



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

August 9, 2022

ECW-15J

VIA E-MAIL

Barbara Pappas  
Cobra Oil and Gas Corporation  
Email: Barbara@cobraogc.com

Dear Barbara Pappas,

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) regarding docket number SDWA-05-2022-0008. As indicated by the filing stamp on the first page of the CAFO, the CAFO was filed with the Regional Hearing Clerk on May 23, 2022.

Pursuant to the CAFO, Cobra Oil and Gas Corporation must pay the civil penalty within 30 days of the effective date, September 8, 2022. The check with which you pay the civil penalty must display the case name: In the Matter of Cobra Oil and Gas Corporation and the docket number SDWA-05-2022-0008.

Please direct any questions regarding this matter to Monica Dix of my staff at (312) 886-0650 or dix.monica@epa.gov, or your counsel can contact Amanda Urban, Associate Regional Counsel, at (312) 353-4331 or urban.amanda@epa.gov.

Sincerely,

Juliane Grange  
Regional Hearing Clerk

Enclosure

cc: Ann Coyle, Regional Judicial Officer  
Jason Mailloux, MI EGLE, MaillouxJ@michigan.gov  
Amanda Urban, Associate Regional Counsel, urban.amanda@epa.gov  
Monica Dix, US EPA dix.monica@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter Of:	)	Docket No. SDWA-05-2022-0008
	)	
Cobra Oil and Gas Corporation	)	Proceeding under Section 1423(c) of the
Wichita Falls, TX,	)	Safe Drinking Water Act,
	)	42 U.S.C. § 300h-2(c)
Respondent.	)	
<hr/>	)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 1423(c)(2) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c)(2), and Sections 22.1(a)(9), 22.13(b), 22.18(b)(2) and (3), and 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), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Cobra Oil and Gas, a Texas corporation doing business in Michigan.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its rights to notice of EPA's proposal to issue this CAFO, to request a hearing as provided at 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c)(3), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 1421 of SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection, monitoring, recordkeeping, and reporting requirements, for state underground injection control (UIC) programs to prevent underground injection which endangers drinking water sources.

10. Section 1421(d)(1) of the SDWA, 42 U.S.C. § 300h(d)(1), defines "underground injection" as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

11. Section 1421(d)(2) of the SDWA, 42 U.S.C. § 300h(d)(2), provides that underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in

such system not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

12. Pursuant to Section 1422(b) of the SDWA, 42 U.S.C. § 300h-1(b), designated states shall apply to obtain primary enforcement responsibility of their UIC programs (a concept called “primacy”).

13. Section 1422(c) of the SDWA, 42 U.S.C. § 300h-1(c), provides that the Administrator for EPA shall by regulation prescribe UIC programs applicable to those states that have not obtained primacy for their UIC programs or do not have primacy for all types of wells.

14. Pursuant to Sections 1421 and 1422 of the SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124 and 144 through 148.

15. The SDWA and its regulations prohibit all underground injections unless authorized by a permit or a rule. 42 U.S.C. § 300h(b)(1)(A); 40 C.F.R. § 144.11.

16. At all times relevant to this CAFO, EPA administered and had primary enforcement responsibility of the UIC program in the State of Michigan. The UIC program for the State of Michigan is set forth at 40 C.F.R. Part 147, Subpart X.

17. Pursuant to 40 C.F.R. § 144.1(g), the UIC programs regulate underground injection by six classes of wells and all owners or operators of these injection wells must be authorized either by permit or rule. Class II wells inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at

standard temperature and pressure. 40 C.F.R. § 144.6(b)(1).

18. In accordance with 40 C.F.R. § 144.51(a) any UIC permittee must comply with all conditions of its permit which include the requirements set forth in 40 C.F.R. §§ 144.11-144.19. Any permit noncompliance constitutes a violation of the SDWA, except that the permittee need not comply with the provisions of its permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.

19. Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), authorizes EPA to assess a civil penalty to any person found to be in violation of any requirement of an applicable UIC program in a state that does not have primacy and/or order compliance with such requirement or regulation pursuant to Section 1423(c)(2) of the SDWA, 42 U.S.C. § 300h-2(c)(2).

20. Under Section 1423(c)(2) of the SDWA, 42 U.S.C. § 300h-2(c)(2), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$12,537 for each day of violation, up to a maximum administrative penalty of \$313,448 for SDWA violations occurring after November 2, 2015 and assessed on or after January 12, 2022; and/or issue an order requiring compliance.

