



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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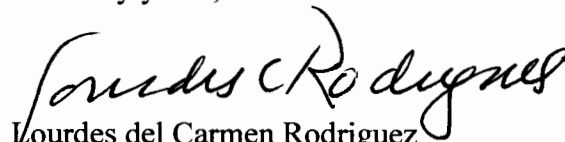
Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Boggs Natural Gas, FLP
Docket No. CWA-03-2015-0230
Consent Agreement and Final Order

Dear Ms. Guy:

Enclosed for filing, please find the original and one copy of the above administrative Consent Agreement and Final Order, along with a certificate of service.

Sincerely yours,


Lourdes del Carmen Rodriguez
Senior Assistant Regional Counsel

Enclosures

cc: Mr. Gregory A. Boggs, Respondent
Arlin Galarza, EPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

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In The Matter of: :
: :
Boggs Natural Gas, FLP : Proceedings Pursuant to Section 311(j) and
1248 Charleston Road : 311(b)(6)(B)(i) of the Clean Water Act,
Spencer, WV 25276 : 33 U.S.C. § 1321(j) and 1321(b)(6)(B)(i)
: :
: :
Respondent. :
: **Docket No. CWA-03-2015-0230**
: :
Boggs Natural Gas, FLP :
Grade Fork Road :
Linden, West Virginia :
: :
Facility. :
: :
_____ :

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

CONSENT AGREEMENT

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA”), as amended, 33 U.S.C. § 1321(b)(6)(B)(i), and under the authority provided by Section 22.13(b), 22.18(b)(2) and (3), and 22.50(a)(1) and (b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Part 22 Rules”), 40 C.F.R. Part 22. The Administrator has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated it to the Director of the Region’s Hazardous Site Cleanup Division (“Complainant”).
2. The parties agree to the commencement and conclusion of this matter by issuance of this Consent Agreement and Final Order (collectively “CAFO”), as prescribed by the Part 22 Rules pursuant to 40 C.F.R. § 22.13(b) and 22.18(b), and having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.
3. For purposes of this proceeding only, Respondent admits to the jurisdictional allegations set forth in this Consent Agreement.
4. Respondent neither admits nor denies the specific factual allegations, findings of fact, and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.

5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution, enforcement, and issuance of this CAFO.
6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Respondent shall bear its own costs and attorney's fees.

Statutory and Regulatory Authority

8. Congress enacted the CWA, 33 U.S.C. §§ 1251 *et seq.*, in 1972. In Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), Congress required the President to promulgate regulations which would, among other things, establish procedures, methods, and other requirements for preventing discharges of oil from onshore facilities into navigable waters and for containing such discharges.
9. By Executive Order 12777, the President delegated the authority to promulgate regulations under Section 311(j) of the CWA to EPA for non-transportation-related onshore and offshore facilities.
10. Pursuant to its delegated authority under Section 311(j) of the CWA, EPA promulgated the Oil Pollution Prevention Regulations, codified at 40 C.F.R. Part 112 (the "Regulations").
11. Pursuant to 40 C.F.R. § 112.1(b), the Regulations apply to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines. Pursuant to 40 C.F.R. § 112.1(d), the Regulations do not apply to any owner or operator of a facility with an aggregate aboveground oil storage capacity of 1,320 gallons or less.
12. Pursuant to 40 C.F.R. § 110.3, discharges of oil that may be harmful include discharges of oil that violate applicable water quality standards or cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
13. According to 40 C.F.R. § 112.3, an owner or operator subject to the Regulations must prepare in writing and implement a Spill Prevention, Control, and Countermeasure (SPCC) plan, in accordance with § 112.7 and any other applicable section, including but not limited to § 112.8.
14. For violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA has authority, under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), as

amended by the Debt Collection Improvement Act and implemented by 40 C.F.R. Part 19, *Adjustment of Civil Monetary Penalties for Inflation*, to file an Administrative Complaint seeking a civil penalty of \$16,000 per day for each day during which a violation continues, up to a maximum of \$177,500 for each penalty for violations occurring after January 12, 2009.

Findings of Fact and Conclusions of Law

15. Respondent is a family limited partnership with a principal place of business located at 1248 Charleston Road, Spencer, WV, 25276.
16. Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.
17. Respondent is engaged in the business of crude oil production from its facility located at Grade Fork Road, Linden, Roane County, West Virginia, (38.76220-81.36557) (“Facility”).
18. Respondent is the owner and/or operator of the Facility within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2.
19. Respondent has owned and operated the Facility since 1990, when the Facility started operations.
20. On July 22, 2013, EPA conducted an inspection of the Facility to determine compliance with the Regulations (the “Inspection”).
21. During the Inspection, EPA observed that the Facility has an aboveground 100-barrel collection steel tank, with an oil storage capacity of approximately 4,200 gallons.
22. The Facility is located approximately 10 feet west of Flat Run. Flat Run flows into the West Fork Little Kanawha River and then to the Kanawha River.
23. The Facility, due to its location, could reasonably be expected to discharge oil in harmful quantities into the Flat Run, which flows into the West Fork Little Kanawha River and then to the Kanawha River.
24. Flat Run, West Fork Little Kanawha River and the Kanawha River are navigable waters of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
25. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

26. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2 and Appendix A of 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.
27. Due to its location, the Facility could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. § 110.3, into or upon navigable waters of the United States or its adjoining shoreline.
28. Pursuant to 40 C.F.R. § 112.1, Respondent, as the owner and operator of the Facility, is subject to the Regulations codified at 40 C.F.R. Part 112.
29. Pursuant to 40 C.F.R. § 112.3, Respondent was required to prepare in writing and implement an SPCC plan, in accordance with 40 C.F.R. § 112.7 and any other applicable section.

Count I

30. The findings of fact and conclusions of law contained in Paragraphs 15 through 29 of this CAFO are incorporated by reference herein as though fully set forth at length.
31. On February 21, 2014, EPA sent an Information Request, pursuant to CWA Section 308, 33 U.S.C. § 1318, to Respondent, in order to determine whether the Facility was in compliance with the Regulations.
32. Since EPA did not receive a response to the Information Request, EPA contacted Respondent on January 13, 2015. Respondent indicated the company had not received EPA's Information Request. On January 29, 2015, EPA re-issued the Information Request, to which Respondent provided a response via email on February 3, 2015.
33. Respondent's February 3, 2015 reply to EPA's Information Request stated that the facility does not have a written SPCC Plan
34. Based on EPA's Inspection, and its review of documentation provided by Respondent, EPA alleges that Respondent failed to prepare in writing an SPCC Plan as required by as required by 40 C.F.R § 112.3 of the Regulations.
35. Failure to prepare an SPCC plan is a violation of 40 C.F.R § 112.3 of the Regulations, issued pursuant to Section 311(j) of the CWA, 33 U.S.C. § 1321(j), which is subject to the assessment of penalties pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

Penalty

36. In settlement of Complainant's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent agrees to pay a civil penalty of \$15,618 plus \$65.20 in interest. In order to avoid the assessment of additional interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CAFO, Respondent shall pay the civil penalty of \$15,618 plus \$65.20 in interest by remitting payments in accordance with Paragraph 38, below.
37. The penalty was calculated after consideration of the applicable statutory penalty factors in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), including the seriousness of the violation; the economic benefit to the violator, if any; the degree of culpability; any other penalty for the same incident; history of prior violations, if any; the nature, extent, and degree of success of the violator's mitigation efforts; the economic impact of the penalty on the violator; and other matters as justice may require.
38. Respondent shall pay the penalty of \$15,618.00, in nine monthly installment payments, commencing with the first payment made no later than thirty (30) days after the effective date of the Final Order, and thereon making monthly payments with a 1% interest on the remaining amount of the penalty due as follows:
 - a. a first payment of **\$1,735.33** shall be made within 30 calendar days of the effective date of the Final Order;
 - b. a second payment of \$1,730.04 plus \$23.90 in interest for a total of **\$1,753.94** shall be made shall be made within 60 calendar days of the effective date of the Final Order;
 - c. a third payment of \$1,731.86 plus \$10.13 in interest for a total of **\$1,741.99** shall be made shall be made within 90 calendar days of the effective date of the Final Order;
 - d. a fourth payment of \$1,733.02 plus \$8.97 in interest for a total of **\$1,741.99** shall be made shall be made within 120 calendar days of the effective date of the Final Order;
 - e. a fifth payment of \$1,734.75 plus \$7.24 in interest for a total of **\$1,741.99** shall be made shall be made within 150 calendar days of the effective date of the Final Order;
 - f. a sixth payment of \$1,736.00 plus \$5.99 in interest for a total of **\$1,741.99** shall be made shall be made within 180 calendar days of the effective date of the Final Order;

- g. a seventh payment of \$1,737.50 plus \$4.49 in interest for a total of **\$1,741.99** shall be made shall be made within 210 calendar days of the effective date of the Final Order;
 - h. an eight payment of \$1,739.19 plus \$2.80 in interest for a total of **\$1,741.99** shall be made shall be made within 240 calendar days of the effective date of the Final Order; and
 - i. a ninth and final payment of \$1,740.31 plus \$1.68 in interest for a total of **\$1,741.99** shall be made shall be made within 270 calendar days of the effective date of the Final Order.
39. All payments shall be made by a cashier's or certified check, by an electronic funds transfer ("EFT"), or by on-line payment.
- a. If paying by check, Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF-311." If paying by check, Respondent shall note on the check the title and docket number (CWA-03-2015-0230) of this case.
 - b. If Respondent sends payments by the U.S. Postal Service, the payments shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - c. If Respondent sends payments by a private delivery service, the payments shall be addressed to:

