

FILED

June 30, 2025

8:10AM

**U.S. EPA REGION 7
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
Lake Burger Holdings, LLC)	CONSENT AGREEMENT AND
)	FINAL ORDER
)	
Respondent)	Docket No. CWA-07-2025-0028
)	
)	Proceeding to Assess Class II Civil
)	Penalty Under Clean Water Act Section
)	311 for Spill Prevention Control and
)	Countermeasure Violations

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

1. This proceeding for the assessment of a civil penalty pursuant to Section 311(b)(6) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6), was initiated on April 16, 2025, when the United States Environmental Protection Agency (“Complainant” or “EPA”) filed with the Regional Hearing Clerk a Complaint and Notice of Opportunity for Hearing (“Complaint”) against Lake Burger Holdings, LLC (“Respondent”) and Respondent was served with the Complaint on April 21, 2025.

2. The Complaint alleged that Respondent violated regulations promulgated under Section 311(j) of the CWA, 33 U.S.C. § 1321(j), and codified at 40 C.F.R. Part 112 governing the requirements to prevent the discharge of oil and contained a civil penalty for \$14,444. The Complainant and Respondent (referenced together as “Parties”) entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (“CA/FO”) is the result of those negotiations.

CONSENT AGREEMENT

3. Respondent admits the jurisdictional allegations of this CA/FO and agrees not to contest the EPA’s jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order.

4. Respondent neither admits nor denies the factual allegations contained in the Complaint referenced above.

5. Respondent consents to the assessment of a civil penalty as stated below, to the conditions specified in this Consent Agreement, and to the issuance of the Final Order.

6. Respondent consents to electronic service at the following email address:
Zane@WilliamsLawOffice.us.

7. Respondent waives any right to contest the allegations in the Complaint and its right to appeal the Final Order. By signing this CA/FO, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of this CA/FO.

Penalty Payment

IT IS HEREBY AGREED BY THE PARTIES, pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), that:

8. Respondent consents to the payment of a civil penalty of FIVE THOUSAND DOLLARS (\$5,000). Payment is due within thirty (30) days of the Effective Date of this CA/FO.

9. Respondent shall pay the penalty identified above and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

10. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CA/FO, CWA-07-2025-0028.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Amy Gonzales
Regional Hearing Clerk
U.S. Environmental Protection Agency Region 7
Via electronic mail to:
R7_Hearing_Clerk_Filings@epa.gov;

Emily Quinn
Office of Regional Counsel
U.S. Environmental Protection Agency
Via electronic mail to:
quinn.emily@epa.gov; and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov.

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

11. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1321(b)(6), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the penalty interest, or other charges and penalties per this CA/FO, the entire unpaid balance of the penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts:

- a. Interest. Interest begins to accrue from the Effective Date. If the penalty is paid in full within thirty (30) days, interest accrued is waived. If the penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1321(b)(6). The rate of interest is the IRS standard underpayment rate.
- b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.
- c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.
- d. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty, interest, or other charges and penalties per this CA/FO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:
 - i. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - ii. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

- iii. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- iv. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1321(b)(6). In any such action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

12. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding penalty amount.

13. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CA/FO shall not be deductible for purposes of federal taxes.

Effect of Settlement and Reservation of Rights

14. Payment of the entire civil penalty shall resolve all civil and administrative claims of the United States alleged in the Complaint.

15. Nothing contained in the CA/FO shall alter or otherwise affect Respondent's obligations to comply with all applicable federal, state, and local environmental statutes and regulations.

16. EPA reserves the right to enforce the terms of this CA/FO by initiating a judicial or administrative action pursuant to Section 311(b) of the CWA, 33 U.S.C. § 1321(b).

17. With respect to matters not addressed in this CA/FO, EPA reserves the right to take any enforcement action pursuant to the CWA, or any other available legal authority, including without limitation, the right to seek injunctive relief, monetary penalties, and punitive damages.

General Provisions

18. Respondent and Complainant each agree to bear their own costs and attorneys' fees.

19. The undersigned representative of Respondent certifies that they are fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind Respondent to it.

20. This CA/FO shall apply to and be binding upon Respondent, its agents, successors, and assigns. Respondent shall ensure that any directors, officers, employees, contractors, consultants, firms or other persons or entities acting under or for them with respect to matters included herein comply with the terms of this CA/FO.

21. This CA/FO shall become effective upon filing pursuant to 40 C.F.R. § 22.31(b) (“Effective Date”). All time periods herein shall be calculated therefrom unless otherwise provided in this CA/FO.

22. In accordance with Section 311(b)(6)(C) of the 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 and the Revocation/Termination or Suspension of Permits, on April 29, 2025, the EPA provided notice on a proposed administrative penalty assessment in this matter. The public comment period ended on May 29, 2025. No comments were received.

For the Complainant, United States Environmental Protection Agency Region 7:

Date

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Emily Quinn
Assistant Regional Counsel
Office of Regional Counsel

For the Respondent, Lake Burger Holdings, LLC:

Signed by:

7DB5888C788340D...
Signature

6/17/2025
Date

Tim Vogel
Name

Owner
Title

FINAL ORDER

Pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), and the Consolidated Rules of Practicing Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the Effective Date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Date

Karina Borromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE

I further certify that a copy of the fully-executed Consent Agreement and Final Order was served on each party by electronic mail to:

For Respondent:

Zane G. Williams
Attorney at Law
The Williams Law Firm
16533 North State Highway 5, Ste 301
Sunrise Beach, MO 65079
Zane@WilliamsLawOffice.us

For Complainant:

Emily Quinn
Office of Regional Counsel
U.S. Environmental Protection Agency Region 7
quinn.emily@epa.gov

Abigail Widiker
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency Region 7
widiker.abigail@epa.gov

Carrie Venerable | National Experienced Workforce Solutions
U.S. Environmental Protection Agency Region 7
venerable.carrie@epa.gov

Date

Signature