



**EXPEDITED OIL SPILL SETTLEMENT AGREEMENT  
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 7, 901 N. 5<sup>th</sup> ST., KANSAS CITY, KANSAS 66101**

**DOCKET NO. CWA-07-2012-0017**

On 12/13/2011  
 At: I-435 and Front Street, South of Bayer Plant,  
 Owned or operated by Infrasource (Respondent),  
 discharged 20 gallons of oil in violation of regulations promulgated at 40 C.F.R. Part 110 under Section 311(b)(3) of the Clean Water Act as noted on the attached **FINDINGS AND ALLEGED VIOLATIONS FORM, (Form),** which is hereby incorporated by reference.

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of the EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 C.F.R. §§ 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$500.

This settlement is subject to the following terms and conditions:

Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$500, payable to the "Environmental Protection Agency," via certified mail to:

U.S. Environmental Protection Agency  
 P.O. Box 979077  
 St. Louis, MO 63197-9000

and Respondent has noted on the penalty payment check Docket No. CWA-07-2012-0017 and "OSLTF - 311." **The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

Paula Higbee  
 U.S. Environmental Protection Agency  
 Region 7, AWMD/STOP  
 901 N. 5<sup>th</sup> Street  
 Kansas City, KS 66101

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the oil spill regulations described in the Form. However, the EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the OPA/SPCC regulations or of any other federal statute or regulations. By its first signature, the EPA ratifies the Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to the EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature.

APPROVED BY THE EPA:

Margaret S. Gill Date 6-5-2012  
 Chief, Storage Tanks and Oil Pollution Branch (STOP)  
 Air and Waste Management Division

APPROVED BY RESPONDENT:

Name (print): DAN FENSOM/InfraSource Installation LLC

Title (print): SUPERINTENDENT

Signature: Dan Fensom Digitally signed by Daniel Fensom  
 Date: 2012.05.23 10:11:25 -05'00'

Date: \_\_\_\_\_

The estimated cost for correcting the violation(s) is:

\$ Unknown to Respondent as our client MGE  
 (see attachment) directed the correction.

IT IS SO ORDERED:

Robert L. Patrick Date June 14, 2012  
 Robert L. Patrick  
 Regional Judicial Officer

2012 JUN 14 PM 1:09  
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

## FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. Infrasource Installation, LLC, organized under the laws of Delaware with a facility located in Kansas City, Missouri. The Respondent is a person within the meaning of Section 311 (a)(7) of the Act, 33 U.S.C. §1321 (a)(7).
2. Respondent is the owner/operator of an onshore facility within the meaning of Section 311 (a)(10) of the Act, 33 U.S.C. §1321 (a)(10) of the Act, which is located at 435 and Front Street, Kansas City, Missouri ('facility').
3. Section 311(b)(3) of the Act prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.
4. For purposes of Section 311 (b)(3) and (b)(4) of the Act, 33 U.S.C. §1321 (b)(3) and (b)(4), discharges of oil into or upon the navigable waters and/or adjoining shorelines of the United States in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
5. On December 13, 2011, Respondent discharged 20 gallons of oil (crude) as defined in Section 311 (a)(1) of the Act, 33 U.S.C. §1321(a)(1), and 40 C.F.R. §110.1, from its facility into or upon the Blue River and/or adjoining shorelines.
6. The Blue River is a navigable water of the United States as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 C.F.R. §110.1.
7. Respondent's December 13, 2011, discharge of crude oil from its facility caused a sheen upon the Blue River and/or the adjoining shorelines and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. §110.3, which implements Sections 311(b)(3) and (b)(4) of the Act.
8. Respondent's December 13, 2011, discharge of oil from its facility into the Blue River and/or adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. §110.3 violated Section 311(b)(3) of the Act. Pursuant to Section 311(b)(6)(B)(i) of the Act, and 40 C.F.R. 19.4, the Respondent is liable for civil penalties of up to \$16,000 per violation, up to a maximum of \$37,500.

IN THE MATTER OF InfraSource, Respondent  
Docket No. CWA-07-2012-0017

CERTIFICATE OF SERVICE

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

Copy hand delivered to  
Attorney for Complainant:

Howard Bunch  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Registered Agent for Infrsource  
CSC—Lawyers Incorporating Service  
221 Boliver  
Jefferson City, Missouri 65101

Dated: 6/14/12



Kathy Robinson  
Kathy Robinson  
Hearing Clerk, Region 7