



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 901 N. 5th ST., KANSAS CITY, KANSAS 66101

09 JUN 16 PM 3:07

DOCKET NO. CWA-07-2009-0049

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARINGS CLERK

On September 23, 2006

At: 118 Walnut, West Plains, MO

Owned or operated by CenturyTel, discharged 40 gallons of oil in violation of regulations promulgated at 40 C.F.R. Part 112 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.

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

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of 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 \$3,500.

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

This settlement is subject to the following terms and conditions:

APPROVED BY EPA:

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 \$3,500, payable to the "Environmental Protection Agency," via certified mail to:

Handwritten signature: Ward A. Baum Date: 6-9-09
Chief, Storage Tank and Oil Pollution Branch (STOP)
Air and Waste Management Division

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

APPROVED BY RESPONDENT:

and Respondent has noted on the penalty payment check Docket No. CWA-07-2009-0049 and "OSLTF - 311." The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:

Name (print): Gordon Bernice
Title (print): Corporate Safety & Environmental
Signature: Gordon Bernice

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

Date: June 3, 2009

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

\$ 3,500.00
check # 4000073407

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

IT IS SO ORDERED:

Handwritten signature: Robert L. Patrick Date: June 16, 2009
Robert L. Patrick
Regional Judicial Officer

FINDINGS AND ALLEGED CIVIL VIOLATIONS

1. CenturyTel of Missouri is a corporation organized under the laws of Missouri with a place of business located at 118 S. Walnut Street, West Plains, MO. 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 118 S. Walnut Street, West Plains, MO. ('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 , respondent discharged 40 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 Howell Creek and/or the adjoining shorelines.

6. ~~Howell 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 September 23, 2006, discharge of oil from its facility caused a sheen upon or discoloration of the surface of the Howell Creek and/or 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 September 23, 2006, discharge of oil from its facility into or upon Howell Creek 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 from civil penalties of up to \$12,000 per violation, up to a maximum of \$31,500.

IN THE MATTER OF CenturyTel, Respondent
Docket No. CWA-07-2009-0049

CERTIFICATE OF SERVICE

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

Copy hand delivered to
Attorney for Complainant:

Howard Bunch
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Gordon Bernice
Corporate Safety & Environmental
CenturyTel
118 Walnut
West Plains, Missouri 65775

Dated: 6/17/09



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7
