

6. Section 311(b)(4) of the CWA, 33 U.S.C. § 1321(b)(4), authorizes the EPA to promulgate a regulation to define what discharges of oil may be harmful to the public health or welfare or environment of the United States.

7. 40 C.F.R. § 110.3 defines discharges of oil that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States to include discharges of oil that: (a) violate applicable water quality standards, or (b) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

8. Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), provides in part that the President shall issue regulations establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities, and to contain such discharges.

9. To implement Section 311(j)(1)(C), the EPA promulgated regulations to prevent oil pollution at 40 C.F.R. Part 112 that set forth the requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. The requirements of 40 C.F.R. Part 112 apply to owners and operators of non-transportation-related onshore facilities with an aboveground storage capacity of 1,320 gallons or greater who are engaged in gathering, storing, transferring, distributing, using, or consuming oil or oil products which, due to their locations, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines.

10. Section 311(c) of the CWA, 33 U.S.C. § 1321(c), provides authority, delegated to the EPA, to “remove or arrange for the removal of a discharge, and mitigate or prevent a threat of a discharge . . .” of oil.

11. Section 311(e) of the CWA, 33 U.S.C. § 1321(e), provides authority, delegated to the EPA, to issue “administrative orders that may be necessary to protect the public health and welfare” due to an “actual or threatened discharge of oil . . . from a . . . facility in violation of [Section 311(b) of the CWA]” if “the President determines that there may be an imminent and substantial threat to the public health or welfare.”

Allegations of Fact and Conclusions of Law

Respondent’s Duties

12. Respondent is a Kansas corporation engaged in oil and gas exploration, development, and production. Respondent owns and operates approximately 64 facilities producing oil and gas in eastern Kansas (the “Facilities”). A list of the Facilities as of the effective date of this Order is attached as Appendix A to this Order.

13. Respondent is a corporation, so is a person within the meaning of Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2.

14. At all times relevant to this action, Respondent was the owner and/or operator, within the meaning of Section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2, of the

Facilities, including three oil production facilities in Anderson County, Kansas, known as the “KHVL/Haldeman Facility,” the “JCB & Overall Facility,” and the “Unit 2 Facility” at the following approximate locations:

- a. KHVL/Haldeman Facility: Section 16, Township 26 South, Range 18 East, approximately 3 miles southwest of Colony, Kansas;
- b. JCB & Overall Facility: Section 29, Township 22 South, Range 19 East, approximately 2.75 miles northeast of Colony, Kansas; and
- c. Unit 2 Facility: Section 28, Township 22 South, Range 19 East, approximately 2.25 miles northeast of Colony, Kansas.

15. The Facilities include production wells, flowlines, separator units, crude oil tanks, produced water tanks, and tank batteries.

16. The KHVL/Haldeman Facility, the JCB & Overall Facility, and the Unit 2 Facility have the following estimated aggregate above-ground storage capacities of oil and produced water:

| | |
|------------------------|----------------|
| KHVL/Haldeman Facility | 32,760 gallons |
| JCB & Overall Facility | 56,280 gallons |
| Unit 2 Facility | 18,060 gallons |

17. The KHVL/Haldeman Facility is within 50 feet of an unnamed creek that flows 200 feet to Martin Creek, a perennial stream. The JCB & Overall Facility and the Unit 2 Facility both discharge to unnamed drainage ditches that flow to Deer Creek.

18. Both Martin Creek and Deer Creek are navigable waters of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).

19. Respondent is engaged in storing, processing, using, or consuming oil or oil products located at the Facilities.

20. The Facilities are “non-transportation-related” facilities within the meaning of Appendix A of 40 C.F.R. § 112, as incorporated by reference within 40 C.F.R. § 112.2.

21. The Facilities are “onshore facilities” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

22. The Facilities are non-transportation-related onshore facilities which, due to their location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity and, therefore, are SPCC-regulated facilities.

