



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 12 2007

Ref: 8ENF-UFO

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

7001-2510-0006-3202-0838

J.P. von Plonski, Registered Agent
Von Engineering, Inc.
3505 Pearl Drive
Monroe, Michigan 48162

7001-2510-0006-3202-0814

Registered Agent
Smith Energy – 1988 L.P.
711 Commerce Building
Grand Rapids, Michigan 49503

Re: UNDERGROUND INJECTION
CONTROL PROGRAM (UIC)
Complaint with Notice of Opportunity
for Hearing

Dear Registered Agents for Von Engineering Inc. and Smith Energy – 1988 L.P:

The enclosed document is a Complaint with Notice of Opportunity for Hearing (complaint) for violations of the Safe Drinking Water Act (SDWA). Please carefully read the complaint soon, since it describes Von Engineering Inc.'s and Smith Energy – 1988 L.P.'s (collectively, Respondents') rights and responsibilities in this matter as well as EPA's authority, the factual basis of the violations, and the background for the proposed penalties. EPA is enclosing a copy of the Rules of Practice that govern these proceedings, an information sheet about the Small Business Regulatory Enforcement Fairness Act, and a required Public Notice associated with this complaint.

Von and Smith are required to take action within 30 calendar days of your receipt of this complaint to avoid the possibility of having a default judgment entered against Respondents that could impose the penalty amount proposed in the complaint.

Whether or not Von or Smith request a hearing, we encourage an informal conference with EPA concerning the alleged violations in an effort to negotiate a settlement. Von or Smith may wish to appear at an informal conference and/or be represented by legal counsel. To arrange for such a conference, Respondents should contact Michelle Marcu, Enforcement Attorney, Legal Enforcement Program, at the number provided below. Request for such a conference does

not extend the 30 calendar day period during which a request for hearing must be submitted. Public Notice of EPA's complaint and the opportunity to provide written comments on the complaint is being provided pursuant to section 1423(c)(3)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B). Should a hearing be held, any person who comments on the complaint has a right to participate in the hearing.

If Von or Smith have technical questions relating to this matter, the person most knowledgeable on my staff is Nathan Wiser, UIC Enforcement Team, Technical Enforcement Program, at 1-800-227-8917 ext. 6211 or (303) 312-6211. For all legal questions, the person most knowledgeable on my staff is Michelle Marcu at 1-800-227-8917 ext. 6921 or (303) 312-6921. Mr. Wiser and Ms. Marcu can also be reached at the following addresses:

Nathan Wiser (Mail Code 8ENF-UFO)
Environmental Scientist
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202, or

Michelle Marcu (Mail Code 8ENF-L)
Enforcement Attorney
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202.

We urge Von's and Smith's prompt attention to this matter.

Sincerely,



Eddie A. Sierra
Deputy Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Complaint with Notice of Opportunity for Hearing
Public Notice
Small Business Regulatory Enforcement Fairness Act fact sheet
40 CFR Part 22 Rules of Practice

cc: Manuel Heart, Chairman (with complaint only)
Ute Mountain Ute Tribe
P.O. Box 248
Towaoc, Colorado 81334

Tom Rice, Environmental Program Manager (with all enclosures)
Ute Mountain Ute Tribe
P.O. Box 448
Towaoc, Colorado 81334

1
2 UNITED STATES
3 ENVIRONMENTAL PROTECTION AGENCY
4 REGION 8
5 Docket No. SDWA-08-2007-0083

2007 SEP 12 AM 9:17

EPA REGION VIII
HEARING CLERK

6 In the Matter of:)
7)
8 Von Engineering, Inc.)
9 a Michigan Corporation,)
10 and)
11 Smith Energy Ltd. Partnership-1988)
12 a Michigan Corporation,)
13 Respondents)
14)
15 Proceedings under Section 1423(c))
16 of the Safe Drinking Water Act)
17 42 U.S.C. 300h-2(c))

