

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

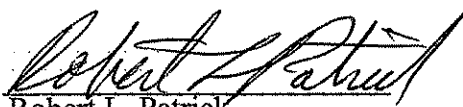
IN THE MATTER OF)
)
Scrivener Oil Company, Inc.)
)
)
)
Respondent)
_____)

Docket No. CWA-07-2005-0367

ORDER CLARIFYING EFFECTIVE DATE OF
CONSENT AGREEMENT AND FINAL ORDER

The Consent Agreement and Final Order in this matter was filed with the Regional Hearing Clerk on January 3, 2006. Pursuant to Rule 22.31(b), 40 C.F.R. §22.31(b), a final order is effective upon filing. Therefore, the final order in this proceeding was effective on January 3, 2006.

So Ordered this 4th day of January, 2006.


Robert L. Patrick
Regional Judicial Officer

IN THE MATTER OF Scrivener Oil Company, Inc., Respondent
Docket No. CWA-07-2005-0367

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day to the following addressees:

Copy hand delivered to
Attorney for Complainant:

James D. Stevens
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101


Copy by Certified Mail Return Receipt to:

Jay Cummings, Attorney
3271 East Battlefield, Suite 200
Springfield, Missouri 65804

Copy by First Class Mail to:

US. Coast Guard
Finance Center (OGR)
1430A Kristina Way
Chesapeake, Virginia 23326

1/4/06
Dated


Kathy Robinson
Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

06 JAN -3 AM 9:35

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
) Docket No. CWA-07-2005-0367
Scrivener Oil Company, Inc.)
Food Store #103, Hwy 5 & Business 60) CONSENT AGREEMENT AND
Mansfield, Missouri) FINAL ORDER
Respondent.)

I. PRELIMINARY STATEMENT

These proceedings were initiated on September 26, 2005, when the United States Environmental Protection Agency, Region 7 ("Complainant" or "EPA") issued a Complaint and Notice of Opportunity for Hearing ("Complaint") to Scrivener Oil Company, Inc. ("Respondent"). Pursuant to Section 311(b) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b), as amended by the Oil Pollution Act of 1990, EPA sought civil penalties for alleged violations of Section 311(b) of the CWA, 33 U.S.C. § 1321 (b), and regulations promulgated thereunder and codified at 40 C.F.R. Part 110.

The Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations and resolves all issues relating to the administrative claims arising from the allegations in the Complaint.

II. CONSENT AGREEMENT

1. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order. The terms of this Consent Agreement and Final Order shall not be modified except by a subsequent written agreement between the parties.
2. Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this Consent Agreement and the Final Order set forth below.
3. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in the Complaint.

4. Respondent waives its right to further contest the factual allegations and legal conclusions set forth in the Complaint in this or subsequent proceedings to enforce the terms of this Consent Agreement and Final Order, and agrees not to appeal the Final Order set forth below.
5. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in the Complaint.
6. Respondent and EPA agree to resolve this matter without the necessity of a formal hearing and each agree to bear their own costs and attorneys' fees.
7. Respondent agrees that, in settlement of the claims alleged in the Complaint, Respondent shall pay a civil penalty of \$3,000.00 as set forth in paragraph 10 of the Final Order.
8. This Consent Agreement and Final Order shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.
9. The undersigned representative of Respondent certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent.

III. FINAL ORDER

Payment of Civil Penalty

10. Within thirty (30) days of the effective date of this Final Order, Respondent shall pay a mitigated civil penalty of \$3,000.00.
11. Payment of the penalty shall be by cashier or certified check made payable to the "Oil Spill Liability Trust Fund" and remitted to:

U.S. Coast Guard
Civil Penalties
P.O. Box 100160
Atlanta, GA 30384.

Respondent shall reference the Docket Number, CWA-07-2005-0367, on the check.

12. Copies of the check shall also be mailed to:

Kathy Robinson
Office of Regional Counsel
EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

and

James D. Stevens
Office of Regional Counsel
EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101.

13. Failure to pay any portion of the civil penalty by the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the rate of five percent (5%) per annum.

14. Respondent agrees that no portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

Parties Bound

15. This Final Order shall apply to and be binding upon EPA and Respondent and Respondent's agents, officers, directors, employees, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.


Reservation of Rights

16. This Consent Agreement and Final Order addresses all administrative matters alleged in EPA's September 26, 2005 Complaint, Docket No. CWA-07-2005-0367. EPA reserves the right to take any enforcement action with respect to any other violations of the CWA and its implementing regulations or any other applicable law.

17. EPA reserves the right to take enforcement action against Respondent for any future violations of the CWA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

18. The headings in this Consent Agreement and Final Order are convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.


For the Respondent:


Richard Scrivener
President, Scrivener Oil Company, Inc.

12/14/05
Date


For the Complainant:

The United States Environmental Protection Agency


James D. Stevens
Assistant Regional Counsel

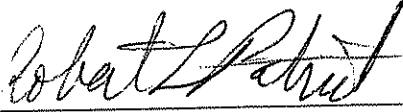
12/28/05
Date

Signature
for

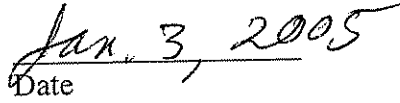

William A. Spratlin
Director
Air, RCRA and Toxics Division

12/29/05
Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional
Judicial Officer.



Robert L. Patrick
Regional Judicial Officer



Date

IN THE MATTER OF Scrivener Oil Company, Inc., Respondent
Docket No. CWA-07-2005-0367

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

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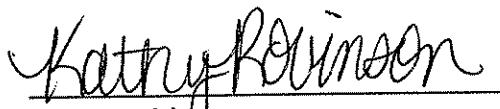
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1430A Kristina Way
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Dated: 1/3/06


Kathy Robinson
Regional Hearing Clerk