23. Pursuant to Section 311(j)(1)(C) of the CWA, Executive Order 12777, and 40 C.F.R. § 112.1, Respondent, as the owner and/or operator of SPCC-regulated facilities, is and was subject to the SPCC regulations at all times relevant to this action.

The Discharge and Inspections

24. On or about June 29, 2021, a leak from a production line at the JCB & Overall Facility caused one barrel of oil and ten barrels of produced water to be discharged into a nearby unnamed pond, causing the observable presence of water and a sheen on the water.

25. For purposes of this settlement, EPA takes no position as to whether the unnamed pond is a navigable water of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).

26. On July 2, 2021, representatives of the EPA inspected the JCB & Overall Facility to determine compliance with the SPCC regulations of 40 C.F.R. Part 112. A copy of this inspection report was transmitted to Respondent on or about July 29, 2021.

27. On November 4, 2021, representatives of the EPA inspected the KHVL/Haldeman and Unit 2 Facilities to determine compliance with the SPCC regulations of 40 C.F.R. Part 112. Copies of these inspection reports were transmitted to Respondent on or about December 2, 2021.

28. The EPA has notified the state of Kansas of this action pursuant to Section 311(e)(1)(B) of the CWA, 33 U.S.C. § 1321(e)(1)(B).

29. Based on Respondent's pattern of noncompliance at the KHVL/Haldeman, JCB & Overall, and Unit 2 Facilities, set forth below, the EPA has reason to believe that Respondent has violations of the Clean Water Act at all Facilities.

Findings of Violation

Failure to Fully Prepare and Implement an SPCC Plan

30. 40 C.F.R. § 112.3 requires Respondent to fully prepare and implement an SPCC plan. As part of implementing the SPCC plan, Respondent is required to perform routine checks and maintenance on all SPCC regulated facilities to maintain compliance with the CWA.

31. EPA's July 2, 2021, and November 4, 2021, inspections documented Respondent's failure to fully prepare and implement an SPCC plan at the KHVL/Haldeman Facility, the JCB & Overall Facility, and the Unit 2 Facility.

32. Respondent's errors and omissions at the KHVL/Haldeman Facility included the following:

- a. Respondent failed to complete a review and evaluation of the SPCC plan at least once every five years, in violation of 40 C.F.R. § 112.5(b). Respondent's SPCC plan for this facility was completed in March of 2015, but was not reviewed until October of 2021.
- b. The facility diagram included in Respondent's SPCC plan did not include all transfer stations and connecting pipes, in violation of 40 C.F.R. § 112.7(a)(3).

- c. Respondent's SPCC plan did not include the correct storage capacities of all fixed and mobile containers at the facility, in violation of 40 C.F.R. § 112.7(a)(3)(i).
- d. Respondent did not keep records of all inspections and tests conducted in accordance with the SPCC plan and signed by the appropriate supervisor or inspector for a period of three years, in violation of 40 C.F.R. § 112.7(e).
- e. Respondent failed to prepare and implement a written program of flowline maintenance that addresses procedures to ensure compatibility, visually inspect and test flowlines and any associated appurtenances on a periodic and regular schedule, take corrective action based on regularly scheduled inspections, tests, or evidence of discharge, and promptly remediate any accumulations of oil discharges, in violation of 40 C.F.R. §§ 112.9(b) and 112.9(d). The available inspection records, which cover the month of October 2021, omit elements required by 40 C.F.R. §§ 112.9(b)(1), (b)(2), and (c)(3) and by 40 C.F.R. §§ 112.9(d)(1), (d)(2), (d)(4)(ii), and (d)(4)(iii).
- f. Respondent did not safely confine the drainage from one or more undiked areas in a catchment basin or holding pond in violation of 40 C.F.R. § 112.9(c)(2).
- g. Respondent's SPCC plan did not include an adequate oil spill contingency plan following the provisions of 40 C.F.R. Part 109, including pre-designation of a properly qualified oil discharge response coordinator and specific and well-defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinance, as required by 40 C.F.R. §§ 109.5(d)(2) and (e), in violation of 40 C.F.R. §§ 112.7(d)(1) and 112.9(d)(3)(i).