#### **Factual Allegations and Alleged Violations**

21. Respondent is a corporation, and as such, Respondent is a “person” as that term is defined at Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

22. EPA issued Permit No. MI-011-2D-0029 and EPA Permit No. MI-011-2D-0024 (the Permits) to Respondent to construct or convert and operate underground injection wells, located in Arenac and Ogemaw Counties, Michigan, commonly known as the “Huber 1-26 SWD” and “Clayton 3-12 SWD” wells, respectively, in accordance with the Permits.

23. The Permits authorize the underground injection of non-commercial brine from

wells owned and operated by Cobra Oil and Gas Corporation into the “Huber 1-26 SWD” and “Clayton 3-12 SWD” wells, subject to the terms and conditions set forth in the Permits.

24. Brine is a “fluid” because it is a material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state. 40 C.F.R. § 144.3.

25. The subsurface emplacement of brine through the “Huber 1-26 SWD” and “Clayton 3-12 SWD” wells is a “well injection.” 40 C.F.R. § 144.3.

26. On February 26, 2021, EPA issued a request for information (Information Request) to Respondent pursuant to Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), 40 C.F.R. §§ 144.17 and 144.51(h), and Part I(E)(6) of the Permits, to gather and submit to EPA information related to the Permits and operations and maintenance of the “Huber 1-26 SWD” and “Clayton 3-12 SWD” wells.

27. On April 12, 2021, EPA received Respondent’s response to its Information Request (Respondent’s Response).

28. On February 26, 2021, EPA issued a Notice of Potential Violation/Opportunity to Confer (NOPV) to Respondent alleging certain potential violations of the SDWA regulations and the SDWA.

29. On March 9, 2021, EPA received Respondent’s written response to the NOPV.

30. On May 4, 2021, EPA and Respondent discussed the potential violations.

31. At all times relevant to this CAFO, Respondent owned injection wells in the State of Michigan and was thus subject to the UIC program requirements set forth at 40 C.F.R. Parts 124, 144, 146, 147 (Subpart X), and 148.

32. At all times relevant to this CAFO, Respondent did not apply for and obtain an emergency permit pursuant 40 C.F.R. § 144.34.

33. Under 40 C.F.R. § 144.51(a) and Part 1(A) of the Permits, Respondent is required to comply with all conditions of the Permits and any noncompliance constitutes a violation of the SDWA.

**COUNT 1: Exceedances of Permitted Maximum Injection Pressure**

34. At all times relevant to this CAFO, Part III(A) of the Permit for the Huber 1-26 SWD well requires Respondent to comply with the operating requirements, including the maximum injection pressure of 750 psig.

35. In Respondent's response to the Notice of Potential Violation and Opportunity to Confer issued on February 26, 2021, Respondent identified 11 months between September 2017 and April 2019 where injection pressure at the Huber 1-26 SWD well exceeded 750 psig.

36. In reports submitted to EPA, the injection pressure at the Huber 1-26 SWD well was listed as above 750 psig for a total of 11 months from September 2017 to March 2021:

- September through December 2017,
- March 2018, and
- November 2018 through April 2019.

37. Respondent's failure to maintain an injection pressure below the operating maximum is a violation of Part III(A) of the Permit for the Huber 1-26 SWD well.

38. Each exceedance of the maximum injection pressure constitutes a violation of Part III(A) of the Permit for the Huber 1-26 SWD well and Section 1423 of the SDWA; 42 U.S.C § 300h-2.

**COUNT 2: Failure to Monitor and Record Annulus or Injection Pressure as Required**

**Resulting in False Reporting**

39. Samples and measurements taken by Respondent for the purpose of monitoring must be representative of the monitored activity. 40 C.F.R. § 144.51(j)(1).

40. At all times relevant to this CAFO, Part II(B)(2)(d) of the Permits requires Respondent to monitor and record annulus and injection pressure at least weekly using calibrated gauges.

41. At all times relevant to this CAFO, Part II(B)(3)(A) of the Permits requires Respondent to include weekly measurements of annulus pressure, injection pressure, cumulative volume, and injection rate in monthly reports submitted to EPA.

42. At all times relevant to this CAFO, Part I(E)(8)(a) of the Permits requires Respondent to retain three (3) years of records, including monitoring reports.

43. At all times relevant to this CAFO, Part I(E)(11) of the Permits requires all reports or other information requested by EPA or a primacy state shall be signed and certified according to 40 C.F.R. § 144.32, which includes certification of the truth, accuracy, and completeness of the information.

