



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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

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DOCKET NO. CWA-07-2018-0101

FEB 21 2018

On: June 16, 2017

At: Nebraska Road, Moran, Kansas,

AWMD/EICS

Owned or operated by, Jack McFadden d/b/a McFadden Oil (Respondent), an authorized representative of the U.S. Environmental Protection Agency (EPA) conducted an inspection at the Winslow Lease to determine compliance with the Oil Pollution Prevention (SPCC) 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 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.

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 \$600.00.

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 settlement is subject to the following terms and conditions:

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.

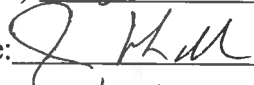
The EPA finds that Respondent is subject to the SPCC regulations, which are published at 40 C.F.R. Part 112, and has violated the regulations as further described in the Form. Respondent admits that he/she is subject to 40 C.F.R. Part 112 and that the EPA has jurisdiction over Respondent and Respondent's 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.

APPROVED BY EPA:

 Date 3/8/18
 Chief, Chemical & Oil Release Prevention Branch
 Air & Waste Management Division

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 \$600.00, payable to the "Environmental Protection Agency," via certified mail to:

APPROVED BY RESPONDENT:

Name (print): Jack McFadden
 Title (print): Owner
 Signature: 
 Date: 2/8/18

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-07-2018-0101 and "OSLTF - 311." **The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

The estimated cost for correcting the violation(s) is:
 \$ 2250

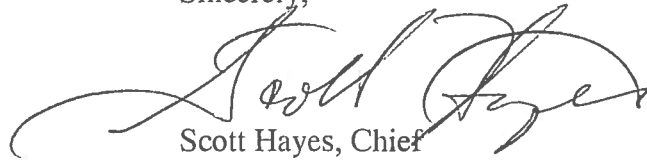
Michael L. Pomes
 U.S. Environmental Protection Agency
 Region 7, AWMD/CORP
 11201 Renner Boulevard
 Lenexa, Kansas 66219

IT IS SO ORDERED:

 Date March 12, 2018
 Karina Borrromeo
 Regional Judicial Officer

If you have any questions, you may contact Michael L. Pomes of my staff at (913) 551-7216.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hayes", written in a cursive style.

Scott Hayes, Chief
Chemical & Oil Release Prevention Branch
Air & Waste Management Division

Enclosures

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AWMD/EICS

IN THE MATTER OF
McFadden Oil
Docket No. CWA-07-2018-0101

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:

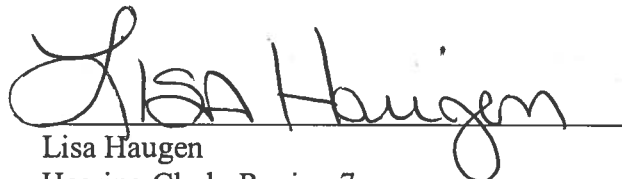
Copy emailed to Attorney for Complainant:
bosch.raymond@epa.gov

Copy emailed to Technical Contact for Complainant:
pomes.michael@epa.gov

Copy by First Class Mail to Respondent:

Mr. Jack McFadden
Owner
McFadden Oil
PO Box 394
Iola, Kansas 66755

Dated: March 14, 2018


Lisa Haugen
Hearing Clerk, Region 7