

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JAN 17 01:02:22

In the Matter of:)
)
Homeland Gas & Oil Ltd., Inc.)
)
) **EXPEDITED CONSENT AGREEMENT**
)
Respondent.) **DOCKET NO.: CWA-08-2008-0007**

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Homeland Gas & Oil Ltd., Inc., by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates an oil production facility, the Ute Tribal 1-34B (Z2), located at SWNE Section 34, Township 1N, Range 2W, Duchesne County, Utah.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits that it failed to prepare and implement an SPCC Plan for its Ute Tribal 1-34B (Z2) facility in accordance with 40 C.F.R. § 112.7 and 112.9 and/or 112.10.

Respondent agrees to correct the cited violations of 40 C.F.R. § 112 on the attached list within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent agrees to submit a copy of the SPCC Plan for its Ute Tribal 1-34B (Z2) facility to EPA for its review and approval.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$ 1,100.00, for the violations of Section 311(j) of the Act, which shall be paid no later than thirty (30) days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
P.O. Box 979077
St. Louis, MO 63197-9000

If paying by EFT, the Respondent shall transfer \$1,100.00 to:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
33 Liberty Street
New York, NY 10045

In the case of an international transfer of funds, the Respondent shall use SWIFT address
FRNYUS33.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer,
copies of the EFT confirmation) to the following persons:

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

and

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Respondent will revise, implement, and maintain an SPCC plan in accordance with 40
C.F.R. § 112.7. Respondent's cost of corrective actions and measures to achieve compliance to
date has been \$ _____.

Respondent further agrees and consents that if Respondent fails to pay the penalty
amount as required by this agreement once incorporated into the final order, or fails to make the
corrective measures to obtain compliance, this agreement is null and void, and EPA may pursue
any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

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

This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By : Mark A. R. Chalfant
Mark A. R. Chalfant, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Date: 12/10/07

Homeland Gas & Oil Ltd., Inc., Respondent.

By : Brian R. Jones

Date: _____

Name: Brian R. Jones

Title: Pres.

List of SPCC Violations
Homeland Gas & Oil Ltd., Inc.
Ute Tribal 1-34B (Z 2)

SPCC Plan [40 C.F.R. § 112.3]:

Failure to prepare and implement a facility SPCC Plan in accordance with
40 C.F.R. § 112.7, 112.9 and 112.10.

The specific violations at the Ute Tribal 1-34B (Z 2) facility are:

No records of inspections in violation of 40 CFR § 112.7(e).

No formal documented training and briefings records in violation of 40 CFR § 112.7(f).