33. Respondent's errors and omissions at the JCB & Overall Facility include the following:

- a. Respondent failed to fully prepare and implement an SPCC plan within six months of beginning operations at the JCB & Overall Facility, in violation of 40 C.F.R. § 112.3(a).
- b. Respondent failed to provide appropriate containment and/or diversionary structures for bulk storage containers, qualified oil-filled operational equipment, piping and related appurtenances, and transfer areas, equipment, and activities, in violation of 40 C.F.R. § 112.7(c).
- c. Respondent failed to keep records of all inspections and tests conducted in accordance with the SPCC plan and signed by the appropriate supervisor or inspector for a period of three years, in violation of 40 C.F.R. § 112.7(e).
- d. Respondent failed to (1) train oil-handling personnel in the operation and maintenance of equipment to prevent discharges, discharge procedure protocols, applicable pollution control laws, rules, and regulations, general facility operations; and the contents of the facility SPCC Plan; (2) designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management; and (3) schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility, in violation of 40 C.F.R. § 112.7(f)(3).

e. Respondent failed to keep adequate records of drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, in violation of 40 C.F.R. §§ 112.8(c)(3)(iv) and 112.9(b)(1).

f. Respondent failed to inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge, and to promptly remove any accumulations of oil, in violation of 40 C.F.R. § 112.9(b)(2).

g. Respondent failed to provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation and to safely confine drainage from undiked areas in a catchment basin or holding pond in violation of 40 C.F.R. § 112.9(c)(2).

h. Respondent did not, periodically and upon a regular schedule, visually inspect containers for deterioration and maintenance needs, including foundation and supports of each container on or above the surface of the ground, in violation of 40 C.F.R. § 112.9(c)(3).

i. Respondent failed to prepare and implement a written program of flowline maintenance that addresses procedures to ensure compatibility, visually inspect and test flowlines and any associated appurtenances on a periodic and regular schedule, take corrective action based on regularly scheduled inspections, tests, or evidence of discharge, and promptly remediate any accumulations of oil discharges, in violation of 40 C.F.R. §§ 112.9(b) and 112.9(d).

34. Respondent's errors and omissions at the Unit 2 Facility include the following:

a. Respondent failed to fully prepare and implement an SPCC plan within six months of beginning operations at the Unit 2 Facility, in violation of 40 C.F.R. § 112.3(a).

b. Respondent failed to provide appropriate containment and/or diversionary structures for qualified oil-filled operational equipment, piping and related appurtenances, and transfer areas, equipment, and activities, in violation of 40 C.F.R. § 112.7(c).

c. Respondent did not keep all records of inspections and tests conducted in accordance with the SPCC plan and signed by the appropriate supervisor or inspector for a period of three years, in violation of 40 C.F.R. § 112.7(e).

d. Respondent failed to keep adequate records of drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, in violation of 40 C.F.R. §§ 112.8(c)(3)(iv) and 112.9(b)(1).

e. Respondent failed to inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge, and to promptly remove any accumulations of oil, in violation of 40 C.F.R. § 112.9(b)(2).

f. Respondent failed to provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation and to safely confine drainage from undiked areas in a catchment basin or holding pond, in violation of 40 C.F.R. § 112.9(c)(2).

g. Respondent failed to, periodically and upon a regular schedule, visually inspect containers for deterioration and maintenance needs, including foundation and supports of each container on or above the surface of the ground, in violation of 40 C.F.R. § 112.9(c)(3).

h. Respondent failed to prepare and implement a written program of flowline maintenance, that addresses procedures to ensure compatibility, visually inspect and test flowlines and any associated appurtenances on a periodic and regular schedule, take corrective action based on regularly scheduled inspections, tests, or evidence of discharge, and promptly remediate any accumulations of oil discharges, in violation of 40 C.F.R. §§ 112.9(b) and 112.9(d).

