



Brooks Grease Service, Inc. - 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 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 Brooks Grease Service, Inc., for alleged violations at its vegetable oil collection and storage facility located at or near 218 East James St., Kansas City, Kansas 66118.

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 failed to properly develop and implement a Spill Prevention, Control and Countermeasure plan, as well as failed to provide secondary containment, 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 \$25,000. 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. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. 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 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-07-2017-0034. For Technical questions contact Eduardo Ortiz, Chemical & Oil Release Prevention Branch, at ortiz.eduardo@epa.gov, at the above mailing address or 913-551-7928. Persons with legal questions may contact Nacente Seabury, Office of Regional Counsel, at seabury.nacente@epa.gov, at the above mailing address or 913-551-7697. 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.

8/15/17 Date	/s/ Becky Weber Director Air and Waste Management Division U.S. EPA, Region 7
-----------------	---

How to Comment

Comments due date

09/17/2017

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-07-2017-0034.

You may need Adobe Reader to view files on this page. See EPA's [About PDF](#) page to learn more.

- [Brooks Grease Service, Inc. proposed Consent Agreement Final Order.pdf \(PDF\)](#) (10 pp, 8 MB)

LAST UPDATED ON AUGUST 18, 2017