



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2013 SEP 10 PM 1:44

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CWA-08-2013-0028

IN THE MATTER OF:

WINTER RIDGE ENERGY, LLC.

410 17<sup>th</sup> Street, #1200

Denver, CO 80202-4425

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) 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, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 10<sup>th</sup> DAY OF September, 2013.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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In the Matter of: )  
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Winter Ridge Energy, LLC )  
410 17th Street # 1200 )  
Denver, CO 80202-4425 )  
)  
Respondent. )

**EXPEDITED CONSENT AGREEMENT**

**DOCKET NO. : CWA-08-2013-0028**

1. Pursuant to 40 C.F.R. § 22.13(b), Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Winter Ridge Energy, LLC, by their undersigned representatives, hereby settle the civil cause of action arising out of a spill of oil that occurred on or about March 10, 2011, and agree as follows:

2. The Clean Water Act (the Act), as amended, authorizes the Administrator of EPA to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States, 33 U.S.C.

§ 1321(b)(6) and (b)(3). This determination includes discharges of oil that (1) violate applicable water quality standards; (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shoreline; or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline, 40 C.F.R. § 110.3.

3. This authority has been properly delegated to the undersigned EPA official.

4. Respondent owned and/or operated a flowline which is part of the Mondell B lease in the North Skull Creek Field located in SW/NW Sec. 34, T45N, R62W (Latitude 43.838592° N., Longitude 104.294189° W.) in Weston County, Wyoming.

5. Respondent admits that on or about March 10, 2011, the flowline discharged at least 294 gallons of crude oil and produced water into or upon Oil Creek which flows to Beaver Creek, a tributary of the Cheyenne River, and/or upon the adjoining shorelines of Oil Creek.
6. Respondent's discharge of crude oil from its flowline caused a sheen upon, or discoloration of, or caused a sludge or emulsion to be deposited on the surface of Oil Creek and/or its adjoining shoreline.
7. Oil Creek, Beaver Creek, and the Cheyenne River are navigable waters of the United States as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 CFR §110.1.
8. Respondent's discharge of crude oil and produced water constitutes a violation of Section 311 (b)(3) of the Act.
9. Respondent admits that EPA has jurisdiction in this proceeding.
10. Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this Agreement, and waives its right to appeal the Final Order.
11. This Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's officers, directors, agents, 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.
12. This Agreement contains all terms of the settlement agreed to by the parties.
13. Respondent consents and agrees to the assessment of a civil penalty of \$500.00, for the discharge of oil in violation of Section 311(b)(3) of the Act, which, shall be paid no later than thirty (30) calendar days after the effective date of the Final Order by means of a cashier's or certified check, or by wire transfer. 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  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

14. If the Respondent sends payment by overnight mail, the payment should be sent to:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

15. Wire transfers should be directed to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."

16. The Respondent shall submit copies of the check (or, in the case of a wire transfer, copies of the confirmation) to the following persons:

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

And

**Donna K. Inman**  
**Technical Enforcement Program (8ENF-UFO)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

17. Respondent states, under penalty of perjury, that it has (1) investigated the cause of the spill; (2) cleaned up the spill pursuant to federal requirements; and (3) taken corrective measures to prevent future spills.

18. 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 or has not cleaned up the discharged oil as represented, a motion may be filed to withdraw the Expedited Consent Agreement and Final Order. If that motion is granted, EPA may then file an administrative or civil enforcement action against Respondent for the violations addressed herein.

19. Respondent further agrees that this settlement Agreement pertains only to the discharge of crude oil and produced water.

20. 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.

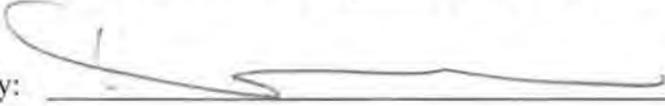
21. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

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

23. Respondent agrees that no amount of the civil penalty to be paid shall be used to reduce its federal or state tax obligations.

24. 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.

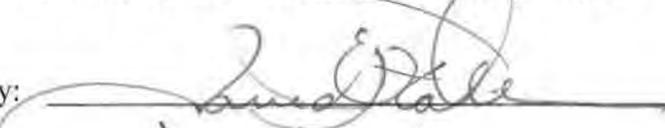
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By:  \_\_\_\_\_

Date: 9/10/13

Darcy O'Connor, Acting Director  
UIC/FIFRA/OPA Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

**WINTER RIDGE ENERGY, LLC, Respondent.**

By:  \_\_\_\_\_

Date: 9/9/2013

Name: David Flake

Title: Chief Financial Officer

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER** in the matter **WINTER RIDGE ENERGY, LLC.; DOCKET NO.: CWA-08-2013-0028**. The documents were filed with the Regional Hearing Clerk on September 10, 2013.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Brenda L. Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were resent and placed in the United States mail certified/return receipt on September 10, 2013 to:

David Flake, Chief Financial Officer  
Winter Ridge Energy, LLC.  
410 17<sup>th</sup> Street, #1200  
Denver, CO 80202-4425

And emailed to:

Kim White  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

September 10, 2013



Tina Artemis  
Paralegal/Regional Hearing Clerk

