FILED
Nov 09, 2026
12:28 pm
U.S. EPA REGION 4
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	**DOCKET NO.**: CWA-04-2026-1105(b)
Fuji Vegetable Oil, Inc.	SPCC Expedited Settlement Agreement Pursuant to CWA Section 311(b)(6)(B)(i)
Respondent	

On January 9, 2025, the United States Environmental Protection Agency (EPA) conducted an inspection of the Respondent's facility located at 120 Brampton Road, Savannah, Georgia 31408 (the Facility), 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 (CWA), as amended, 33 U.S.C. § 1321(j). EPA determined that Respondent, as owner and operator of the Facility, violated the Oil Pollution Prevention regulations as noted on the attached "Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form" (Form), which is incorporated by reference.

EPA is authorized to enter into this Expedited Settlement Agreement (ESA) under the authority of Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and 40 C.F.R. § 22.13(b). The parties enter into this ESA to settle the civil violations described in the Form for a penalty of $6,125.

This ESA is subject to the following terms and conditions:

EPA finds Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations as described in the 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 Form. Respondent does not contest the inspection findings and neither admits nor denies the allegations in the Form. Respondent also waives any objections it may have to EPA's jurisdiction, any rights to contest the allegations, and its right to appeal this ESA and Final Order. Respondent consents to the assessment of the penalty stated above. By signing this ESA, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the ESA.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations identified in the 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 into full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing).

Respondent agrees to pay the penalty assessed within thirty (30) calendar days of the effective date of this ESA.

Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

Failure by Respondent to pay the penalty assessed by this ESA 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 CWA § 311(b)(6)(H), 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

Any payment made pursuant to this ESA is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and, therefore, Respondent shall not claim it as a tax-deductible expenditure for purposes of federal, state or local law. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), coming into compliance with the Oil Pollution Prevention regulations is restitution, remediation, or required to come into compliance with the law.

Upon signing and returning this ESA to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311(b)(6)(G) of the CWA, 33 U.S.C. § 1321(b)(6)(G),

and consents to EPA's approval of the ESA without further notice. Moreover, Respondent agrees to bear its own costs and attorney's fees related to this ESA.

After the parties sign this ESA and Respondent pays the civil penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the Oil Pollution Prevention regulations described in the Form through the effective date of this ESA. 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.

This ESA 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). Each person signing this ESA certifies that he or she has the authority to sign for the party who he or she represents and to bind that party to its terms. Parties agree to receive service by electronic means at the following valid email addresses: goodwin.john@epa.gov for the EPA and karen.terrell@fujioilusa.com for Respondent. Once the ESA is signed by the Regional Judicial Officer, the original ESA will be filed with the Regional Hearing Clerk. A copy will then be emailed to the Respondent. The ESA shall not affect EPA's right to pursue appropriate injunctive relief or criminal sanctions for any violations of law and does not waive, extinguish, or otherwise affect the Respondent's obligation to comply with all applicable provisions of the CWA and regulations promulgated thereunder.

If Respondent does not sign and return this ESA as presented within 30 days of the date of its receipt, or within an extension timeframe approved by EPA, this proposed ESA is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

APPROVED BY RESPONDENT:

Name (print): Karen Terrell

Title (print): General Manager

Karen Terrell Date 9/24/2026

Signature

APPROVED BY EPA:

KERIEMA NEWMAN Digitally signed by KERIEMA NEWMAN Date: 2026.11.03 15:55:51 -05'00'

Keriema S. Newman, Director
Enforcement and Compliance Assurance Division

FINAL ORDER
IT IS SO ORDERED:

MICHELE WETHERINGTON Digitally signed by MICHELE WETHERINGTON Date: 2026.11.09 11:15:09 -05'00'

Regional Judicial Officer

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

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

Company Name	**Docket Number**
Fuji Vegetable Oil, Inc.	CWA-04-2026-1105(b)
Facility Name	**Date**
Fuji Vegetable Oil, Inc.	1/9/2025
Address	**Facility ID Number**
120 Brampton Road	GA2502-005
City	**Inspector's Name**
Savannah	Jordan Garrard
State / **Zip Code**	**EPA Approving Official**
GA / 31408	Keriema S. Newman
Contact	**Enforcement Contact**
Vic Rohella	John C. Goodwin
Total Storage Capacity	
69,000 gallons	

Summary of Findings
(Bulk Storage Facilities)

GENERAL TOPICS: 40 C.F.R.112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)

