

**United States
Environmental Protection
Agency**

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

PUBLIC NOTICE

Buckeye Pipe Line Company, L.P.
Discharge of Jet Fuel
St. Mary's River, Decatur, Indiana

Case Docket No. CWA-05-2021-0005

The U.S. Environmental Protection Agency (EPA), Region 5, is providing this notice of its intent to file a Proposed Consent Agreement and Proposed Final Order (Proposed CAFO) against Buckeye Pipe Line Company L.P. (Buckeye) resolving a discharge of jet fuel to the St. Mary's River in Decatur, Indiana in violation of section 311(b) of the Clean Water Act (CWA). Buckeye completed recovery of the spilled jet fuel, repaired and replaced the damaged pipeline segment and agreed to pay a civil penalty of \$153,637 to the Oil Spill Liability Trust Fund.

Buckeye owns and operates an oil pipeline (facility) that runs from Lima, Ohio to Huntington, Indiana (line 402) crossing the St. Mary's River near Decatur, Indiana. On or around September 7, 2018, Buckeye discharged 195 barrels of jet fuel into or upon the St. Mary's River near 2nd Street and Monmouth Road in Decatur, Indiana. A visible sheen was observed on the surface of the St. Mary's River near the incident scene and a light sheen was observed up to 12 miles downriver.

A copy of the CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the "Proposed Consent Agreement and Final Order" link on the Region 5 events calendar for the docket number identified above. Alternatively, the Proposed CAFO may be received by contacting the Regional Hearing Clerk at the email address below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. § 1319(g), requires that interested persons be given notice of the proposed penalty order and a reasonable opportunity to comment on such order. Any person who wishes to comment on this proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (c) *comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1/pdf/CFR-2015-title40-vol1-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures

and rules of practice governing the administrative assessment of civil penalties.

Due to the COVID-19 pandemic, access to the Region 5 office is limited and EPA employees are encouraged to telework. Therefore, we request that all written comments be sent via email to the Regional Hearing Clerk at whitehead.ladawn@epa.gov. If you are unable to submit written comments by email, please contact the Regional Hearing Clerk at (312) 886-3713.

Your comments should include the case name, docket number, and your complete mailing address. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter. Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information, or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events. All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available electronically on the EPA website: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

If this CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise members of the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. § 22.45(c)(1).

Only persons who, during the comment period submit written comments or ask to participate in any hearing held in this matter, preserve a right to petition the Regional Administrator to set aside any consent agreement and proposed final order on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).

In order to provide opportunity for public comment, EPA will not issue a final order assessing a penalty in this proceeding prior to forty (40) calendar days from the date of this notice.