**PENALTY COMPLAINT AND NOTICE
OF OPPORTUNITY FOR HEARING**

18
19 **INTRODUCTION**

- 20
21 1. This civil administrative enforcement action is authorized by Congress in section
22 1423(c) of the Public Health Service Act, also known as the Safe Drinking Water
23 Act (SDWA or the Act). 42 U.S.C. § 300h-2(c). The Environmental Protection
24 Agency (EPA) regulations authorized by the statute are set out in parts 144-148 of
25 title 40 of the Code of Federal Regulations (40 C.F.R.), and violations of the
26 statute, permits or EPA regulations constitute violations of the Act. The rules for
27 this proceeding are the "Consolidated Rules of Practice Governing the
28 Administrative Assessment of Civil Penalties, Issuance of Compliance or
29 Corrective Action Orders and the Revocation, Termination or Suspension of
30 Permits" (Rules of Practice), 40 C.F.R. part 22, a copy of which is enclosed.
31
32 2. The undersigned EPA official has been properly delegated the authority to issue
33 this action.
34
35 3. EPA alleges that Von Engineering, Inc. and Smith Energy Limited Partnership-
36 1998 (hereinafter referred to as Respondents) have violated the regulations and
37 therefore the Act and proposes the assessment of a civil penalty, as more fully
38 explained below.
39

40 **NOTICE OF OPPORTUNITY FOR A HEARING**

- 41
42 4. Respondents have the right to a public hearing before a presiding officer within
43 the Agency to disagree with (1) any fact stated (alleged) by EPA in the complaint,
44 (2) the grounds for any legal defense, or (3) the appropriateness of the proposed
45 penalty. If Respondent requests a hearing in its answer, the procedures provided

1 in 40 C.F.R. part 22, subpart I will apply to the proceedings and the Regional
2 Judicial Officer will preside.

- 3
4 5. To disagree with the complaint and assert their right to a hearing, Respondents
5 must file a written answer (and one copy) with the Region 8 Hearing Clerk at the
6 following address:

7
8 Region 8 Hearing Clerk
9 1595 Wynkoop Street (Mail code 8RC)
10 Denver, Colorado 80202

11
12 within 30 calendar days of receiving this complaint. The answer must clearly
13 admit, deny or explain the factual allegations of the complaint, the grounds for
14 any defense, the facts in dispute, and a specific request for a public hearing.
15 Please see section 22.15(b) of the Rules of Practice for a complete description of
16 what must be in the answer. **FAILURE TO FILE AN ANSWER AND
17 REQUEST FOR HEARING WITHIN 30 CALENDAR DAYS MAY WAIVE
18 RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS
19 OR PROPOSED PENALTY, AND RESULT IN A DEFAULT JUDGMENT
20 AND ASSESSMENT OF THE PENALTY PROPOSED IN THE
21 COMPLAINT, OR UP TO THE MAXIMUM AUTHORIZED BY THE
22 ACT.**

23 24 QUICK RESOLUTION

- 25
26 6. Respondents may resolve this proceeding at any time by paying the penalty
27 amount proposed in the complaint. Such action to make payment need not
28 contain any response to, or admission of, the allegations in the complaint. Such
29 action to make payment constitutes a waiver of Respondents' right to contest the
30 allegations and to appeal the final order. See section 22.18 of the Rules of
31 Practice for a full explanation of the quick resolution process.

32 33 SETTLEMENT NEGOTIATIONS

- 34
35 7. EPA encourages discussing whether cases can be settled through informal
36 settlement conferences. If Respondents want to pursue the possibility of settling
37 this matter, or have any other questions, contact the attorney listed at the end of
38 this complaint. **Please note that calling the attorney or requesting a
39 settlement conference does NOT delay the running of the 30 day period for
40 filing an answer and requesting a hearing referenced in paragraph 5.**

41 42 GENERAL ALLEGATIONS

43
44 The following general allegations apply to all times relevant to this action, and to
45 each count of this complaint:
46