☑	Failure to have an adequate Spill Prevention Control and Countermeasure Plan 112.3 ($1,750)	$1,750
☐	Plan or sections of the hybrid plan are not certified by a professional engineer * 112.3(d) ($500) *Not applicable to Qualified facilities unless a hybrid (PE/QF plan) see Qualified facility 112.6 section	
☐	Certification lacks one or more required elements 112.3(d)(1) ($125)	
☐	Plan not maintained on site (if manned at least four hrs/day) or not available for review 112.3(e)(1) ($350)	
☐	No evidence of five-year review of plan by owner/operator 112.5(b) ($100)	
☐	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) ($100)	
☐	Amendment(s) not certified by a professional engineer 112.5(c) ($175)	
☐	No management approval of plan 112.7 ($500)	
☐	Plan does not follow sequence of the rule and/or cross-reference not provided 112.7 ($175)	
☐	Plan does not discuss additional procedures/methods/equipment not yet fully operational 112.7 ($100)	

☐	Plan does not discuss alternative environmental protection to SPCC requirements 112.7(a)(2) ($225)	
☐	Plan has inadequate or no facility diagram 112.7(a)(3) ($100)	
☐	Inadequate or no listing of type of oil and storage capacity of containers 112.7(a)(3)(i) ($75)	
☐	Inadequate or no discharge prevention measures 112.7(a)(3)(ii) ($75)	
☐	Inadequate or no description of drainage controls 112.7(a)(3)(iii) ($75)	
☐	Inadequate or no description of countermeasures for discharge discovery, response and cleanup 112.7(a)(3(iv) ($75)	
☐	Methods of disposal of recovered materials not in accordance with legal requirements 112.7(a)(3)(v) ($75)	
☐	No contact list & phone numbers for response & reporting discharges 112.7(a)(3)(vi) ($75)	
☐	Plan has inadequate or no information and procedures for reporting a discharge 112.7(a)(4) ($125)	
☐	Plan has inadequate or no description and procedures to use when a discharge may occur 112.7(a)(5) ($175)	
☐	Inadequate or no prediction of equipment failure which could result in discharges 112.7(b) ($175)	
☐	Plan does not discuss and facility does not implement appropriate containment/diversionary stuctures/ equipment 112.7 ($450)	
☑	Inadequate containment or drainage for Loading Area- 112.7(c) ($450)	$450
☐	Plan has no or inadequate discussion of any applicable more stringent State rules, regulations, and guidelines- 112.7(j) ($100)	
☐	Plan does not include a signed copy of the Certification of Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e) ($175)	

If claiming impracticability of contiainment and appropriate diversionary structures:

☐	Impracticability has not been clearly denoted and demonstrated in plan 112.7(d) ($125)	
☐	No periodic integrity and leak testing 112.7(d) ($175)	
☐	No contingency plan 112.7(d)(1) ($175)	
☐	No written commitment of manpower, equipment, and materials 112.7(d)(2) ($175)	
☐	No periodic integrity and leak testing , if impracticability is claimed 112.7(d) ($175)	
☐	Plan has no or inadequate discussion of general requirements not already specified 112.7(j) ($100)	

QUALIFIED FACILITY REQUIREMENTS: 40 C.F.R. 112.6

☐	Qualified Facility: No Self certification 112.6(a) ($500)	
☐	Qualified Facility: Self certification lacks required elements 112.6(a) ($125)	
☐	Qualified Facility: Technical amendments not certified 112.6(b) ($175)	
☐	Qualified Facility: Qualified Facility Plan includes alternative measures not certified by liscensed Professional Engineer 112.6(b) $175	

☐ Qualified Facility: Environmental Equivalence or Impracticability not certified by PE 112.6(b)(4) ($400)

WRITTEN PROCEDURES AND INSPECTION RECORDS: 40 C.F.R. 112.7(e)

☐ Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 112.7(e) ($100)

☐ Inspections and tests required are not in accordance with written procedures developed for the facility 112.7(e) ($100)

☐ No Inspection records were available for review 112.7(e) ($225)

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

☐ Inspection records are not signed by appropriate supervisor or inspector 112.7(e) ($100)

☐ Inspection records are not maintained for three years 112.7(e) ($100)

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES: 40 C.F.R. 112.7(f)

☐ No training on the operation and maintenance of equipment to prevent discharges and/or facility operations 112.7(f)(1) ($100)

☐ No training on discharge procedure protocols 112.7(f)(1) ($100)

☐ No training on the applicable pollution control laws, rules and regulations, and/or SPCC plan 112.7(f)(1) ($100)

☐ No designated person accountable for spill prevention 112.7(f)(2) ($100)

☐ Spill prevention briefings are not scheduled and conducted at least once a year 112.7(f)(3) ($100)

☐ Plan has inadequate or no discussion of personnel and spill prevention procedures 112.7(a)(1) ($100)

SECURITY (excluding Production Facilities): 40 C.F.R. 112.7(g)

☐ Plan does not describe how the facility secures and controls acces to the oil handling, processing and storage areas 112.7(g)(1) ($175)