44. In the Notice of Potential Violation and Opportunity to Confer response, there are discrepancies between the injection and annulus pressure records retained by Respondent and the numbers in monthly reports Respondent submitted to EPA for Huber 1-26 SWD well in the following months:

- February 2017-March 2017
- May 2017
- July 2017-March 2018
- July 2018-April 2019
- August 2019



45. Respondent signed, certified, and submitted the reports listed in Paragraph 44 as true, accurate, and complete to EPA.

46. The lack of variation in injection and annulus pressure values reported as well as the inconsistencies between the reported and retained monitoring data reflect incorrect monitoring and inaccurate reporting.

47. From February 2017 to August 2019, Respondent failed in 31 months to take, record, and report to EPA weekly injection and annulus pressure measurements for the Huber I-26 SWD well.

48. Each month Respondent failed to monitor, record, and report to EPA annulus and injection pressure constitutes a violation of Parts I(E)(11), II(B)(2)(d), and II(B)(3)(a) of the Permits, 40 C.F.R. § 144.32, 40 C.F.R. § 144.51(j)(1), and Section 1423 of the SDWA; 42 U.S.C § 300h-2.

**COUNT 3: Failure to Monitor Annulus and Injection Pressure with a Calibrated Gauge**

49. At all times relevant to this CAFO, Part II(B)(2)(d) of the Permits requires Respondent to monitor and record annulus and injection pressure at least weekly using calibrated gauges.

50. At all times relevant to this CAFO, Part I(E)(17)(e) of the Permits requires Respondent to calibrate gauges before every demonstration of mechanical integrity, which is annually at the most infrequent.

51. At all times relevant to this CAFO, Part I(E)(8)(a) of the Permits requires Respondent to retain records for three (3) years, including records of calibration.

52. Samples and measurements taken by Respondent for the purpose of monitoring must be representative of the monitored activity 40 C.F.R. § 144.51(j)(1).

53. In Respondent's response to the Information Request issued on February 26, 2021, Respondent stated that gauges used at the wells were not calibrated regularly, but instead were replaced when operators had a concern with a gauge's accuracy or performance.

54. The information Respondent provided, and the lack of calibration records required by Part I(E)(8)(a) of the Permits at both wells reflect use of gauges that were not calibrated as required.

55. Respondent's failure to monitor and record injection and annulus pressures with a calibrated gauge from February 2017 until March 2021 is a violation of Parts I(E)(17)(e) and II(B)(2)(d) of the Permits and 40 C.F.R. § 144.51(j).

56. Each month Respondent failed to monitor injection and annulus pressure with a calibrated gauge constitutes a violation of the Permits, 40 C.F.R. § 144.51(j), and Section 1423 of the SDWA; 42 U.S.C § 300h-2.

#### **Civil Penalty**

57. Based upon the facts alleged in this CAFO, the factors listed in Section 1423(c)(4)(B) of the SDWA, 42 U.S.C. 300h-2(c)(4)(B), EPA's UIC Program Judicial and Administrative Order Settlement Penalty Policy (September 1993) (EPA's UIC Penalty Policy), Respondent's good faith and cooperation in resolving this matter, EPA has determined that an appropriate civil penalty to settle this action is \$116,980.27.

58. Within 30 days after the effective date of this CAFO, Respondent must pay a \$116,980.27 civil penalty by

59. Sending a cashier's or certified check, payable to "Treasurer, United States of America," by U.S. Postal Service mail to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Sending a cashier's or certified check, payable to "Treasurer, United States of America," by express mail (Non-U.S. Postal Service) to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must note Respondent's name and the docket number of this CAFO.

Electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

Automated Clearinghouse (ACH) also known as REX or remittance express electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22-checking

In the comment area of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

To pay on-line, go to [www.pay.gov](http://www.pay.gov). Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

60. When Respondent pays the penalty or any portion thereof, Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA electronically, to the extent possible. Electronic submissions must be sent to the following addresses: [dix.monica@epa.gov](mailto:dix.monica@epa.gov), [R5WECA@epa.gov](mailto:R5WECA@epa.gov) and [urban.amanda@epa.gov](mailto:urban.amanda@epa.gov). If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) and mailed to the following addresses:

Monica Dix (ECW-15J)  
Water Enforcement and Compliance Assurance Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Amanda Urban (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

61. This civil penalty is not deductible for federal tax purposes.

62. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondent must pay the following on any amount overdue under this CAFO: interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to

26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a handling charge fee each month that any portion of the penalty is more than 30 days past due; and up to 6% per year penalty on any principal amount 90 days past due.