35. Respondent's failure to prepare and fully implement SPCC plans at the KHVL/Haldeman Facility, the JCB & Overall Facility, and the Unit 2 Facility is a violation of 40 C.F.R. § 112.7 and 40 C.F.R. § 112.3.

Continuing Threat

36. Based on Colt Energy, Inc.'s history of violating SPCC requirements, the scope and breadth of continued SPCC noncompliance, and a release of oil to water resulting from the noncompliance, the EPA finds there exists a continuing threat of a "discharge" of oil as defined in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), and 40 C.F.R. § 112.2, into navigable waters of the United States at all of the Facilities.

37. The threat of a discharge of oil from the Facilities may pose an imminent and substantial threat to public health or welfare of the United States, including drinking water, fish and other wildlife, public and private property, shorelines, habitat, and other living and nonliving natural resources under the jurisdiction and control of the United States.

Order

Third-Party Verifier Review and Implementation of Verifier's Recommendations

38. Based on the foregoing findings of fact and conclusions of law and pursuant to the authority of Sections 308, 311(c), and 311(e) of the CWA, 33 U.S.C. §§ 1318 and 1321(c) and (e), Respondent hereby agrees and is ordered to take the following actions and provide the following information:

a. Respondent has retained and shall continue to retain, at its expense, Schmidt Engineering, Inc., as a qualified third-party verifier ("Verifier") to conduct a comprehensive verification at each of Respondent's facilities in Kansas to ensure Respondent's compliance with the requirements of this Order, Section 311(j) of the CWA, and regulations promulgated at 40 C.F.R. Part 112. The Agency has determined

that the Verifier is qualified to assess Respondent's compliance with the relevant legal authorities and its SPCC Plans. Respondent shall require that the Verifier act independently and objectively when performing all activities related to assessing Respondent's compliance with this Order and the CWA. Respondent shall provide the Verifier with full access to all Colt Energy, Inc.'s facilities and provide or otherwise make available any necessary personnel and documents to fully perform all verification activities.

b. The Verifier shall review and revise each Facility's SPCC plan to ensure that it complies with relevant provisions of the Clean Water Act and the regulations promulgated at 40 C.F.R. Part 112.

c. The Verifier shall provide signed, stamped copies of completed SPCC plans for all Facilities to the EPA within three months of the effective date of this Order.

d. If a Facility set forth in Appendix A has been sold, or if the Verifier determines that 40 C.F.R. Part 112 does not apply to the Facility, the Verifier shall so inform the EPA and provide appropriate supporting documentation within three months of the effective date of this Order in lieu of providing a signed, stamped SPCC Plan for that Facility.

39. The Verifier shall include in any submission to the EPA pursuant to this Order a certification that the Verifier has remained in compliance with all the conditions set forth in this paragraph, including that the Verifier conducted the verification independent from any influence by Respondent.

40. Any information developed or findings of the Verifier, shall not be subject to any privilege or protection, excluding any protections that may be asserted by Respondents as necessary to protect any Confidential Business Information ("CBI") pursuant to the procedures specified by 40 CFR Part 2, Subpart B. In the event Respondent seeks to protect any CBI, Respondent must notify the Verifier of any CBI at the time of the onsite visit to each facility by the Verifier.

41. Nothing provided to the EPA pursuant to this order shall be used as an admission against Respondent. However, the EPA reserves the right to take action to require correction of noncompliance identified by the Verifier or otherwise discovered in whole or in part through submissions made by Respondent or the Verifier. Respondent will make good faith efforts to correct any potential violations discovered by Respondent or the Verifier within 30 days of discovery. If extenuating circumstances require longer than 30 days to correct any potential violations, Respondent will notify EPA of the reasons for extension and the expected date of completion, and the extension may be approved by EPA as provided under paragraph 56 of this Order. Nothing in this Order, including this subparagraph, shall affect the EPA's authority under the CWA or other applicable law. The EPA shall consider Respondent's retention of the Verifier, compliance with this Order, and any good-faith efforts to correct violations discovered by Respondent and/or the Verifier in determining any potential EPA enforcement response and any potential penalty assessed. Respondent does not admit any liability and reserves all rights and defenses with respect to the findings and any underlying facts made available to the EPA.