- 1 8. Pursuant to section 1422 of the Act, 42 U.S.C. § 300h-1, and 40 C.F.R. part 147,
2 subparts G and HHH, sections 147.301 and 147.3000, respectively, EPA
3 administers the Underground Injection Control (UIC) program for Class II wells
4 on the Ute Mountain Ute Indian Reservation within the State of Colorado. The
5 effective date of the program is November 25, 1988. The program requirements
6 are located at 40 C.F.R. parts 124, 144, 146, 147, and 148.
7
- 8 9. Class II underground injection wells under the jurisdiction of the EPA are
9 authorized to operate either under an EPA-issued permit or under a rule. To be
10 eligible to operate under rule-authorization, a UIC well must be a Class II
11 enhanced recovery well and must have been such a well at the time the EPA UIC
12 program became effective. All other Class II wells must be authorized by an
13 EPA-issued permit. Enhanced recovery wells are wells that inject for the purpose
14 of enhancing oil production at offset wells completed in the same geologic
15 formation, and do so to increase pore pressure within the formation. Enhanced
16 recovery wells injecting liquid water are typically called "water floods."
17
- 18 10. The well subject to this action is a Class II enhanced recovery injection well, in a
19 water flood operation at the Cache oil field. This well is authorized under the
20 regulations set forth in 40 C.F.R. parts 144 and 147. Respondents own and/or
21 operate this well under one or more leases approved by the U.S. Bureau of Indian
22 Affairs. The well is located in Montezuma County, Colorado, within the exterior
23 boundary of the Ute Mountain Ute Indian Reservation. The specific well and its
24 location is:
25
- 26 Cache #15 injection well ("the well")
27 EPA ID #CO20000-02357
28 T34N, R20W, Section 2, SE/4, NE/4
29 Injection zone: Ismay Formation.
30
- 31 11. Respondent Von Engineering is a corporation in good standing under the laws of
32 the State of Michigan as of December 30, 1997. Respondent Von Engineering's
33 principle office address is 3505 Pearl Drive, Monroe, Michigan 48162, with
34 telephone number (734) 289-4064.
35
- 36 12. Respondent Smith Energy Limited Partnership – 1998 is a corporation in good
37 standing under the laws of the State of Michigan as of March 16, 1989.
38 Respondent Smith Energy's principle office address is 5 Lyon N.W., Suite 210,
39 Grand Rapids, Michigan 49503, with telephone number (616) 682-0004.
40
- 41 13. Respondents are "persons" within the meaning of section 1401(12) of the Act,
42 42 U.S.C. § 300f(12) and 40 C.F.R. § 144.3.
43
- 44 14. The regulations at 40 C.F.R. § 144.3 define an owner or operator as the owner or
45 operator of any facility or activity subject to regulation under the UIC program.
46

- 1 15. Respondent Von Engineering, Inc. is responsible for the day-to-day operations at
2 the well as exhibited through its record-keeping, monitoring, and reporting
3 activities. Through this responsibility, Respondent Von Engineering is an owner
4 or operator under 40 C.F.R. § 144.3.
5
- 6 16. Respondent Smith Energy Limited Partnership-1988 has shown itself responsible
7 for providing financial assurance for plugging and abandoning the well through
8 its establishment of a \$15,000 irrevocable standby letter of credit for plugging
9 purposes to cover two injection wells, including the subject well. Through this
10 responsibility, Respondent Smith Energy Limited Partnership-1988 is an owner or
11 operator under 40 C.F.R. § 144.3.
12
- 13 17. The regulations at 40 C.F.R. § 144.28(f)(2) require that owners or operators of
14 Class II wells authorized under the rule maintain mechanical integrity at the well,
15 as defined under 40 C.F.R. § 146.8.
16
- 17 18. Pursuant to 40 C.F.R. §§ 144.3 and 146.3, "Director," as used in 40 C.F.R. parts
18 124, 144 and 146 and as applied in this matter, means the Regional Administrator
19 of EPA Region 8 or authorized representative.
20
- 21 19. Pursuant to 40 C.F.R. § 144.28(f)(3), when the Director determines that a well
22 lacks mechanical integrity he may require the owner or operator to cease injection
23 into the well until the well's mechanical integrity is demonstrated and the Director
24 has provided written authorization to resume injection.
25
- 26 20. On May 21, 2007, Respondent Von Engineering reported to EPA that the well
27 had lost mechanical integrity on or about April 27, 2007, had been reworked to
28 replace a tubing joint, and had been tested for mechanical integrity. During that
29 telephone conversation between Von Engineering's Mr. J. Paul Von Plonski and
30 EPA's Mr. Nathan Wiser, the duration of the mechanical integrity test was
31 described as a 15-minute test. Mr. Wiser explained that EPA's standards for
32 demonstrating mechanical integrity include a 30-minute well annulus pressure
33 test, and that the 30-minute test must be submitted to EPA for review in order for
34 EPA to authorize injection to resume. To date, there has been no submission to
35 EPA of the attempted mechanical integrity demonstration described by
36 Respondent Von Engineering to have occurred on or about April 27, 2007.
37
- 38 21. On May 22, 2007, the Director sent a letter to Respondent Von Engineering
39 requiring that injection cease and not resume until the well's mechanical integrity
40 was demonstrated to EPA's satisfaction and EPA authorized injection to resume
41 in writing. 40 C.F.R. § 144.28(f)(3).
42
- 43 22. During a routine unannounced inspection on June 14, 2007, EPA inspectors
44 observed the well injecting, although no demonstration of mechanical integrity
45 had been submitted and EPA had not authorized injection to resume.
46

