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Environmental Criminal Enforcement/Clean Water Act: Adair County, Kentucky, Oil Lease Tank Battery Operator Indicted for Alleged Violation

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The United States Department of Justice (“DOJ”) issued a February 9th news release stating that a federal grand jury in Bowling Green, Kentucky, issued an indictment charging Joshua M. Franklin with violating the Clean Water Act.

The charge is stated to stem from a 2018 discharge of oil and brine water into Adair County, Kentucky, creeks.

Franklin is described as being an operator at an oil lease tank battery in Columbia, Kentucky. His duties are described as including:

. . . ensuring that brine water, a waste product from oil production, was separated from the oil before it was delivered to customers.

Franklin is alleged to have removed brine water from an oil/water separator and attached a conduit to the bottom of the oil tank. He is further stated to have placed the open end of the conduit yards from a nearby creek and opened the valve. This is alleged to have allowed a mixture of brine water and oil to discharge from the tank.

Approximately 4,000 gallons of the oily mixture is alleged to have discharged into the creek, eventually flowing into connecting tributaries.

The DOJ news release states that the maximum penalty under the Clean Water Act is three years imprisonment and a fine of \$250,000.

A copy of the news release can be downloaded [here](#).