U.S. Environmental Protection Agency
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Attn: Heather Russell (513) 487-2044
 - d. If paying by EFT, the Respondent shall make the transfers to:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
33 Liberty Street
New York, NY 10045

- e. If paying by EFT, field tag 4200 of the Fedwire message shall read: “(D 68010727 Environmental Protection Agency).” In the case of an international transfer of funds, the Respondent shall use SWIFT address FRNYUS33.
 - f. If paying through the Department of Treasury’s Online Payment system, please access “www.pay.gov,” and enter sfo 1.1 in the search field. Open the form and complete the required fields and make payments. Note that the type of payment is “civil penalty,” the docket number “CWA-03-2015-0230” should be included in the “Court Order # or Bill #” field, and “3” should be included as the Region number.
40. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent’s failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling delinquent debts.
41. Interest on the civil penalty will begin to accrue on the date that this CAFO, when fully executed, is mailed or hand-delivered to the Respondent. EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest on the portion of a civil penalty not paid within such thirty (30) calendar day period will be assessed at the rate of the U.S. Treasury Tax and Loan Rate in accordance with 40 C.F.R. § 13.11(a).
42. The costs of the Agency’s administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA’s Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after a payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
43. A penalty charge of six percent per year will be assessed monthly on any portion of a payment that remains delinquent more than ninety (90) calendar days from the date it was due. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
44. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit payments for the civil penalty in accordance with the payment deadline set forth above.

45. Respondent shall submit a copy of the checks (or, in the case of an EFT transfer, a copy of the EFT confirmations) to the following persons:

Lydia Guy (3RC00) Regional Hearing Clerk U.S. EPA, Region III 1650 Arch Street Philadelphia, PA 19103-2029	Lourdes del C. Rodriguez (3RC42) Senior Assistant Regional Counsel U.S. EPA, Region III 1650 Arch Street Philadelphia, PA 19103-2029
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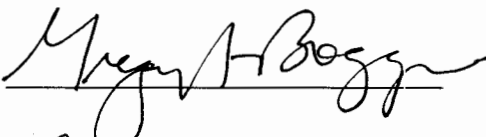
46. Failure by Respondent to pay the penalty assessed by the Final Order in full may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

General Provisions

47. The undersigned officer of Respondent represents and warrants that he or she has the authority to bind the Respondent and its successors or assigns to the terms of this Consent Agreement.
48. The provisions of this Consent Agreement and the Final Order, if issued, shall be binding upon Respondent and Respondent's successors or assigns.
49. Payment of the penalty pursuant to this Consent Agreement shall resolve all liability of Respondent for federal civil penalties for the violations alleged based on the facts alleged in this Consent Agreement.
50. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law. Payment of the penalty pursuant to this Consent Agreement resolves only Respondent's alleged liability for federal civil penalties for the violations and facts alleged in this Consent Agreement.
51. The effective date of this Consent Agreement and the accompanying Final Order (which is signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer), shall be the date the CAFO is filed with the EPA Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

For the Respondent, Boggs Natural Gas, FLP

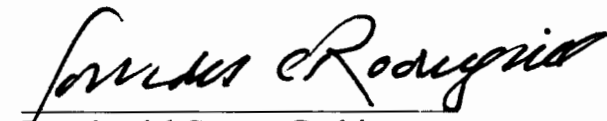
Date: 7/28/15

By: 

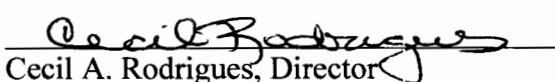
Name: GREGORY A. BOGGS

Title: MANAGER / PARTNER

For the Complainant, U.S. Environmental Protection Agency, Region III

Date: 5/25/2015 By: 
Lourdes del Carmen Rodriguez
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Hazardous Site Cleanup Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 8/27/2015 By: 
Cecil A. Rodrigues, Director
Hazardous Site Cleanup Division
EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In The Matter of:	:	
	:	
Boggs Natural Gas, FLP	:	Proceedings Pursuant to Section 311(j) and
1248 Charleston Road	:	311(b)(6)(B)(i) of the Clean Water Act,
Spencer, WV 25276	:	33 U.S.C. § 1321(j) and 1321(b)(6)(B)(i)
	:	
	:	
Respondent.	:	Docket No. CWA-03-2015-0230
	:	
	:	
Boggs Natural Gas, FLP	:	
Grade Fork Road	:	
Linden, West Virginia	:	
	:	
	:	
Facility.	:	
	:	

FINAL ORDER


Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Boggs Natural Gas, FLP, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, with specific references to Section 22.13(b), 22.18(b)(2) and (3), 22.1(b) and 22.50(a)(1). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to herein is based upon consideration of, *inter alia*, the statutory penalty factors in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), which were applied in accordance with EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998).