63. If Respondent does not pay timely the civil penalty, EPA may request the United States Department of Justice bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action under Section 1423(c)(7) of the SDWA, 42 U.S.C. § 300h-2(c)(7). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

64. This CAFO resolves only Respondent's liability for only federal civil penalties for only the violations alleged in this CAFO.

65. This CAFO constitutes a "previous violation" as that term is used in EPA's UIC Penalty Policy and to determine Respondent's "history of such violations" under Section 1423(c)(4)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(4)(B).

66. Each party agrees to bear its own costs and attorneys' fees in this action.

67. Except as provided in Paragraph 63 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal law administered by EPA.

#### **Compliance Requirements**

68. Pursuant to 40 C.F.R. § 144.32(b), all reports required to be submitted by permits, other than information requested by the Director, must be signed by an authorized representative described in 40 C.F.R. § 144.32(a) and certified as described in 40 C.F.R. § 144.32(d).

69. At all times relevant to this CAFO, Part II(B)(3)(a-c) of the Permits require Respondent to submit monitoring results in reports to EPA on a monthly, quarterly, and annual basis.

70. At all times relevant to this CAFO, Part I(E)(11) of the Permit requires all reports or other information requested by EPA or a primacy state shall be signed and certified according to 40 C.F.R. § 144.32.

71. On November 24, 2015 in a letter to EPA, Respondent's Vice President designated James Clark as the Corporation's duly authorized representative.

72. From 2016-2019, the signature and certification appearing on all submitted monitoring reports for both wells is Julie Johnston, listed as an Administrative Assistant in Respondent's West Branch of the Michigan Field Office.

73. Part I(E)(8) of the Permits requires Respondent to retain records of all monitoring information for at least three years.

74. Review of reports submitted from 2018 to 2020 on EPA's database and Respondent's records show that Respondent has failed to submit and retain records for the "Huber 1-26 SWD" and "Clayton 3-12 SWD" wells for four quarters total: the 2nd, 3rd, and 4th quarters of 2020 and the 4th quarter in 2018.

75. As provided by Section 1423(c)(2) of the SDWA, 42 U.S.C. § 300h-2(c)(2), Respondent shall, from the effective date of this Order:

- (i) Sample, analyze, record and retain all monitoring information in accordance with the Permits and 40 C.F.R. § 144.51(j), including the date, exact place, and time of sample or measurements, the individual(s) who performed the sampling or measurements, the methods used, the results, and all calibration records from the date of the sample, measurement or report;
- (ii) For one (1) year following the effective date of this CAFO, include documentation of gauge calibration certification and/or gauge replacement with

the Respondent's annual report required by the Permits to be submitted to EPA, and postmarked no later than the 10th day of the first month;

- (iii) Within 14 days of the effective date of this CAFO, use calibrated gauges for all monitoring required by the Permits and/or replace them with new gauges on an annual basis;
- (iv) Within 30 days of the effective date of this CAFO, establish and implement a record keeping system capable of properly preserving and retaining records required by the Permits;
- (v) For the 24 months following the effective date of this CAFO, submit to EPA copies of all records of monitoring information with its monthly reports. Reports and records of all monitoring information shall be postmarked no later than the 10<sup>th</sup> day of the month following the reporting period;
- (vi) Within 90 days of the effective date of this CAFO, submit to EPA for review and approval, and upon approval, implement a standard operating procedure ("SOP") for use in providing adequate direction to all staff or contractors in monitoring, recording, and reporting practices required by the Permits. The SOP must address procedures for measuring injection pressure, annulus pressure, flow rate and cumulative volume with calibrated gauges and flow meters or totalizers. The SOP must also address how all monitoring information will be maintained in accordance with the Permits and 40 C.F.R. § 144.51(j), including all calibration and maintenance records and copies of all records from the date of the sample, measurement or report.
- (vii) Within 30 days effective of this CAFO, submit to EPA identification of a duly authorized representative to sign and certify reports to EPA as required by 40 C.F.R. § 144.32(b).

76. To the extent possible, Respondent must electronically submit all reports, notifications, documentation, submissions, and other correspondence required to be submitted by Paragraph 75 to EPA. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) to the enforcement whose name and address is identified in Paragraph 60 above.

