



Region 7

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Brownfield Oil Co, Inc. Moberly, MO and Grisby Farms Elmer, MO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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. § 22.45 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 Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Brownfield Oil Company, Inc. and Grigsby Farms, businesses located at 1415 Riley Drive, Moberly, MO 65270 and 20409 State Highway HH, Elmer, Missouri, 63538, for alleged violations at the oil facility located at or near 20409 State Highway HH, Elmer, Missouri.

Under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii), 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 either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii). Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondents discharged 160 barrels of oil on or about, Marcy 8, 2009, from Respondents' facility in Elmer, Missouri into the Chariton River, waters of the United States, in violation of Section 311(b) of the Clean Water Act, 33 U.S.C. § 1321 (b). Respondents have reached agreement with EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondents will pay a civil penalty of \$18,750. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

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 [Consent Agreement/Final Order \(PDF\)](#) (8 pp, 1.05MB, [About PDF](#)), comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2011-0110. 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.

12/29/2011
Date

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