



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 DEC 13 AM 8:52

1595 WYNKOOP STREET
DENVER, CO 80202-2466

Phone 800-227-8917

http://www.epa.gov/region08

ENVIRONMENTAL
HEARING CLERK

DOCKET NO.: CWA-08-2008-0002

IN THE MATTER OF:

HORSE CREEK CONSERVATION DIST.

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 12th DAY OF December, 2007

Elyana R. Sutin
Regional Judicial Officer

Attachment 1 [penalty payment instructions]

CHECK PAYMENTS:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read " D 68010727 Environmental
Protection Agency "

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.
This payment option can be accessed from the information below:

WWW.PAY.GOV
Enter sfo 1.1 in the search field

Open form and complete required fields.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

In the Matter of:)
)
Horse Creek Conservation)
District)
_____)
)
Respondent.)

EXPEDITED CONSENT AGREEMENT

DOCKET NO. : CWA-08-2008-0002

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Horse Creek Conservation District, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates the facility of Horse Creek Conservation District located at Highway 85, Hawk Springs, Goshen County, Wyoming.

Respondent admits its facility was, on August 14, 2006, subject to the SPCC regulations.

Respondent admits that on or before August 14, 2006, it failed to prepare and implement an SPCC Plan for its facility in accordance with 40 C.F.R. § 112.7 and 112.8.

Respondent has reduced the oil storage capacity of its facility to less than 1,320 gallons and is at this time no longer subject to the SPCC regulations.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA ~~and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership~~ or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,500.00, for violations of Section 311(j) of the Act, which, shall be paid no later than 30 days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center
ATTN: Shift Supervisor
Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, PA 15262-0001

If paying by EFT, the Respondent shall transfer \$1,500.00 to:

Mellon Bank
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, PA 15235

In the case of an international transfer of funds, the Respondent shall use SWIFT address
MELNUS3P.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

and

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

Respondent will revise, implement, and maintain an SPCC plan in accordance with 40 C.F.R. § 112.7. Respondent's cost of corrective actions and measures to achieve compliance to date has been \$1,000.00.

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: Mark A.R. Chalfant Date: 10/26/2007
Mark A.R. Chalfant, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Horse Creek Conservation District, Respondent.

By: Lon C Eisenbath Date: 10/16/07

Name: Lon C Eisenbath

Title: President

By: Scott D. Ross

Date: 10/16/07

Name: Scott D. Ross

Title: Vice Pres. HCCD

IN THE MATTER OF:
DOCKET NUMBER:

RON BUCHHAMMER
CWA-08-2008-0002

CERTIFICATE OF SERVICE

I hereby certify that the original Motion for Approval Of Consent Agreement with attachments and a true copy for the docket number indicated above was hand-delivered to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street Denver, Colorado 80202-1129.

And that a true copy of the same was sent by first class mail to:

Ron Buchhammer
Horse Creek
P.O. Box 68
Hawk Springs, WY 82217

11/20/2007
Date

Judith M. McTernan
Judith M. McTernan

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **HORSE CREEK CONSERVATION DISTRICT, DOCKET NO.: CWA-08-2008-0002**. These documents were filed with the Regional Hearing Clerk on December 13, 2007.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to David Janik, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on December 13, 2007, to:

Mr. Lon C. Eisenbarth, President
Horse Creek Conservation District
P. O. Box 68
Hawk Springs, WY 82217

E-mailed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

December 13, 2007



Tina Artemis
Paralegal/Regional Hearing Clerk