Submittals

42. All submittals to EPA that are required of Respondent by this Order shall, where possible, be made by electronic submission to: *aaron.mark@epa.gov*.

43. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically.

44. Any report, notification, certification, or other communication that cannot be submitted electronically to the EPA shall be submitted in hard copy to:

Mark Aaron
Compliance Officer
U.S. Environmental Protection Agency
Enforcement & Compliance Assurance Division – Chemical Branch
11201 Renner Boulevard
Lenexa, Kansas 66219.

General Provisions

45. The EPA and Respondent acknowledge that this Order has been negotiated in good faith and that neither consenting to the terms of this Order, nor the actions undertaken by Respondent in accordance with this Order, constitutes an admission of liability.

46. By entering into this Order, Respondent (1) consents to and agrees not to contest the EPA's authority or jurisdiction to issue or enforce this Order, (2) agrees to undertake all actions required by the terms and conditions of this Order, and (3) consents to be bound by the requirements set forth herein. Respondent neither admits nor denies the factual allegations and legal conclusions asserted by the EPA.

47. Respondent waives all remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order under the CWA or under the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

Reservation of Rights

48. Nothing in this Order shall be construed to relieve Respondent of the requirements of the CWA or any other applicable requirements under federal, state, or local law. The EPA reserves the right to take, direct, or order all actions as necessary as authorized by law for any violation of this Order, and for other future or past violations of the CWA. Issuance of this Order shall not be deemed an election by the EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

49. This Order shall not constitute a permit under the CWA. Compliance with the terms of this Order shall not relieve Respondent of liability for its responsibility to obtain and comply with any required local, state, and/or federal permits.

50. Failure to comply with the terms of this Order may result in Respondent's liability for significant statutory civil penalties for each violation under Section 311(b)(7)(B) of the CWA, 33 U.S.C. § 1321(b)(7)(B), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court for the District of Kansas may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the CWA as described above and failed to comply with the terms of this Order. In determining the amount of any penalty, the court will consider the seriousness of violation, the economic benefit resulting from the violations, any history of such violations, any good faith efforts made to comply with legal requirements, the economic impact a penalty may have, and such other matters as justice may require. The district court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of this Order.

Access and Requests for Information

51. Nothing in this Order shall limit the EPA's right to obtain access to and/or to inspect the facility and/or to request additional information from Respondent pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318, and/or any other authority.

52. Respondent must provide and/or obtain access to the facility, to off-site areas where access is necessary to implement this Order, and to all documents related to conditions at the facility and work conducted under this Order. Respondent must provide this access to the EPA and the EPA's contractors and representatives upon presentation of verifiable documentation of identity and authorization. Respondent must notify the EPA immediately of any denial of access to areas that Respondent does not own or control.

53. Respondent must retain all documents and information relating to the work performed under and the implementation of this Order and relating to the oil and/or hazardous substances found on or discharged from the facility, for five years after completing removal actions required by this Order. Respondent must provide these documents and/or this information at any time before the five-year period expires at the written request of the EPA. Before destroying any documents or information, Respondent must notify the EPA that the documents and/or information are available to the EPA for inspection and, upon request, must provide the documents and/or information to the EPA.

Severability

54. If any provision or authority of the Order or the application of the Order to Respondent is held by federal judicial authority to be invalid, the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

55. This Order shall be effective upon signature by the EPA. Any amendments shall become effective and enforceable on the date that the amendment is signed by all parties. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from the effective date.

Modification

56. The EPA may subsequently amend this Order, upon written agreement with Respondent, in accordance with the EPA's authority under the CWA. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by the original Order. All deadlines for performance under this Order may be extended upon written approval by EPA, at its sole discretion, without formal amendment to the Order. The EPA's consent for a requested extension will not be unreasonably withheld.

Termination

57. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA. Such written notice shall be issued no later than three (3) months after the Respondent has complied with the requirements of this Order.