☐ Master flow and drain valves not secured 112.7(g)(2) ($350)

☐ Starter controls on pumps not secured to prevent unauthorized access- 112.7(g) ($100)

☐ Out-of-service and loading/unloading connection(s) of piping/pipelines not adequately secured 112.7(g)(4) ($100)

☐ Plan does not address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges 12.7(g) ($175)

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING: 40 C.F.R. 112.7(c) and/or (h-j)

☐ Inadequate secondary containment, and/or rack drainage does not flow to catchment basin treatment system, or quick drainage system 112.7(h)(1) ($850)

☐ 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) ($525)

☑ 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) ($350) $350

☐ 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) ($175)

☐ Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack 112.7(a)(1) ($100)

QUALIFIED OIL OPERATIONAL EQUIPMENT: 40 C.F.R. 112.7(k)

☐ Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge 112.7(k)(2)(i) ($175)

☐ Failure to provide an oil spill contingency plan 112.7(k)(2)(ii)(A) ($175)

☐ No written commitment of manpower, equipment, and materials 112.7(k)(2)(ii)(B) ($175)

FACILITY DRAINAGE: 40 C.F.R 112.8(b) & (c) and/or 112.12(b) & (c)

☐ Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge 112.8(b)(1)and(2), and 112.8(c)(3)(i) ($700)

☐ Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision 112.8(c)(3)(ii)and(iii) ($525)

☐ Adequate records (or NPDES permit records) of drainage from diked areas not maintained 112.8(c)(3)(iv) ($100)

☐ Drainage from undiked areas do not flow into catchment basins ponds or lagoons, or no diversion system to retain or return a discharge to the facility 112.8(b)(3)and(4) ($525)

☐ Two “lift” pumps are not provided for more that one treatment unit 112.8(b)(5) ($75)

☐ Plan has inadequate or no discussion of facility drainage 112.7(a)(1) ($100)

BULK STORAGE CONTAINERS: 40 C.F.R. 112.7(i), 112.8(c) and/or 112.12(c)

☐ Failure to conduct evaluation of field-constructed aboveground containers for risk of discharge or failure due to brittle fracture or other catastrophe 112.7(i) $350

☐ Material and construction of containers not compatible to the oil stored and the conditions of storage such as pressure and temperature 112.8(c)(1) ($525)

☑ Secondary containment is inadequate 112.8(c)(2) ($850) $850

☐ Secondary containment systems are not sufficiently impervious to contain oil 112.8(c)(2) ($425)

☐ Completely buried tanks installed after August 16, 2002 are not protected from corrosion or are not subjected to regular pressure testing 112.8(c)(4) ($175)

☐ Buried sections of partially burried metallic tanks are not prootected from corrosion 112.8(c)(5) ($175)

☐ Aboveground tanks are not subject to visual inspections 112.8(c)(6) ($525)

☐ Aboveground tanks are not subject to periodic integrity testing techniques such as visual inspections hydrostatic testing, or other nondestructive methods 112.8(c)(6) ($525)

☑ Records of inspections (or customary business records) do not include inspections of container supports/ foundation, signs of container deterioration, discharges and/or accumulations of oil inside diked areas 112.8(c)(6) ($ $100

☐ 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) ($175)

☐ Container installations are not engineered or updated in accordance with good engineering practice because none of the following are present: 112.8(c)(8) ($525)
-high liquid level alarm with audable or visual signal,or audible air vent 112.8(c)(8)(i)
-high liquid level pump cutoff devices set to stop flow at a predetermined level 112.8(c)(8)(ii)
-direct audible or code signal communication between container gauger and pumping station 112.8(c)(8)(iii)
-fast response system for determining liquid level of each bulk storage container, or direct vision gaugues with a person present to monitor gauges and the overall filling of bulk storage containers 112.8(c)(8)(iv)

☐ No testing of liquid level sensing devices to ensure proper operation 112.8(c)(8)(v) ($100)

☐ Effluent treatment facilities not observed frequently to detect possible system upsets that could cause a discharge as described in §112.1(b)- 112.8(c)(9) ($175)

☐ Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected 112.8(c)(10) ($525)

☐ Mobile or portable storage containers are not positioned or located to prevent discharged oil from reaching navigable water or have inadequate secondary containment 112.8(c)(11) ($175)

☐ Secondary containment inadequate for mobile or portable storage tanks 112.8(c)(11) ($600)

☐ Plan has inadequate or no discussion of bulk storage tanks 112.7(a)(1) ($100)

FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS: 40 C.F.R. 112.8(d) and 112.12(d)

☐ Buried piping is not corrosion protected with protective wrapping, coating or cathodic protection protection 112.8(d)(1) ($175)

☐ Corrective action is not taken on exposed sections of buried piping when deterioration is found 112.8(d)(1) ($525)