NOW, THEREFORE, PURSUANT TO Section 311(b)(6)(B)(i) of the CWA, as amended, and the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty of FIFTEEN THOUSAND SIX HUNDRED AND EIGHTEEN DOLLARS (\$15,618), plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region III, or the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Sept. 2, 2015



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

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REGION III

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In The Matter of:	:	
	:	Consent Agreement and Final Order
Boggs Natural Gas, FLP	:	Proceedings Pursuant to Section 311(j) and
1248 Charleston Road	:	311(b)(6)(B)(i) of the Clean Water Act,
Spencer, WV 25276	:	33 U.S.C. § 1321(j) and 1321(b)(6)(B)(i)
	:	
	:	
Respondent.	:	Docket No. CWA-03-2015-0230
	:	
Boggs Natural Gas, FLP	:	
Grade Fork Road	:	
Linden, West Virginia	:	
	:	
Facility.	:	


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Mr. Gregory A. Boggs
Manager/Partner
Boggs Natural Gas, FLP
1248 Charleston Road
Spencer, WV 25276

I further certify that I have sent a copy of the CAFO by electronic pdf to Respondent at BoggsNG@yahoo.com on this day.

DATE: *Sept 2, 2015*



 Lourdes del Carmen Rodriguez (3RC42)
 Senior Assistant Regional Counsel
 Counsel for Complainant
 (215) 814-2668

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: In the Matter of Boggs Natural Gas, FLP
Consent Agreement and Final Order
Docket No. CWA-03-2015-0230

FROM: Cecil A. Rodrigues, Director *CR 8/27/2015*
Hazardous Site Cleanup Division

Mary B. Coe, Regional Counsel *Supplement for 8/10/15*
Office of Regional Counsel

TO: Joseph J. Lisa *J/L 9-2-2015*
Regional Judicial Officer

Attached for your review and ratification is a Consent Agreement to resolve the above-indicated matter.

NATURE OF THE CASE

On May 21, 2015, EPA sent a show cause letter to Boggs Natural Gas, FLP (“Boggs”), regarding EPA’s allegation that Boggs violated Section 311(j) of the CWA, 33 U.S.C. § 1321(j), and its implementing regulations at 40 C.F.R. Part 112, for failure to prepare in writing an SPCC Plan for its crude oil production facility located at Grade Fork Road, Linden, Roane County, West Virginia, (the “Facility”).

PROPOSED SETTLEMENT

EPA and Boggs subsequently engaged in settlement negotiations, in which Boggs agreed to pay a civil penalty of \$15,618.00 to settle this matter in nine monthly installment payments, commencing with the first payment made no later than thirty (30) days after the effective date of the Final Order, and thereon making monthly payments with a 1% interest on the remaining amount of the penalty due.

The proposed settlement penalty is based on EPA’s consideration of a number of factors including the penalty criteria set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), including the seriousness of the violation; the economic benefit to the violator, if any; the degree of culpability; any other penalty for the same incident; history of prior violations, if any; the

nature, extent, and degree of success of the violator's mitigation efforts; the economic impact of the penalty on the violator; and other matters as justice may require. The penalty is consistent with 40 C.F.R. Part 19 and the *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998).

CONTACT INFORMATION

The representatives of the parties are as follows.

For Respondent

Mr. Gregory A. Boggs
Manager/Partner
Boggs Natural Gas, FLP
1248 Charleston Road
Spencer, WV 25276
304-377-2168 (mobile)
304-927-1236 (office)
BoggsNG@yahoo.com

For Complainant, EPA

Lourdes del Carmen Rodriguez
Senior Assistant Regional Counsel
USEPA Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-2668
rodriguez.lourdes@epa.gov

cc: Mr. Gregory A. Boggs, Manager/Partner, Boggs Natural Gas, FLP



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Philadelphia, Pennsylvania 19103-2029

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ELECTRONIC MAIL
OVERNIGHT MAIL

September 2, 2015

Mr. Gregory A. Boggs
Manager/Partner
Boggs Natural Gas, FLP
1248 Charleston Road
Spencer, WV 25276


Re: Consent Agreement and Final Order
Docket No. CWA-03-2015-0230

Dear Mr. Boggs:

I have enclosed for your records a Consent Agreement and Final Order ("CAFO") governing the settlement reached by the parties to resolve the above administrative action. Please note that payment must be made in accordance with the terms in the enclosed CAFO.

If you have any questions or require additional information, please contact me at (215) 814-2668.

Sincerely,


Lourdes del C. Rodriguez
Senior Assistant Regional Counsel

Enclosure

cc: Galarza, Arlin (EPA)