



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2016 SEP 23 AM 10:36

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2016-0014

IN THE MATTER OF:

Whiting Oil and Gas Corporation

RESPONDENT

)
)
)
)
)
)
)
)
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18(b)(2)(3), 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 filing this Consent Agreement and Final Order.

SO ORDERED THIS 23rd DAY OF September, 2016.

Elyana Sutin
Regional Judicial Officer

UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 REGION 8

2016 AUG 19 AM 9:34

FILED
 REGION VIII
 HEARING CLERK

IN THE MATTER OF: Whiting Oil and Gas Corporation Respondent. <hr/>))))))	COMBINED COMPLAINT AND CONSENT AGREEMENT Docket No. : CWA-08-2016-0014 Simultaneous Commencement and Conclusion of a Proceeding Pursuant to Section 311(b)(6)(B)(ii) of the Clean Water Act and 40 C.F.R. § 22.13(b)
--	----------------------------	--

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Whiting Oil and Gas Corporation, by their undersigned representatives, hereby consent and agree as follows:

I. STATUTORY AUTHORITY

1. This Combined Complaint and Consent Agreement (Agreement) is issued pursuant to section 311(b)(6) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6), and 40 C.F.R. § 22.13(b). Section 311(b)(6) of the Act, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of the EPA to issue a complaint that assesses civil penalties for violations of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), which authority has been properly delegated to the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region 8. The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, governs such proceedings. According to 40 C.F.R. § 22.13(b), a proceeding subject to the Consolidated Rules may be simultaneously commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

II. PARTIES BOUND

2. This Agreement shall apply to and be binding upon the EPA and shall be binding upon the Respondent, its officers, directors, agents, successors, and assigns. Any change in the ownership or legal status of Respondent or the business organization, structure or status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter its responsibilities under this Agreement.

III. STATEMENT OF PARTIES

3. For the purposes of settlement only, Respondent admits the jurisdictional allegations contained in paragraph 1 of this Agreement and neither admits nor denies EPA's allegations contained in paragraphs 10 through 48 of this Agreement.

4. The Parties agree that the date stamped on this Agreement shall be the date the complaint is filed.

5. Respondent waives its right to a hearing in this matter before any tribunal to contest any issue of law or fact set forth in this Agreement, and waives its right to appeal a final order (Final Order) approving this settlement.

6. The signatories to this Agreement certify that they are authorized to execute and legally bind the parties they represent to this Agreement.

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

8. The EPA and Respondent agree that settlement of this matter is in the public interest, and that execution of this Agreement and issuance of the Final Order without further litigation and without adjudication of any issue of fact or law is the most appropriate means of resolving this matter.

9. In accordance with section 311(b)(6)(C) of the Act, 33 U.S.C. §1321(6)(C), the EPA shall provide public notice of and reasonable opportunity to comment on the proposed issuance of a final order in this matter.

IV. STATUTORY AND REGULATORY FRAMEWORK

10. The objective of the Act is to “restore and to maintain the chemical, physical, and biological integrity of the nation’s waters.” 33 U.S.C. § 1251(a).

11. Section 311(j)(1)(C) of the Act, provides that the President shall issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil . . . from onshore facilities . . . , and to contain such discharges” 33 U.S.C. § 1321(j)(1)(C).

12. Pursuant to section 311(j) of the Act, 33 U.S.C. § 1321(j), the implementing regulations for oil pollution prevention are found at 40 C.F.R. part 112.

13. 40 C.F.R. § 112.3 requires that the owner or operator of a Spill Prevention Control and Countermeasures (SPCC)-regulated facility must prepare and implement a written SPCC plan in accordance with 40 C.F.R. § 112.7 and any other applicable section of 40 C.F.R. part 112.

14. Initially by Executive Order 11548 (July 20, 1970), 35 Fed. Reg. 11677 (July 22, 1970), and most recently by section 2(b)(1) of Executive Order 12777 (October 18, 1991), 56 Fed. Reg. 54757 (October 22, 1991), the President delegated to EPA his section 311(j)(1)(C) authority to issue the regulations referenced in Paragraph 11, *supra*, for non-transportation-related onshore facilities.

15. EPA subsequently promulgated the SPCC regulations pursuant to these delegated statutory authorities and pursuant to its authorities under the Act, 33 U.S.C. § 1251 *et seq.*, which established certain procedures, methods and requirements upon each owner and operator of a

non-transportation-related onshore facility if such facility, due to its location, could reasonably be expected to discharge oil into or upon the navigable waters of the United States and their adjoining shorelines in such quantity as EPA has determined in 40 C.F.R. § 110.3 may be harmful to the public health or welfare or the environment of the United States (“harmful quantity”).