☐ Not-in-service or standby piping is not capped or blank-flanged and marked as to origin 112.8(d)(2) ($100)

☐ Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction 112.8(d)(3) ($100)

☐ Aboveground valves, piping and appurtenances are not inspected regularly 112.8(d)(4) ($350)

☐ Periodic integrity and leak testing of buried piping is not conducted at time of installation, modification, construction, relocation, or replacement 112.8(d)(4) ($175)

☐ Vehicle traffic is not warned of aboveground piping or other oil transfer operations 112.8(d)(5) ($175)

☐ Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process 112.7(a)(1) ($100)

SUB TOTAL	**$3,500**
Multiplier	1.75
Total	$6,125

FREQUENTLY ASKED QUESTIONS
SPCC EXPEDITED ENFORCEMENT PROGRAM

Q. What is the SPCC Expedited Settlement Agreement (ESA)?

A. It is a program used by the United States Environmental Protection Agency to resolve easily correctable violations of the Spill Prevention, Control, and Countermeasure (SPCC) Plan regulations (40 CFR Part 112). Under the program, the EPA inspectors can present draft inspection findings and/or copies of proposed settlement agreements on site to a facility representative at the conclusion of an SPCC inspection. This action is then followed by a formal Expedited Settlement Agreement (ESA) issued by the EPA Regional Office.

Q. Will I have to pay a fine if I receive an ESA?

A. If an owner/operator qualifies to receive an ESA, the company has the option to correct the violations, pay a small settlement amount, and avoid protracted enforcement procedures, which usually require legal counsel and can result in significantly larger penalties.

Q. What will happen if I do not accept the terms of the ESA in the timeframe allowed?

A. The ESA will be automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the cited violations. Failure to sign and return the ESA and pay the penalty within the approved time does not relieve the company of its responsibility to comply fully with the SPCC regulations, including correcting the violations that have been specifically identified in the SPCC Inspection Findings, Alleged Violations, and Proposed Penalty Form (Form), which is incorporated by reference into the ESA. If the company decides not to sign and return the ESA and pay the penalty, the EPA can pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to $23,647 per violation.

Q. How much will the penalty be for an ESA?

A. The penalty assessed will depend on the number and severity of SPCC violations found during the on-site inspection. The maximum penalty assessed under an ESA is $15,000.

Q. How do I pay the penalty?

A. You should not include the penalty payment when you transmit your signed ESA to the EPA. Instead, wait until the EPA sends back a fully executed ESA (signed by you, the EPA, and the Regional Judicial Officer) and payment instructions. The penalty must be paid within thirty (30) calendar days of the effective date of the ESA.

Q. Why should I accept the ESA?

A. The ESA was designed for facilities where SPCC violations can be resolved within thirty (30) to sixty (60) days. The program will save time, legal expenses, and resources for both the owner/operator and the EPA.

Q. Can I appeal the ESA or get a hearing?

A. No. The ESA is a non-negotiable settlement offer, which can only be accepted or rejected. If the ESA offer is rejected, the EPA will pursue the more traditional enforcement action, which provides for higher penalties.

Q. What if I need more time to correct the cause of the violation(s)?

A. Contact the Enforcement Coordinator identified in the letter you received from the EPA transmitting the ESA. The EPA, at its discretion, may grant one extension to the company to come into compliance and sign the ESA if the company demonstrates that it is technically infeasible or impractical to achieve compliance within the time period that the company has been given to return the ESA to the EPA.

Q. When did the EPA start issuing ESAs?

A. EPA Region 4 began implementing the ESA Program in April 2002.

Q. If I accept the terms of the ESA, what do I do now?

A. Correct the violations, and then follow the instructions in the letter from the EPA transmitting the ESA. You should sign and return the ESA within the timeframe identified in the letter from the EPA. After receiving the fully executed ESA from the EPA, you should follow the enclosed payment instructions.

Q. Who can I call if I have questions or need assistance?

A. You can call the Enforcement Coordinator identified in the EPA's letter transmitting the ESA to you.

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing Expedited Settlement Agreement and Final Order, in the matter of Fuji Vegetable Oil, Inc. Docket No. CWA-04-2026-1105(b), and that copies of the same were sent to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent:

Karen Terrell, Plant Manager
Fuji Vegetable Oil, Inc.
120 Brampton Road
Savannah, Georgia 31408
karen.terrell@fujioilusa.com
912.966.5900 x5220

To EPA:

John C. Goodwin
Wastewater Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
goodwin.john@epa.gov
404-562-8488

Jay Khuti
Water Law Office
Office of Regional Counsel
U.S. EPA Region 4
khuti.jay@epa.gov
404-562-8390

SHANNON RICHARDSON
Digitally signed by SHANNON RICHARDSON
Date: 2026.11.09 12:29:31 -05'00'

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