



EXPEDITED OIL SPILL SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 11201 RENNER BOULEVARD, LENEXA, KANSAS 66219

2013 JUN 10 AM 10:07

DOCKET NO. CWA-07-2013-0040

On or Before: June 19, 2012

At: Kansas, McPherson County, Section 10, NW 1/4, S of Rainbow Road, E of 27th Avenue, Tector Lease

Owned or operated by Hartman Oil Company, Inc. discharged 100 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 \$3,000.**

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 \$3,000, 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-07-2013-0040 and "OSLTF - 311." **The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

Douglas E. Drouare, CPG
U.S. Environmental Protection Agency
Region 7, AWMD/STOP
11201 Renner Boulevard
Lenexa, Kansas 66219

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 Stockdale Date 6-3-2013
Margaret Stockdale
Chief, Storage Tanks and Oil Pollution Branch (STOP)
Air and Waste Management Division (AWMD)

APPROVED BY RESPONDENT:

Name (print): Willis E Hartman
Title (print): President
Signature: Willis E Hartman
Date: 5/14/13

The estimated cost for correcting the violation(s) is:
\$ 28,571.83

IT IS SO ORDERED:

Karina Borrromeo Date 6-10-2013
Karina Borrromeo
Regional Judicial Officer

FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. Hartman Oil Company, Inc. is a corporation organized under the laws of Kansas with a place of business located at 10500 East Berkeley Square parkway, Suite 100, Wichita, Kansas 67206. 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 on (respondent's premises or address) ('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 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.
5. On or before June 19, 2012, Respondent discharged 1,100 gallons of oil 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 South Gypsum Creek and adjoining shorelines.
6. South Gypsum Creek 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 discharge of oil from its facility on or before June 19, 2012, caused a sheen upon or discoloration of the surface of South Gypsum Creek and the adjoining shoreline 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 discharge of oil from its facility on or before June 19, 2012, into or upon South Gypsum Creek and adjoining shoreline 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 Hartman Oil Company, Inc., Respondent
Docket No. CWA-07-2013-0040

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 emailed to Attorney for Complainant:

bunch.howard@epa.gov

Copy by First Class Mail to Respondent:

Willis E. Hartman, President
Hartman Oil Company, Inc.
10500 East Berkeley Square Parkway, Suite 100
Wichita, Kansas 67206

Dated: 6/11/13

pr



Kathy Robinson
Hearing Clerk, Region 7