

**NOTICE OF INTENT TO ASSESS ADMINISTRATIVE PENALTY AND  
OPPORTUNITY FOR PUBLIC COMMENT  
U.S. ENVIRONMENTAL PROTECTION AGENCY -- REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**Date of Notice:** July 28, 2016

**Comment Period:** Forty (40) days from date of publication: September 5, 2016

**Action:** Notice of Proposed Assessment of Clean Water Act Section 309(g) Class II Penalty and Opportunity to Comment

**NOTICE:**

The U.S. Environmental Protection Agency (EPA), Region III, is hereby giving notice that it proposes to enter into a Consent Agreement and to issue a Final Order (jointly "CAFO"), which commences and concludes the administrative action against Jay Bee Oil & Gas, Inc., Route 1, Box 5, Cairo, West Virginia, 26337. The CAFO assesses an administrative penalty of one hundred forty thousand dollars (\$140,000) under Section 309(g) of the Clean Water Act, 33 U.S.C. Section 1319(g) for violation of Section 404 of the Clean Water Act. The following further identifies the case and should be included in any written comments submitted:

**Name of Case:**

Jay Bee Oil & Gas, Inc.  
Route 1, Box 5  
Cairo, West Virginia 26337

**Docket Number:**

EPA Docket No. CWA-03-2016-0064

**Property Located At:**

Nurse Hollow Impoundment  
500 linear feet northwest of County Route 4/1 and Broad Run/County Route 4  
Center Point, West Virginia 26339

Horner Site

Off County Route 6/Franks Run

Approximately 2.4 miles northeast of the intersection of

West Virginia 23 and County Route 6/Franks Run

Center Point, West Virginia 26339

McElroy Creek Stream Crossing Site

2000 linear feet west of the intersection of

West Virginia 23 and County Route 1

Center Point, West Virginia 26339

39° 23' 43.12" N, 80° 38' 37.72" W

Maddie Mae Well Pad Site

Off of Indian Creek Road in the McElroy District

Tyler County, West Virginia

39° 26' 21.36" N, 80° 48' 25.75" W

Yeater Well Pad Site

County Route 6/Franks Run,

approximately 1.2 miles northeast of the intersection of

West Virginia 23 and County Route 6/Franks Run

Center Point, West Virginia 26339

39 ° 24' 35.28" N, 80° 38' 16.08" W

Gorby Well Pad Site

3.6 miles northeast of the town of Alma in

Tyler County, West Virginia

39° 46' 89.90" N, 80° 79' 75.81" W

**OPPORTUNITY FOR COMMENT:** Section 309(g) of the Clean Water Act, 33 U.S.C. Section 1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment on the proposed issuance of the order. Procedures by which the public may submit written comments or participate in the proceedings are described in 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), 40 C.F.R. Part

22. The deadline for submission of written public comments is forty (40) days after issuance of the public notice. **Comments should be made to:**

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103–2029

Pursuant to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2), the CAFO simultaneously commences and concludes this proceeding. Pursuant to Section 22.45(b), EPA must notify the public no less than 40 days before the issuance of the CAFO.

**FOR FURTHER INFORMATION.** Interested parties may contact the following EPA representatives to learn more about this action:

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