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Haag Oil Company, LLC - Clean Water Act Public Notice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 311(b)(6)(c) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6)(C), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), the Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Haag Oil Company, LLC, for alleged violations at the facility located at or near 326 Southeast 15th Street, Topeka, KS 66607.

Under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii). Class II proceedings are conducted under EPA’s Consolidated Rules, 40 C.F.R. Part 22.

In this case, the EPA alleges that Respondent discharged 2,400 gallons of oil on or about January 2, 2014, from Respondent’s facility in Topeka, Kansas into Shunganunga Creek, waters of the United States, in violation of Section 311(b) of the Clean Water Act, 33 U.S.C. § 1321(b). In addition, Respondent failed to properly develop and implement an SPCC plan, in violation of the regulations found at 40 C.F.R. Part 112, issued pursuant to Section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. § 1321(j)(1)(C). Respondent has reached agreement with EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondent will pay a civil penalty of \$31,134 and complete a Supplemental Environmental

Project consisting of the installation of secondary containment to a capacity far exceeding what is required by law, at a cost of no less than \$26,356. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA's Consolidated Rules, review the Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Please reference Docket No. CWA-07-2015-0107. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

12/19/16 Date	/s/ John Smith Director, Air and Waste Management Division U.S. Environmental Protection Agency Region 7

How to Comment

Comments due date

1/28/2017

How to comment

Persons wishing to obtain additional information on the proceeding, receive a copy of EPA's Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2015-0107.

Summary

The Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Haag Oil Company, LLC, for alleged violations at the facility located at or near 326 Southeast 15th Street, Topeka, KS 66607.

Program/Statute: Clean Water Act (CWA)

Applicant/Respondent(s):

Haag Oil Company, LLC
Topeka, Kansas

Proposed action: Public Notice of Clean Water Act Administrative Penalty Settlement

Docket ID: CWA-07-2015-0107

You will need Adobe Reader to view some of the files on this page. See EPA’s About PDF page to learn more.

- Haag Oil Company, LLC proposed Consent Agreement Final Order (PDF) (19 pp, 2 MB)

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