



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

April 4, 2022

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

David Ziebell
QC Manager
MKE Fuel Company LLC
4792 South Howell Ave.
Milwaukee, Wisconsin 53207

Re: SPCC Expedited Settlement Agreement
MKE Fuel Company LLC
Docket No: **R5-CWA-ESA-2022-001**

Dear Mr. Ziebell,

Enclosed, please find a signed, fully-executed SPCC Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on April 4, 2022, with the Regional Hearing Clerk (RHC).

We have received the copy of the check payable to the Environmental Protection Agency for the civil penalty in the amount of \$2,000.

Thank you for your cooperation in resolving this matter. If you have any questions or concerns regarding this matter, please contact Silvia Palomo, of my staff, at (312)353-2172 or at palomo.silvia@epa.gov.

Sincerely,

MICHAEL HANS Digitally signed by MICHAEL HANS
Date: 2022.03.18 14:02:52 -05'00'

Michael E. Hans, Supervisor
Chemical Emergency Preparedness and Prevention Section

Enclosures



Region 5
77 West Jackson Boulevard
Chicago, IL 60604

OIL SPILL EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. **R5-CWA-ESA-2022-001**

On **May 1, 2017**, at the **General Mitchell International Airport, MKE Fuel Company LLC** (Respondent) discharged approximately **500** gallons of oil in violation of the Clean Water Act (CWA) § 311(b)(3), 33 U.S.C. § 1321(b)(3), as described on the attached "Findings and Alleged Violations and Proposed Penalty Form" (Form), which is incorporated by reference.

EPA finds Respondent's conduct is subject to the discharge prohibition of CWA § 311(b)(3), 33 U.S.C. § 1321(b)(3), and 40 C.F.R. § 110.3. EPA is authorized to enter into this Expedited Settlement Agreement under the authority vested in the Administrator of EPA by CWA § 311(b)(6)(B)(i), 33 U.S.C. § 1321(b)(6)(B)(i), and by 40 C.F.R. § 22.13(b) and § 22.18(b)(2)-(3). Respondent admits that EPA has jurisdiction over Respondent and that Respondent is subject to CWA § 311(b)(3), 33 U.S.C. § 1321(b)(3). Respondent does not contest the factual findings in the Form, waives any objections it may have to EPA's jurisdiction, and consents to the terms of this Expedited Settlement Agreement.

Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of **\$2,000.00** for the oil discharge violations identified in the Form by sending a cashier's or certified check to the "Environmental Protection Agency," to:

U.S. EPA
 Fines and Penalties
 Cincinnati Finance Center
 P.O. Box 979077
 St. Louis, Missouri 63197-9000

Respondent must note on the penalty payment check "OSLTF-311" and the docket number of this case, "**R5-CWA-ESA-2022-001**". Respondent must also send a notice of payment that states Respondent's name, address, docket number, and a photocopy of the check to EPA Region 5 to the attention of: **Silvia Palomo, SC-5J, 77 W. Jackson Blvd., Chicago, IL 60604.**

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has investigated the cause of the spill, has removed and mitigated the spill in accordance with federal requirements, has taken corrective actions that will prevent future spills, and is in compliance with CWA § 311.


After the parties sign this Agreement and Respondent pays the civil penalty, EPA will take no further action against Respondent for the spill violations described in the Form. However, EPA does not waive any rights to take enforcement action for any other violations by Respondent of CWA § 311(b)(3) or of any other federal statute or regulation.

Upon signing and returning this Expedited Settlement

Agreement to EPA, Respondent waives any right to judicial review under CWA § 311(b)(6)(G), 33 U.S.C. § 1321(b)(6)(G), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706 any right to appeal or request a hearing to contest any fact or allegation, and consents to EPA's approval of the Expedited Settlement Agreement without further notice. Failure by Respondent to pay the penalty assessed by this Agreement 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. The penalty is not deductible for federal income tax purposes.

This Expedited Settlement Agreement is binding on the parties signing below. Each person signing this Expedited Settlement Agreement certifies that he or she has the authority to sign for the party for whom he or she represents and to bind that party and any successors and assigns to its terms. If Respondent does not sign and return this Expedited Settlement Agreement as presented within thirty (30) days of the date of its receipt, the proposed Expedited Settlement Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form. Each Party to this action shall bear its own costs and fees, if any.


APPROVED BY EPA:

 Digitally signed by DOUGLAS BALLOTTI
 Date: 2022.03.01 08:54:41 -06'00' Date: March 1, 2022
 Douglas Ballotti, Director
 Superfund & Emergency Management Division

APPROVED BY RESPONDENT:

Name (print): David Ziebell
 Title (print): General Manager
 Signature: DZiebell
 Date: 03-10-2022

IT IS SO ORDERED.

 Digitally signed by ANN COYLE
 Date: 2022.03.25 12:10:45 -05'00' Date: _____
 Ann L. Coyle
 Regional Judicial Officer
 U.S. Environmental Protection Agency
 Region 5

Expedited Settlement Agreement
In the matter of: MKE Fuel Company LLC
Docket Number: ~~CWA-05-2022-0001~~ CWA-05-2022-0005

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number ~~CWA-05-2022-0001~~ CWA-05-2022-0005 which was filed on April 4, 2022 in the following manner to the following addresses:

Copy by E-mail to Respondent: David Ziebell
DAVID.ZIEBELL@menziesaviation.com

Copy by E-mail to SPCC Contact: Silvia Palomo
palomo.silvia@epa.gov

Copy by E-mail to Attorney for Complainant: John Steketee
steketee.john@epa.gov

Copy by e-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: _____

ISIDRA
MARTINEZ
Digitally signed by ISIDRA
MARTINEZ
Date: 2022.04.04
09:37:08 -05'00'

Isidra Martinez
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5