16. For purposes of sections 311(b)(3) and (b)(4) of the Act, 33 U.S.C. §§ 1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters or adjoining shorelines of the United States in such quantities that have been determined may be harmful to the public health or welfare or the environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that violate applicable water quality standards; cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; and/or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

17. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), in pertinent part, prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States or their adjoining shorelines in such quantities as may be harmful as determined by the President.

18. The term “discharge” is defined in section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), to include, in pertinent part, “any spilling, leaking, pumping, pouring, emitting, emptying or dumping”

19. The term “oil” is defined in section 311(a)(1) of the Act, as “oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.” 33 U.S.C. § 1321(a)(1).

20. The term “navigable waters” is defined in section 502(7) of the Act as “waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

21. The term “navigable waters,” as further defined in 40 C.F.R. § 110.1, “means the waters of the United States, including the territorial seas,” and includes, *inter alia*: “(a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (b) Interstate waters, including interstate wetlands; (c) All other waters such as interstate lakes, rivers, streams, . . . ; (d) All impoundments of waters otherwise defined as navigable waters. . . ; (e) Tributaries of waters identified in paragraphs (a) through (d) of this section, including adjacent wetlands; and (f) Wetlands adjacent to waters identified in paragraphs (a) through (e). . . .”¹

22. In accordance with section 311(b)(4) of the Act, 33 U.S.C. § 1321(b)(4), the President, through a delegation to EPA, has determined, by regulation, those quantities of oil the discharge of which may be harmful to the public health or welfare or the environment of the United States. Exec. Order No. 11735, 38 Fed. Reg. 21243 (Aug. 3, 1973), and Executive Order 12777, 56 Fed. Reg. 54757 (October 22, 1991). Pursuant to section 311(b)(6)(A) of the Act, 33 U.S.C. § 1321(b)(6)(A), any owner, operator, or person in charge of any vessel, onshore facility or offshore facility from which oil is discharged in violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), may be assessed a class I or class II civil penalty.

23. The term “owner or operator” is defined in section 311(a)(6) of the Act in pertinent part as “in the case of an onshore facility, . . . any person owning or operating such onshore facility” 33 U.S.C. § 1321(a)(6).

¹ On June 29, 2015, EPA and the U.S. Army Corps of Engineers published a final rule defining and clarifying the scope of waters protected under the Act and therein amended the definition of “navigable waters” specified in 40 C.F.R. § 110.1 (*see* 80 Fed. Reg. 37054). The rule and its amendments were effective on August 28, 2015; however, on October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the rule nationwide pending further action of the court. The referenced definition is that which was in effect prior to August 27, 2015.

24. According to section 311(a)(7) of the Act, “person” includes an individual, firm, corporation, association, and a partnership. 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2.

25. The term “onshore facility” is defined in section 311(a)(10) of the Act as any facility of any kind located in, on, or under, any land within the United States other than submerged land. 33 U.S.C. § 1321(a)(10).

V. GENERAL ALLEGATIONS

26. Respondent is and was at all times relevant to this Agreement a Delaware corporation licensed to do business in North Dakota.

27. The registered agent of Whiting Oil and Gas Corporation is CT Corporation System. The address of Respondent’s registered agent on file with the North Dakota Secretary of State is 314 E. Thayer Ave., Bismarck, North Dakota 58501-4018.

28. Respondent is and was at all times relevant to this Agreement a “person” within the meaning of section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7).

29. At all times relevant to this Agreement, Respondent was/is engaged in some or all of the following: drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products at the Cherry State 31-16H production facility (Facility).

30. At all times relevant to this Agreement, Respondent owned and operated the Facility which is located in McKenzie County, North Dakota.

31. The Facility has an aggregate above-ground storage capacity of approximately 302,400 gallons of oil and is greater than 1,320 gallons of oil in containers each with a shell capacity of at least 55 gallons.

32. The Facility is an onshore facility within the meaning of section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

33. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2 Appendix A, as incorporated by reference within 40 C.F.R. § 112.2.

34. The Facility is a non-transportation-related onshore facility which, due to its 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 is therefore "an SPCC-regulated facility."

VI. VIOLATIONS

COUNT 1

35. On or about October 6, 2014, Respondent submitted its SPCC plan for the Facility.

36. EPA reviewed the SPCC plan and noted minor deficiencies regarding compliance with the requirements in sections 112.7(a)(5) - discharge procedures; 112.7(c) - secondary containment for loading and unloading areas; and 112.9(c)(2) – discharges from undiked areas.

37. Respondent's failure to adequately prepare and implement a written SPCC plan for the Facility constitutes a violation of 40 C.F.R. § 112.3.

