



September 30, 2021

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

9:06 AM

**1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>**

Received by
EPA Region VIII
Hearing Clerk

DOCKET NO.: SDWA-08-2021-0030

IN THE MATTER OF:)	
)	
Mann Oil Company LLC,)	FINAL ORDER
)	
RESPONDENT.)	
)	
Proceeding under section 1423 of the Safe)	
Drinking Water Act, 42 U.S.C. § 300h-2)	
_____)	

Pursuant to 40 C.F.R. § 22.13(a) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the CONSENT AGREEMENT resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the CONSENT AGREEMENT, which shall become effective 30 days following issuance of this Final Order pursuant to the Safe Drinking Water Act § 1423(c)(3)(D).

SO ORDERED THIS 30th **DAY OF** September, **2021.**

KATHERIN HALL	Digitally signed by KATHERIN HALL Date: 2021.09.30 09:04:49 -06'00'
--------------------------	--

Katherin E. Hall
Regional Judicial Officer

September 30, 2021

9:06 AM

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Received by
EPA Region VIII
Hearing Clerk

In the Matter of:)	
)	
Mann Oil Company LLC,)	CONSENT AGREEMENT
)	
Respondent.)	Docket No. SDWA-08-2021-0030
)	
Proceeding under section 1423 of the Safe)	
Drinking Water Act, 42 U.S.C. § 300h-2)	
_____)	

The United States Environmental Protection Agency (EPA) and Mann Oil Company LLC (Respondent), by their undersigned representatives, agree as follows:

1. On July 20, 2021, the EPA issued a Complaint and Notice of Opportunity for Hearing (Complaint) to the Respondent regarding a violation of section 1423 of the Safe Drinking Water Act (Act), and the underground injection control regulations promulgated thereunder.

2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. The Respondent waives its right to contest the allegations in the Complaint and to appeal any final order (Final Order) an EPA Regional Judicial Officer may issue to approve this consent agreement (Agreement).

4. This Agreement, upon incorporation into a Final Order, is binding upon the EPA, the Respondent, and the Respondent's successors and assigns. No change in the ownership or control of the Respondent, including without limitation, any change in ownership or control of the McKenzie Well as defined in the Complaint, shall alter the Respondent's responsibilities under this Agreement unless the EPA, the Respondent, and any successor in interest agree in writing to allow a successor to assume the responsibilities incumbent on the Respondent under

this Agreement prior to the transfer. Additionally, no later than 30 calendar days prior to such transfer, the Respondent shall notify the EPA of the transfer at the addresses specified below in Paragraph 5 of this Agreement.

5. The Respondent agrees to pay, and agrees to the EPA's assessment of, an administrative civil penalty in the amount of \$10,000 as described below:

(a) A payment in the amount of \$5,000 is due no later than 30 calendar days after the date of the Final Order. A second payment in the amount of \$5,000 is due no later than 180 calendar days after the date of the Final Order;

(b) Payment shall be made using any method provided on the following website: _____ ;

(c) Identify each payment with "Docket No. SDWA-08-2021-0030" and, within 24 hours of payment, email proof of payment to Nathan Wiser at _____ and send by U.S. mail to:

Missy Haniewicz, Regional Hearing Clerk
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the name and docket number of this matter (see bottom of page).

(d) If a payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is

received (*e.g.*, on the first late day, 30 days of interest will have accrued).

(e) A handling charge of \$15 shall be assessed the 31st day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges, second to accrued interest, and then to the outstanding principal amount.

(f) Consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), the Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

6. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

7. Any failure by the Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and such other relief as may be appropriate.

8. Nothing in this Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as any failure by the Respondent to comply with this Agreement.

9. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into and bind the Respondent to this Agreement.

10. The parties agree to submit this Agreement to the appropriate EPA Regional Judicial Officer, with a request that it be incorporated into a Final Order.

11. Each party shall bear its own costs and attorney fees in connection with this matter.

12. The parties consent to service of the Final Order by e-mail at the following valid e-mail addresses: bearley.mia@epa.gov (for EPA), and CJohnston@wilkersonhegna.com (for Respondent). The Respondent consent to e-signatures by the Agency.

13. This Agreement, upon incorporation into a Final Order and full satisfaction by the Respondent, shall resolve the Respondent's liability for federal civil penalties for the violation alleged in the Complaint.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: _____

By: **Patefield, Scott** Digitally signed by Patefield, Scott
Date: 2021.09.27 09:48:18 -06'00' _____ (Acting for Suzanne)
Suzanne J. Bohan, Director
Enforcement and Compliance
Assurance Division,
Complainant

RESPONDENT:

Date: 8/20/21

By: Melaney Mann

Name, Title: President

CERTIFICATE OF SERVICE

The undersigned certifies that the attached **CONSENT AGREEMENT** and the **FINAL ORDER** in the matter of **MANN OIL COMPANY, LLC; DOCKET NO.: SDWA-08-2021-0030** was filed with the Regional Hearing Clerk on September 30, 2021.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney, and sent via certified receipt email on September 30, 2021, to:

Respondent

Christopher J. Johnston, Esq.
Counsel for Mann Oil Company, LLC
CJohnston@wilkersonhegna.com

Bennett L. Johnson
Counsel for Mann Oil Company, LLC
BJohnson@vogellaw.com

EPA Financial Center

Peter Hendrickson
U. S. Environmental Protection Agency
Cincinnati Finance Center
Hendrickson.Peter@epa.gov

September 30, 2021

Haniewicz,
Melissa

Digitally signed by
Haniewicz, Melissa
Date: 2021.09.30
10:29:33 -06'00'

Melissa Haniewicz
Regional Hearing Clerk