



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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FILED
EPA REGION VIII
HEARING CLERK

In Re:

Berry Petroleum Company)

Samson Resources Company)

Colorado Interstate Gas Company, LLC)

Respondents.)

Docket Nos. CAA-08-2013-0014
CAA-08-2013-0015
CAA-08-2013-0016

ORDER

On March 27, 2014, the parties and the Regional Judicial Officer (RJO) held a teleconference call to discuss the status of the consent agreements in the cases referenced above. Counsel for the parties were in attendance. During the conference call, I made clear that I cannot ratify the consent agreements with final orders under 40 C.F.R. Part 22, the Consolidated Rules of Practice, as the rules do not authorize me to approve non-penalty provisions. As discussed, under section 113(d)(2)(B) of Clean Air Act (CAA or the Act), 42 U.S.C. §7413(d)(2)(B), the Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under this subsection. I concur that the non-penalty obligations the Agency is seeking from the Respondents can be a compromise, modification, or remittance of the penalty whereby a presiding officer can accept such conditions into a consent agreement. This assumes there is clear language in the consent agreement that indicates each and every non-penalty obligation, that is not required by law to perform, is identified as a compromise, modification or remittance under section 113(d)(2)(B) of the Act.

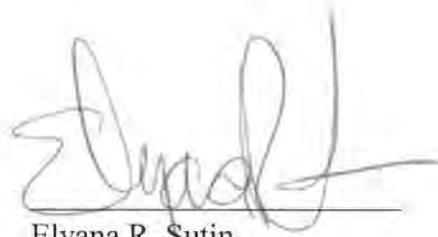
In order to accomplish what the parties are seeking in terms of settlement, the combined complaint and consent agreements (CCCA) shall incorporate the following if the parties want this presiding officer to sign final orders ratifying the agreements:

1. The settlement is pursuant to section 113(d)(2)(B) of the Act;
2. The settlement describes with some specificity how the non-penalty obligations compromise, modify or remit the penalty; and,

3. The settlement clearly states that the presiding officer is not approving these non-penalty obligations under the Consolidated Rules of Practice. In other words, compliance with the terms and conditions of the CCCAs shall only resolve the Respondents' liability for Federal civil penalties for the violations alleged in the CCCA.

The parties shall file revised CCCAs on or before **May 2, 2014**.

It is so ORDERED this 8th day of April, 2014.



Elyana R. Sutin
Regional Judicial Officer
U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the in the matter **ORDER** for **BERRY PETROLEUM COMPANY, SAMSON RESOURCES COMPANY, AND COLORADO INTERSTATE GAS COMPANY, LLC.; DOCKET NOS.: CAA-08-2013-0014; CAA-08-2013-0015; CAA-08-2013-0016** was filed with the Regional Hearing Clerk on April 8, 2014.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, David Rochlin, Enforcement Attorneys, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were sent and placed in the United States mail certified/return receipt and emailed on April 8, 2014 to:

Counsel for Respondents:

Lawrence E. Volmert
Holland and Hart LLP.
555 Seventeenth Street, Suite 3200
Denver, CO 80202-3979
lvolmert@hollandhart.com

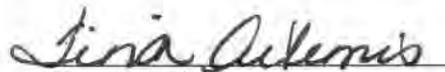
Scott Weatherholt
Assistant General Counsel – Operations
Samson Plaza
Two West Second Street
Tulsa, OK 74103

Daniel Schnee, Senior Counsel
Legal Department-El Paso Corporation/Kinder Morgan
Two North Nevada Avenue
Colorado Springs, CO 80903

And

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

April 8, 2014


Tina Artemis
Regional Hearing Clerk/Paralegal