review. Following the inspection, the Facility provided EPA with a June 25, 2010 SPCC Plan. The following summarizes violations associated with review of the June 25, 2010 SPCC Plan, and EPA's observations from the May 17, 2017, site inspection.*

**(Bulk Storage Facilities)**

**GENERAL TOPICS: 40 CFR §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)
- Certification lacks one or more required elements - 112.3(d)(1)
- Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112.3(e)(1)

*At the time of the inspection, the SPCC Plan was not available for review.*

- 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)

- No evidence of five-year review of plan by owner/operator - 112.5(b)  
*The SPCC Plan did not include evidence of five-year review by owner, i.e. by June 25, 2015.*
- Amendment(s) not certified by a professional engineer - 112.5(c)
- No management approval of plan - 112.7  
*The SPCC Plan did not include a signature or date by owner/management.*
- Plan does not follow sequence of the rule and/or cross-reference not provided - 112.7
- Plan does not discuss additional procedures/methods/equipment not yet fully operational - 112.7
- Plan does not discuss conformance with SPCC requirement - 112.7(a)(1)
- Plan does not discuss alternative environmental protection to SPCC requirements - 112.7(a)(2)
- Plan has inadequate or no facility diagram, - 112.7(a)(3)  
*Reference to Figure 2 (i.e., site diagram) in the SPCC Plan is missing.*
- Inadequate or no listing of type of oil and storage capacity of containers - 112.7(a)(3)(i)  
*EPA's inspector observed certain oil-filled containers not identified in the SPCC Plan.*
- Inadequate or no discharge prevention measures - 112.7(a)(3)(ii)
- Inadequate or no description of drainage controls - 112.7(a)(3)(iii)
- Inadequate or no description of countermeasures for discharge discovery, response and cleanup - 112.7(a)(3)(iv)
- Methods of disposal of recovered materials not in accordance with legal requirements - 112.7(a)(3)(v)
- No contact list & phone numbers for response & reporting discharges - 112.7(a)(3)(vi)
- Plan has inadequate or no information and procedures for reporting a discharge - 112.7(a)(4)
- Plan has inadequate or no description and procedures to use when a discharge may occur - 112.7(a)(5)
- Inadequate or no prediction of equipment failure which could result in discharges - 112.7(b)
- Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment - 112.7(c)
- Inadequate containment or drainage for Loading Area - 112.7(c)
- Plan has no or inadequate discussion of any applicable more stringent State regulations, and guidelines -112.7(j)
- 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).  
*The SPCC Plan's Certification of Harm Criteria is not signed or dated.*