1 23. On June 22, 2007, the Director sent Respondent Von Engineering a letter
2 identifying that the well had been observed by EPA inspectors injecting without
3 authorization during the June 14, 2007, inspection.
4

5 24. By letters mistakenly dated August 23, 2007 (it was received by EPA on July 27,
6 2007) and August 28, 2007, Respondent Von Engineering described to EPA that
7 the well lacked mechanical integrity until 12 leaking tubing joints were replaced
8 and a successful demonstration of mechanical integrity took place on August 21,
9 2007. The issue of injecting without authorization was not addressed in either
10 letter.
11

12 25. The use of the well for injection on June 14, 2007, constitutes unauthorized
13 injection and is a violation of 40 C.F.R. § 144.28(f)(3). See attachment A to this
14 complaint where this violation is summarized.
15

16 26. A summary list of the violation alleged is included as attachment A and is
17 incorporated into this complaint.
18

19 COUNT 1

20
21 27. Respondents are in violation of 40 C.F.R. § 144.28(f)(3) by injecting into a well
22 that had been identified to lack mechanical integrity and which had been ordered
23 to remain shut in until EPA authorized injection to resume. The duration of the
24 Respondents' violation is shown in detail in attachment A.
25

26 PROPOSED ORDER WITH ADMINISTRATIVE CIVIL PENALTY

27
28 28. The Act, as amended, and 40 C.F.R. part 19, authorize the assessment of a civil
29 penalty of up to \$6,500 for each day of violation, up to a maximum penalty of
30 \$157,500. 42 U.S.C. § 300h-2(c)(2). The Act requires EPA to take into account
31 the following factors in assessing a civil penalty: the seriousness of the violation,
32 the economic benefit resulting from the violation, Respondents' prior compliance
33 history of such violation, any good-faith efforts to comply, the economic impact
34 on Respondents, and other factors that justice may require. 42 U.S.C. § 300h-
35 2(c)(4)(B).
36

37 29. In light of the statutory factors and the specific facts of this case, EPA calculates
38 and proposes that **Respondent pay a total penalty of \$4,771 (four thousand**
39 **seven hundred seventy-one dollars)** for the violation alleged above, as explained
40 below:
41

42 Seriousness of the Violation

43
44 Injection into a well without authorization is considered a serious violation of the
45 UIC regulations. Fluids injected into Class II enhanced recovery injection wells
46 often contain high levels of salinity and benzene, a known human carcinogen, as

1 well as other contaminants associated with oil production. Use of an injection
2 well lacking mechanical integrity presents a potential to contaminate underground
3 sources of drinking water because it is no longer possible to conclusively show
4 that injected fluids or other fluids within the well are either remaining within the
5 well or are only entering the designated injection zone. Under these
6 circumstances, fluids may leak without detection out of the well and the
7 designated injection zone, and may contaminate underground sources of drinking
8 water. By failing to demonstrate its mechanical integrity and using the well for
9 injection, Respondents have presented an endangerment to any underground
10 sources of drinking water present.

