



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

RECEIVED

JUN 24 2019

DOCKET NO. CWA-07-2018-0293

On: April 4, 2018

At: 2074 US Highway 275, West Point, Nebraska

Owned or operated by, West Point Implement, Inc. (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 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 \$3,500.

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 \_\_\_\_\_  
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 \$3,500 payable to the "Environmental Protection Agency," via certified mail to:

APPROVED BY RESPONDENT:

Name (print): Erw Eisenmenger  
Title (print): Pres  
Signature: Erw Eisenmenger  
Date: 6-17-19

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

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

\$ 51,380

and Respondent has noted on the penalty payment check Docket No. CWA-07-2018-0293 and "OSLTF - 311." **The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

IT IS SO ORDERED:

Christine Hoard  
U.S. Environmental Protection Agency  
Region 7, AWMD/CORP  
11201 Renner Boulevard  
Lenexa, Kansas 66219

\_\_\_\_\_  
Date \_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer