



## Region 7

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# Coastal Energy Corporation, Willow Springs, MO

## 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. § 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 Coastal Energy Corporation, located at 232 Burnham Road, Willow Springs, Missouri, for alleged violations at the facility located at or near that facility.

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 violated the requirements of the Facility Response Plan and Spill Prevention, Control, and Countermeasure rules, in violation of Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j), and its implementing regulations found at 40 C.F.R. Part 112. 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 \$25,000 and complete two Supplemental Environmental Projects ("SEPs"). The SEPs will consist of the installation of enhanced tank monitoring, which will allow for real time remote monitoring of tank levels, to notify the facility if a release is occurring, at a cost of no less than One Hundred and Seven Thousand Three Hundred and Forty-Seven Dollars (\$107,347). Respondent shall also enhance local emergency response capabilities by purchasing response equipment for the Willow Springs Fire Department, at a cost of no less than Seventy Three Thousand Two Hundred Dollars (\$73,200). 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 obtain additional information on the proceeding, receive a copy of EPA's Consolidated Rules, review the [proposed Consent Agreement/Final Order \(PDF\)](#) (24 pp., 2.78MB, [About PDF](#)), comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219. Please reference Docket No. CWA-07-2015-0054. 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.

8-17-15  
Date

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