11
12 Economic Benefit

13
14 Respondents enjoyed an economic benefit by continuing to contribute some
15 pressure to the oil production zone which allowed for enhanced oil recovery at
16 offset oil production wells that otherwise would have been absent. Since there are
17 a total of five enhanced oil recovery Class II injection wells in this field, the well
18 is estimated to have contributed up to one-fifth of the pressure in the zone and
19 thus is responsible for up to one-fifth of the offset oil production. At present,
20 based on publicly available oil production information, EPA believes oil
21 production from the Cache oil field over the past three full years averages 47
22 barrels of oil per day. With oil selling at approximately \$60.00 per barrel, the
23 total daily value of oil production enjoyed by Respondents is approximately
24 \$2,800. One fifth of this daily amount is approximately \$560. The total
25 economic benefit Respondent has enjoyed is estimated by EPA to be \$571 (five
26 hundred seventy-one dollars).

27
28 Prior Compliance History

29
30 EPA Region 8 has taken no prior formal enforcement action against Respondents
31 for violations of the UIC program regulations. EPA made no upward adjustment
32 to the proposed penalty based on this factor.

33
34 Good-Faith Efforts to Comply

35
36 Respondents should have left the well shut-in through-out the entire time from
37 April 27, 2007, until the present. Respondents have or should have EPA
38 requirements, EPA letters, and all monitored data to understand the requirements
39 applicable at the well. Because Respondents continued to use the well after
40 knowing such use to be unlawful, EPA considers that Respondents made no good
41 faith effort to comply. EPA made an upward adjustment to the proposed penalty
42 due to this factor.

1 Economic Impact on the Violator

2
3 EPA did not reduce the proposed penalty due to this factor, but will consider any
4 new information Respondents may present regarding this factor.

5
6 Other Matters that Justice May Require

7
8 EPA made no additional adjustments to the penalty due to this factor.

- 9
10 30. Respondents' payment of the penalty shall be made by money order or certified
11 check made payable to "Treasurer, United States of America" and mailed to the
12 following address:

13
14 Regular Mail:

15
16 Mellon Bank
17 Lockbox 360859
18 Pittsburgh, PA 15251-6859

19
20 Federal Express, Airborne, or other commercial carrier.:

21
22 U.S. EPA, 360859
23 Mellon Client Service Center Rm 154-0670
24 500 Ross Street
25 Pittsburgh, PA 15251-6859

26
27 Wire Transfers:

28
29 Wire transfers must be sent directly to the Federal Reserve Bank in New York
30 City with the following information:

31
32 ABA = 021030004
33 TREAS NYC/CTR/
34 BNF=/AC-68010727


35
36 A copy of said check shall be mailed simultaneously to the following addresses:

37
38 Michelle Marcu (8ENF-L)
39 Enforcement Attorney
40 U.S. EPA - Region 8
41 1595 Wynkoop Street
42 Denver, Colorado 80202, and

1 Tina Artemis
2 Regional Hearing Clerk (8RC)
3 U.S. EPA Region 8
4 1595 Wynkoop
5 Denver, CO 80202-1129
6

- 7 31. The provisions of this complaint shall apply to and be binding upon Respondents,
8 their officers, directors, agents, servants, employees, and successors or assigns.
9
- 10 32. As required by the Act, prior to the assessment of a civil penalty, EPA will
11 provide public notice of the proposed penalty, and reasonable opportunity for
12 people to comment on the matter, and present evidence in the event a hearing is
13 held. 42 U.S.C. § 300h-2(c)(3)(B).
14
- 15 33. The presiding officer is not bound by the penalty proposed by EPA, and may
16 assess a penalty above the proposed amount, up to \$6,500 for each day of
17 violation, up to a maximum penalty of \$157,500. 42 U.S.C. § 300h-2(c)(2).
18
- 19 34. This complaint does not constitute a waiver, suspension, or modification of the
20 requirements of any applicable provision of the Act or the UIC regulations
21 implementing the Act, which remain in full force and effect. Issuance of this
22 complaint is not an election by the EPA to forego any civil or any criminal action
23 otherwise authorized under the Act.
24

25 Issued this 12th day of September, 2007.
26
27

28 
29 _____
30 Eddie A. Sierra
31 Deputy Assistant Regional Administrator
32 Office of Enforcement, Compliance
33 and Environmental Justice
34 U.S. EPA, Region 8
35 1595 Wynkoop Street
36 Denver, CO 80202
37