77. Respondent must provide all electronic documents submitted pursuant to Paragraph 75 in unsecured, accessible, searchable, format as a Portable Document Format (PDF) or electronic spreadsheet. Respondent must create a document index that clearly identifies any

single electronic document that has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

78. Reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

79. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to Paragraph 75, as provided in 40 C.F.R. § 2.203 by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. The failure to furnish a confidentiality claim with your response may result in the information being made available to the public without further notice to you. EPA's confidential business information (CBI) regulations are at 40 C.F.R. Part 2, Subpart B).



80. Respondent should segregate any personnel, medical, and similar files from their responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.

81. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this Order may subject Respondent to criminal prosecution under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), as well as 18 U.S.C. §§ 1001 and 1341.

82. Submissions required by Paragraph 75 shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

83. The information required to be submitted pursuant to Paragraph 75 is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action.

84. EPA may use any information submitted in accordance with Paragraph 75 in support of an administrative, civil, or criminal action against Respondent.

85. EPA may terminate this Order at any time by written notice to Respondent.

86. Absent the notice described in Paragraph 85, Respondent may request in writing that EPA terminate this CAFO. With this request for termination, Respondent must submit to the EPA enforcement officer a written final report and certification of completion describing all actions taken to comply with all requirements of the compliance program in Paragraph 75. Respondent must include the certification language required under Paragraph 78. In response to

the request for termination and written final report, EPA may require additional information, actions, or evidence from Respondent to show completion of the compliance requirements; EPA may pursue appropriate administrative or judicial action to require compliance with this Order; or EPA may accept the request for termination. This Order shall terminate on the date that EPA notifies Respondent in writing that EPA agrees with Respondent's request for termination.

#### **General Provisions**

87. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: urban.amanda@epa.gov (for Complainant), and slcunningham@loomislaw.com (for Respondent).

88. Violation of this CAFO shall be deemed a violation of the SDWA for purposes of Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

89. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

90. This CAFO does not affect Respondent's responsibility to comply with the SDWA and other applicable federal, state, or local laws and permits.

91. The terms of this CAFO bind Respondent and its successors and assigns.

92. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

93. This CAFO constitutes the entire agreement between the parties.

94. The parties acknowledge and agree that final approval by EPA of this CAFO is subject to Section 1423(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c) which provides, among other procedural requirements, public notice and a reasonable opportunity to comment on any proposed penalty order.

95. The parties acknowledge and agree that final approval by EPA of this CAFO is subject to 40 C.F.R. § 22.45(c)(4) which sets forth requirements under which a person not a party to this proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

96. Unless an appeal for judicial review is filed in accordance with Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6) or 40 C.F.R. § 22.45, this CAFO shall become effective 30 days after the date of issuance, which is the date that the Final Order contained in this CAFO is signed by the Regional Judicial Officer or Regional Administrator.

**Consent Agreement and Final Order  
In the Matter of: Cobra Oil and Gas Corporation  
Docket Number. SDWA-05-2022-0008**

**Cobra Oil and Gas Corporation, Respondent**

4-11-2022  
Date

Jeff R. Dillard

Print Name of Signatory: Jeff R. Dillard  
Title of Signatory: President

**United States Environmental Protection Agency, Complainant**

\_\_\_\_\_  
Date

**MICHAEL  
HARRIS**

Digitally signed by MICHAEL  
HARRIS  
Date: 2022.05.20 11:53:58  
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Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order  
In the Matter of: Cobra Oil and Gas Corporation  
Docket No. SDWA-05-2022-0008**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days after issuance, unless an appeal for judicial review is filed in accordance with Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6), or 40 C.F.R. § 22.45(c)(4)(iii). This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18, 22.31. and, 22.31. and 22.45.45.

IT IS SO ORDERED.

By: ANN COYLE Digitally signed by ANN COYLE  
Date: 2022.07.07 14:20:38 -05'00' Date: \_\_\_\_\_  
Ann Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5



**Consent Agreement and Final Order  
In the Matter of: Cobra Oil and Gas Corporation  
Docket Number. **SDWA-05-2022-0008****

**Certificate of Service**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **SDWA-05-2022-0008** which was filed on **May 23, 2022**, in the following manner to the following addresses:

Copy by e-mail to Respondent: Barbara Pappas  
Barbara@cobraogc.com

Copy by e-mail to Attorney for Complainant: Amanda Urban  
urban.amanda@epa.gov

Copy by e-mail to Attorney for Respondent: Sara Cunningham  
slcunningham@loomislaw.com

Copy by e-mail to Regional Judicial Officer: Ann Coyle  
coyle.ann@epa.gov

Dated: \_\_\_\_\_

Regional Hearing Clerk  
r5hearingclerk@epa.gov  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): \_\_\_\_\_