

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. CAA-08-2011-0026

2011 NOV 29 PM 2:23

FILED
EPA REGION VIII
WASHINGTON DC

In the Matter of:) **JOINT MOTION TO AMEND**
) **ADMINISTRATIVE COMPLAINT**
QEP ENERGY COMPANY) **AND CONSENT AGREEMENT**
)
Respondent.)

Respondent, QEP Energy Company ("QEP") and Complainant, United States Environmental Protection Agency ("EPA") hereby file this joint motion to amend the Administrative Complaint and Consent Agreement:

1. On August 29, 2011, the Court approved an Administrative Complaint and Consent Agreement ("Agreement") in this matter (see August 29, 2011 Order Granting Filing of an Electronic Consent Agreement Final Order).

2. Pursuant to the terms of Paragraph F.13 of the Agreement, the purpose of this Motion is to request that the Court approve a revised and amended Appendix A, Tables A-1, A-2, A-3 and A-4 to the Agreement which was provided to EPA by QEP and entitled "APPENDIX A to Consent Agreement dated August 26, 2011: EMISSION SOURCE INVENTORY Revised 10-14-2011 ("Revised Appendix A"). Additionally, as a result of the proposed revision, Respondent also seeks to revise Section E, Paragraph 1 ("E.1") of the Agreement to reflect the decreased civil penalty amount resulting from the Revised Appendix A.

3. Since, for the purposes of this Agreement, EPA agrees that QEP's individual wells at a well pad should be grouped together as a single source, Respondent seeks to substitute Revised Appendix A for the original Appendix A to reflect the following changes:

- a. Table A-1 sources will be reduced from 23 to 15;
- b. Table A-2 sources will be reduced from 8 to 4;
- c. Table A-3 sources will be reduced from 22 to 6; and
- d. Table A-4 sources will be reduced from 74 to 17.

4. As a result of decreasing the total number of emission sources listed in Appendix A by 85, from 127 to 42, the civil penalty amount identified in the Agreement at E.1 should correspondingly be amended to \$126,000 instead of \$381,000 as currently in the Agreement. Respondent, therefore, respectfully seeks to amend E.1 of the Agreement to reflect the

appropriate civil penalty amount of \$126,000. As proposed, revised E.1 would read in its entirety as follows:

"1. Pursuant to an analysis of the facts and circumstances of this case with the statutory factors described in section 113(d)(1)(B) of the CAA, 42 U.S.C. §7413(d)(1)(B), EPA has determined that an appropriate civil penalty to settle this action is the amount of \$3000 per emission source listed in APPENDIX A to Consent Agreement dated August 26, 2011: EMISSION SOURCE INVENTORY Revised 10-14-2011 for a total of One Hundred Twenty Six Thousand Dollars (\$126,000)."


5. Pursuant to the terms of Paragraph F.13 of the Agreement, EPA approves the proposed changes to E.1 and to the Revised Appendix A of the Agreement as set forth in paragraphs 3 and 4 of this Motion.

REQUEST

For the above-mentioned reasons, Respondent and Complainant respectfully request that the Court approve substitution of the attached Revised Appendix A to the Agreement and approve the revision of E.1 of the Agreement, as described herein and attached to this motion.

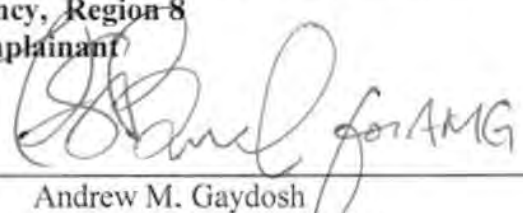
QEP ENERGY COMPANY Respondent

Date: Nov. 29, 2011

By: 
C. B. Stanley
President & CEO

United States Environmental Protection Agency, Region 8 Complainant

Date: 29 Nov 2011

By: 
Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

QEP Resources, Inc.

APPENDIX A to Consent Agreement dated August 26, 2011: EMISSION SOURCE INVENTORY

Revised 10-14-2011

TABLE A-1: Existing Emission Sources (commenced construction by August 30, 2011)

