



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 11201 RENNER BOULEVARD, LENEXA, KANSAS 66219

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-REGION 7
2019 NOV 19 PM 3:11

DOCKET NO. CWA-07-2019-0235

On: July 18, 2018

At: Clark Investments, LLC / Environmental Energy,
307 Augustine, Abilene, Kansas

Owned or operated by Clark Investments, LLC (Respondent), an authorized representative of the U.S. 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 (33 U.S.C. § 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 SPILL PREVENTION CONTROL AND COUNTERMEASURE INSPECTION FINDINGS, ALLEGED VIOLATIONS, AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference.

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of the 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 C.F.R. § 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 \$1,775.

This settlement is subject to the following terms and conditions:

The EPA finds that Respondent is subject to the SPCC regulations, which are published at 40 C.F.R. Part 112, and has violated the regulations as further described in the Form. Respondent admits that he/she is subject to 40 C.F.R. Part 112 and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings and waives any objections it may have to the EPA's jurisdiction.

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 \$1,775 payable to the "Environmental Protection Agency," via certified mail to:

U.S. Environmental Protection Agency
P.O. Box 979077
St. Louis, Missouri 63197-9000

and Respondent has noted on the penalty payment check Docket No. CWA-07-2019-0235 and "OSLTF - 311." The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:

Eduardo Ortiz
U.S. Environmental Protection Agency
Region 7, LCARD
11201 Renner Boulevard, Lenexa, Kansas 66219

This Expedited Settlement resolves respondent's liability for Federal civil penalties for the violations of the SPCC regulations described in the Form. However, the 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. By its first signature, the EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to the 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 Judicial Officer's signature and filing with the Regional Hearing Clerk.

APPROVED BY EPA:

[Signature] Date 11-18-19
Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Adam Gray
Title (print): Manager
Signature: [Signature]
Date: 11-7-2019

The estimated cost for correcting the violation(s) is:
\$ 1,775⁰⁰

IT IS SO ORDERED:

[Signature] Date 11/19/2019
Karina Borromeo
Regional Judicial Officer

IN THE MATTER OF
Clark Investments, LLC
Docket No. CWA-07-2019-0235

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was sent this day in the following manner to the addressees:


Copy emailed to Paralegal for Complainant:
Moreno.sarah@epa.gov

Copy emailed to Technical Contact for Complainant:
Ortiz.eduardo@epa.gov

Copy by First Class Mail to Respondent:
Clark Investments, LLC
8514 Cherokee Place
Leawood, Kansas 66206

Dated:

November 19, 2019



Lisa Haugen
Hearing Clerk, Region 7

NOTICE TO CUSTOMERS

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE THIS CHECK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.



58104

VOID AFTER 90 DAYS

83-1381/1011

Remitter Adam Gray Docket # CWA-07-2019-0235
OS LTF- 311

DATE 11/6/19

PAY TO THE ORDER OF U.S. Environmental Protection Agency*****

\$ 1,775.00****

THE SUM 1775 DOLS 00 CTS

DOLLARS

This document has a colored background, Foil Guard and a backside authentic watermark; absence of these features will indicate a copy.

TWO SIGNATURES REQUIRED IF OVER \$5000.00

CASHIER'S CHECK

Melody Friedman

MP

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