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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 311(b)(6)(C) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6)(C), and 40 C.F.R. Part 22 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), the U.S. Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against the State of Nebraska, Lincoln Regional Center ("Respondent"), for failure to have a Spill Prevention Control and Countermeasures Plan ("SPCC Plan") for its oil products storage facility located at 800 West Prospector Place, Lincoln, Nebraska 68522.

Pursuant to Section 311(j)(1)(C) of the Clean Water Act, Executive Order 12777, and 40 C.F.R. Sec. 112.1, Respondent, as the owner of an SPCC-regulated facility, is subject to the SPCC regulations. The regulations at 40 C.F.R. Sec. 112.3 require the owner of an SPCC-regulated facility to prepare and implement an SPCC Plan in accordance with the requirements of 40 C.F.R. Sec. 112.7

Under Section 311(b)(6) of the Clean Water Act, 33 U.S.C. § 1321(b)(6), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after filing a Complaint commencing a Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II penalty pursuant to 33 U.S.C. § 1321(b)(6)(C)(i). Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22. In this case, the EPA and Respondent have entered into a Consent Agreement and Final Order ("CAFO") that will commence and conclude the proceedings under 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3). The CAFO resolves these alleged violations for a proposed total penalty of \$18,000.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA's Consolidated Rules, review the CAFO, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, 913-551-7567. Please reference Docket No. CWA-07-2008-0092. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

04/28/2009
Date

/s/ John J. Smith for
Rebecca Weber
Director
Air and Waste Management Division
U.S. Environmental Protection Agency
Region 7