

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2010 JAN 13 PM 1:54
REGION VIII
ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF Sav-O-Mat Castle Rock Site

Docket Number: **CWA-08-2010-0004**

Proceedings under Section 311 (c) of the Clean Water Act (CWA), 33 U.S.C. § 1321 (c), as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq.

I. DEFINITIONS

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (Section 311(a)(1) of the CWA, 33U.S.C. §1321(a)(1)).

"Hazardous substance" means any substance designated pursuant to subsection (b)(2) of this section (Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14)).

"Navigable water of the United States" means the waters of the United States, including the territorial seas (Section 502(7) of the CWA, 33 U.S.C. § 1362(7)).

"Facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than submerged land (Section 311(a)(10) of the CWA, 33U.S.C. §1321(a)(10)).

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping, but excludes (A) discharges in compliance with a permit under section 402 of CWA, (B) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of CWA, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of CWA which are caused by events occurring within the scope of relevant operating or treatment systems (Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2)).

II. FINDINGS OF FACT AND VIOLATIONS

A. This Order is being issued under §311(c) of the Clean Water Act, 33 U.S.C. §1321 for a discharge or a substantial threat of discharge of oil and/or a hazardous substance into waters of the United States.

B. On or about unknown (date of discharge), a discharge or a substantial threat of a discharge of unknown gallons/barrels of oil and/or (none), which

D. REPORTING REQUIREMENTS

_____ Respondent(s) shall prepare and submit to the On-Scene Coordinator the following reports: *see below*

_____ Weekly Progress Reports due on _____

_____ Monthly Progress Reports due on _____

_____ Final Completion Report due ___ days after the completion of the Removal Action

Respondent shall continue to work via e-mail, meetings and letters with the EPA On-Scene Coordinator and the Colorado Division of Oil & Public Safety to submit progress reports.

E. OTHER REQUIREMENTS

_____ The EPA On-Scene Coordinator shall submit a letter to the Respondent should the required tasks, due dates, or frequency of reporting change.

IV. RESERVATION OF RIGHTS AND PENALTIES

- A. This Order does not preclude EPA from taking any actions authorized by CWA, the National Contingency Plan, or any other law. EPA reserves the right to direct all activities and to comment on and direct changes to deliverables, off-site shipping and disposal, and all other matters.
- B. Respondent shall notify EPA of any response actions it takes as to this discharge that are in addition to those described in this Order.
- C. Violation of any term of this ORDER may subject Respondents to an administrative civil penalty of up to \$27,500 per day of violation or an amount up to three times the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure. (Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.)

V. EFFECTIVE DATE

The effective date of this ORDER shall be the date of the receipt of this Order by the Respondents.

[Signature] _____ 12-22-09
On-Scene Coordinator Date

Received by *[Signature]* _____ 1-08-10
Representing Respondent Date

By signing this Order, Sav-O-Mat is acknowledging receipt of this AO and agrees to comply with the lawful requirements of this AO to the extent required by law while reserving its right to contest or amend, to the extent allowable by law, any provision within this AO. Sav-O-Mat's signature does not constitute an admission of any release, violation or alleged facts relating thereto, nor shall any third party infer it to be such an admission in any administrative or judicial proceeding.

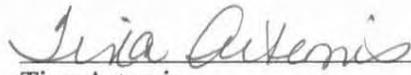
CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ADMINISTRATIVE ORDER** in the matter **SAV-O-MAT CASTLE ROCK; DOCKET NO.: CWA-08-2010-0004** was filed with the Regional Hearing Clerk on January 13, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered Brenda Morris, 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 January 13, 2010, to:

Mr. Bradley Calkins
Sav-O-Mat, Inc.
7268 S. Tucson Way
Centennial, CO 80112

January 13, 2010


Tina Artemis
Paralegal/Regional Hearing Clerk