38 
39 _____
40 Michelle Marcu
41 Enforcement Attorney
42 U.S. EPA, Region 8
43 1595 Wynkoop Street
44 Denver, CO 80202-1129
45 (303) 312-6921
46

CERTIFICATE OF SERVICE
Docket No. SDWA-2007-0083

I hereby certify that the original and a true copy of the Complaint with Notice of Opportunity for Hearing bearing the above-referenced Docket number were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202 and that a true copy of the same was sent via Certified Mail Return Receipt Requested mail to:

J. P. von Plonski, Registered Agent
Von Engineering, Inc.
3505 Pearl Drive
Monroe, Michigan 48162, and

Registered Agent
Smith Energy - 1988 L.P.
711 Commerce Building
Grand Rapids, Michigan 49503

Dated: _____

9/12/07

By: _____

Judith McTernan
Judith McTernan

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING AGAINST
VON ENGINEERING AND SMITH ENERGY – 1988 LP
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REQUIREMENTS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on the Complaint with Notice of Opportunity for Hearing (complaint), Docket #SDWA-08-2007-0083, that complainant Region 8 of the United States Environmental Protection Agency (EPA) has filed against respondents Von Engineering Inc. and Smith Energy – 1988 L.P. The complaint alleges violations of the Underground Injection Control (UIC) program at an injection well with EPA identification number CO20000-02357 and proposes the assessment of a monetary penalty in the amount \$4,771. The complaint is issued under the UIC provisions of the Safe Drinking Water Act (SDWA) and the Act's implementing regulations. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW). The addresses of complainant and respondents are listed here.

Respondents: Von Engineering, Inc., 3505 Pearl Drive, Monroe, Michigan 48162, and Smith Energy – 1988 L.P., 5 Lyon N.W., Suite 210, Grand Rapids, Michigan 49503.

Complainant: Assistant Regional Administrator, Office of Enforcement, Compliance & Environmental Justice, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202.

EPA desires to receive written comments from any interested party having knowledge of the alleged violation or who can provide any information useful to ensure that any penalty assessed is appropriate.

BACKGROUND

Part C of the SDWA requires EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered. Section 1421 of the SDWA requires EPA to administer UIC programs in States or on Indian Lands that do not have approved State UIC programs. Regulation of the UIC Class II Program has not been delegated to the Ute Mountain Ute Tribe; therefore, EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The Class II injection well which is the subject of this complaint (Cache #15 Well), is owned and operated by Von Engineering, Inc. and Smith Energy – 1988 L.P., and is located in the Cache Oil Field, Montezuma County, in the southeast quarter of the northeast quarter of Section 2 of Township 34 North, Range 20 West. A Class II injection well, pursuant to 40 C.F.R. 144.6 and 146.5, is a well that injects

fluids (a) brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production, (b) for enhanced recovery of oil or natural gas, or (c) for the storage of hydrocarbons which are liquid at standard pressure and temperature. The well subject to this complaint is an enhanced oil recovery well, injecting into the Ismay Formation for the purpose of enhancing oil production at nearby oil production wells. This well is located within the exterior boundary of the Ute Mountain Ute Indian Reservation.

The complaint alleges that Von Engineering Inc. and Smith Energy – 1988 L.P. are in violation of UIC requirements and are subject to appropriate penalties by injecting without authorization into a well that lacked mechanical integrity at the time of injection.

PUBLIC COMMENTS

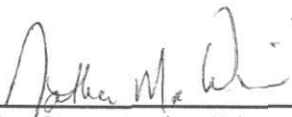
Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice, shown below and on the internet webpage listed below. Written comments submitted by the public as well as information submitted by Von Engineering Inc. and Smith Energy – 1988 L.P. will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Respondents may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: www.epa.gov/Region08/compliance/rhc.html. To view the complaint in person, please contact Nathan Wiser at (303) 312-6211.

Please submit written comments to:

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

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Nathan Wiser in the UIC program, EPA Region 8, at (303) 312-6211.

Date of Publication

for 

Tim Osag, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202