SOURCE IDENTIFICATION	Latitude	Longitude	SECTION	TOWNSHIP	RANGE	First Well Site Completion Date	Casing Head Controlled or Captured	Casinghead gas control device	Tank Battery Control Device	Tank Battery Control Device Install date
1-14-6D	47.747518	-102.505592	31	150	92	6/1/2010	captured/controlled	ground pit flare	ground pit flare	11/01/11
16-16E	47.747291	-102.365626	6	149	92	9/4/2010	captured/controlled	ground pit flare	ground pit flare	09/18/11
4-5J	47.587337	-102.435301	5	147	92	6/23/2011	captured/controlled	ground pit flare	ground pit flare	11/14/11
1-3-18C	47.816000	-102.249930	18	150	90	10/7/2009	captured/controlled	ground pit flare	ground pit flare	09/28/11
1-14-4C	47.833951	-102.204545	4	150	90	9/21/2010	captured/controlled	ground pit flare	ground pit flare	10/24/11
13-18C	47.804898	-102.251996	18	150	91	5/7/2010	captured/controlled	ground pit flare	ground pit flare	10/18/11
1-4-8F	47.745836	-102.232235	8	149	90	12/17/2009	captured/controlled	ground pit flare	ground pit flare	10/14/11
1-1-32C	47.774689	-102.216086	32	150	90	2/6/2011	captured/controlled	ground pit flare	ground pit flare	10/08/11
16-32C	47.761611	-102.216617	32	150	90	3/18/2011	captured/controlled	ground pit flare	ground pit flare	10/05/11
1-8-29C	47.783313	-102.215975	29	150	90	5/19/2011	captured/controlled	ground pit flare	ground pit flare	10/12/11
1-4-23	47.945988	-102.449063	35	152	92	6/1/2010	captured/controlled	ground pit flare	ground pit flare	11/30/11
1-4-21	47.965055	-102.451226	27	152	92	3/30/2011	captured/controlled	ground pit flare	ground pit flare	11/30/11
1-7-6F	47.755261	-102.245428	6	149	91	5/30/2011	captured/controlled	ground pit flare	ground pit flare	09/25/11
16-32B	47.761652	-102.343555	32	149	91	10/1/2011	captured/controlled	ground pit flare	ground pit flare	09/15/11
15-6F	47.747045	-102.242185	6	150	90	8/27/2011	captured/controlled	ground pit flare	ground pit flare	08/24/11

TABLE A-2: New Emission Sources (commencing construction between August 31, 2011 and December 31, 2011)

SOURCE IDENTIFICATION	SECTION	TOWNSHIP	RANGE	Expected Commence Construction Date						
6-32 Pad	32	148	92	12/15/11						
11-8C Pad	18	150	90	11/15/11						
8-6E Pad	6	149	91	11/15/11						
1-5F Pad	5	149	90	11/15/11						

TABLE A-3: New Emission Sources (commencing construction between January 1, 2012 and March 31, 2012)

SOURCE IDENTIFICATION	SECTION	TOWNSHIP	RANGE	Expected Commence Construction Date					
Long Fed Pad	34	152	92	1/11/12					
11-31G	31	148	91	1/11/12					
16-31B	31	150	91	2/11/12					
12-5H	5	148	91	2/11/12					
16-5F	5	149	90	2/11/12					
16-31G	31	148	92	3/11/12					

TABLE A-4: New Emission Sources (commencing construction between April 1, 2012 and June 30, 2012)

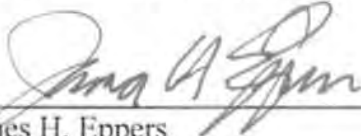
SOURCE IDENTIFICATION	SECTION	TOWNSHIP	RANGE	Expected Commence Construction Date					
4-26E	26	149	91	04/15/12					
13-26E	26	149	91	05/15/12					
2-5-29C	29	150	90	06/15/12					
1-27A	27	150	92	06/15/12					
5-10E	10	149	91	06/15/12					
5-33C	33	150	90	06/15/12					
1-28G	28	148	92	06/15/12					
12-4E	4	149	91	06/15/12					
4-35E	35	149	91	06/15/12					
5-33F	33	148	90	06/15/12					
4-26G	26	148	92	06/15/12					
13-3D	3	149	92	6/29/12					
16-23G	23	148	92	6/29/12					
13-24G	24	148	92	6/29/12					
16-24G	24	148	92	6/29/12					
16-21	21	152	92	6/29/12					
14-32B	32	150	91	6/29/12					

CERTIFICATE OF SERVICE

The undersigned certifies that the original and a copy of the attached Joint Motion to Amend Administrative Complaint and Consent Agreement in the matter of QEP Energy Company: Docket No. CAA-08-2011-0026, was filed with the Regional Hearing Clerk on November 29, 2011.

Further, the undersigned certifies that a copy of the document was e-mailed by pdf and mailed by first-class U.S. Mail to Daniel Ryan, Senior Environmental Engineer for QEP Energy Company at Independence Plaza 1050 17th Street, Suite 500 Denver, CO 80265.

Date: NOV 29 2011



James H. Eppers
Senior Enforcement Attorney
U.S. Environmental Protection Agency