Signatories

58. The undersigned for each party has the authority to bind each respective party to the terms and conditions of this Order. This Order may be signed in part and counterpart by each party.

Electronic Service

59. Respondent consents to receiving the filed Consent Agreement/Final Order electronically at the following email address: *davidtripp1946@gmail.com*.

For the Respondent, Colt Energy, Inc.:

Signature: DP

Date: 3/9/23

Name: DAVID POWELL

Title: PRESIDENT

For the Complainant, U.S. Environmental Protection Agency, Region 7:

**DAVID
COZAD**

Digitally signed by DAVID
COZAD
Date: 2023.03.16
15:16:42 -05'00'

David Cozad
Director
Enforcement and Compliance Assurance Division

**NATASHA
GOSS**

Digitally signed by
NATASHA GOSS
Date: 2023.03.16
15:49:24 -05'00'

Natasha Goss
Attorney-Advisor
Office of Regional Counsel

Certificate of Service

I certify that on the date noted below I delivered a true and correct copy of this Findings of Violation and Administrative Order for Compliance on Consent by electronic mail, to:

Regional Hearing Clerk:

U.S. Environmental Protection Agency Region 7
R7_Hearing_Clerk_Filings@epa.gov

For Complainant:

Natasha Goss
Office of Regional Counsel
U.S. Environmental Protection Agency Region 7
goss.natasha@epa.gov

Mark Aaron
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency Region 7
aaron.mark@epa.gov

For Respondent:

David Powell
President, Colt Energy, Inc.
6299 Nall Avenue, Suite 100
Mission, Kansas 66202
dpowell@coltenergy.com

Dave Tripp
Counsel for Respondent
David R. Tripp Law Firm, LLC
10320 Howe Lane, Leawood, KS. 66206
davidrtripp1946@gmail.com

Date

Signature

Appendix A
Colt Energy Facility List – March 1, 2023

- | | |
|------------------------------------|-------------------------------------|
| 1. Adams | 33. Kroeker-Goley |
| 2. Baker | 34. Latta |
| 3. Baker-Knoble | 35. Lauber-Louk-Allen-Duncan |
| 4. Ball | 36. Scott Lester |
| 5. Beard 1 | 37. Martin |
| 6. Beard Skelton 1 | 38. McConnell |
| Big Sandy Commingling API: 15- | |
| 7. 207-29380 | 39. McKaig |
| 8. Brown | 40. Moline |
| 9. Cline | 41. Mueller-Hinthorn |
| 10. Clubine | 42. P Scott - Salsbury |
| 11. Clubine SWD-1 | 43. Palmer |
| 12. Cobble | 44. Pendley-Scott |
| Colt Cherryvale Yard API: 15-099- | |
| 13. 24523 | 45. Peterson 20-1 |
| 14. Conger | 46. Peterson Oil |
| 15. Conley-Matney | 47. King 5-12 SWD API: 15-099-24552 |
| 16. Crotts-Lipsev | 48. King 5-35 SWD API: 15-099-23953 |
| 17. Darby | 49. Rector |
| 18. Fausett | 50. Sale 8-24 |
| 19. Foster 1-36 | 51. Schafer |
| 20. Frear | 52. Shaw SWD-1 |
| 21. Graybill SWD-1 | 53. Slay |
| 22. Haldeman-KHVL | 54. Southall 1-14 |
| 23. Hazen-Murray | 55. Sundstrom North |
| 24. Hill | 56. Thomas-Beal |
| 25. Hobbs | 57. Unit 1-3-Miller |
| 26. Holt | 58. Unit 2 |
| 27. JCB Unit 1 - Overall | 59. V. Sprague |
| 28. Johnson | 60. Vesecky |
| 29. Johnson, D. | 61. Vick |
| 30. King Booster API: 15-099-24119 | 62. Webb SWD-1 |
| 31. King SWD-1 | 63. Winegar |
| 32. Kirk-Fitzpatrick | 64. Wolfe-Knox-Coltrane-Wade-Foust |