38. Respondent resubmitted the SPCC plan for the Facility to EPA on June 8, 2016, and EPA confirmed the same was in compliance with all applicable requirements specified in 40 C.F.R. Part 112 as of that date.

COUNT 2

39. On or about February 13, 2014, a wellhead blowout preventer malfunctioned resulting in the loss of well control at the Facility.

40. As a result, an estimated 218 barrels (9,156 gallons) of an oil/produced water mix were released on-site at the Facility, approximately 600 feet from Cherry Creek, and resulted in

an estimated 5.6 barrels of an oil/produced water mist being deposited on top of the frozen Cherry Creek and its adjoining shoreline.

41. The Respondent gained control over the well on February 14, 2014, and completed cleanup on February 28, 2014, including the oil/produced water mist that was deposited on Cherry Creek.

42. Cherry Creek is a tributary to the Little Missouri River, a navigable water of the United States.

43. The release of the oil/produced water mix referenced in paragraph 40 was at all relevant times a “discharge” within the meaning of section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2).

44. The discharged oil/produced water mix referenced in paragraph 40 was at all relevant times “oil” within the meaning of section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).

45. The oil/produced water mix discharged onto Cherry Creek, a tributary to the Little Missouri River, caused a discoloration of the snow on the frozen surface of Cherry Creek and the adjoining shorelines. 40 C.F.R. § 110.3.

46. The oil/produced water mix that was discharged onto Cherry Creek and its shorelines referenced in paragraph 40 was discharged in “quantities as may be harmful” within the meaning of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), and 40 C.F.R. § 110.3.

47. Respondent’s discharge of the oil/produced water mix onto the frozen Cherry Creek and its adjoining shorelines constitutes a violation of section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii).

48. Section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), and 40 C.F.R. part 19 authorize the assessment of a Class II civil penalty not to exceed \$16,000 per day for each day per violation during which the violation continues, up to a maximum civil

penalty of \$177,500, for violations of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), occurring after January 12, 2009.

VII. PAYMENT OF CIVIL PENALTY

49. For settlement purposes of this matter only, Respondent consents to the issuance of a final order and the payment of a civil penalty in the amount of seventy-nine thousand five hundred dollars (\$79,500).

50. The EPA proposes this penalty amount after considering the applicable statutory penalty factors in section 311(b)(8) of the Act, 33 U.S.C. §1321(b)(8): the seriousness of the violation, the economic benefit to the violator, if any, resulting from the violations, the degree of culpability involved, any other penalty for the same incident, any history of prior violations, the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge, the economic impact of the penalty on the violator, and any other matters as justice may require.

51. Respondent consents and agrees to pay a civil penalty in the amount of seventy-nine thousand five hundred dollars (\$79,500) within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer that adopts this Agreement.

52. If the due date of the payment falls on a weekend or legal federal holiday, the due date is the next business day. Payments must be received by 11:00 a.m. Eastern Time to be considered as received that day.

53. Payments shall be made by any of the methods set forth in Appendix 1 to this Agreement.

54. Within 10 calendar days of submitting payment, notice that the payment has been made shall be provided to:

Dennis Jaramillo (8ENF-UFO)
Environmental Scientist
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

and Missy Haniewicz (8RC)
Regional Hearing Clerk
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

55. If payment is made by check, the notice shall include a copy of the check. If payment is made in any other manner, the notice shall include documentation demonstrating that the payment was made.

56. In the event payment is not received by the specified due date, interest on the late payment shall accrue from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received (e.g., on the 1st late day for the first payment, 30 days of interest accrues).

57. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the Final Order, and each subsequent 30-day period that the initial payment, or any portion thereof, remains unpaid, and a handling charge of fifteen dollars (\$15) shall be assessed on the 1st day after the due date of each subsequent payment, and each subsequent 30-day period that any such payment, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (e.g., the 121st day from the date the Final Order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount. Further, Respondent shall be subject to the fees, costs, and nonpayment penalty set forth in section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H).

58. Respondent agrees that the civil penalty assessed herein shall not be claimed as a federal or other tax deduction or credit.

VIII. OTHER TERMS AND CONDITIONS

59. Failure by Respondent to comply with any of the terms of this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.

60. Nothing in this Agreement shall be construed as a waiver by Complainant or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

61. This Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full payment of the penalty (\$79,500), shall resolve Respondent's liability for civil penalties for the violations alleged in this Agreement.

62. This Agreement shall not in any case affect the EPA's right to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law whether or not alleged in this Agreement.

63. This Agreement shall not affect Respondent's right to assert any defense in any action by the EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

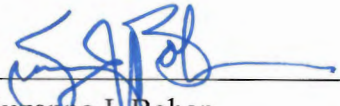
64. Except as otherwise specified in this Agreement, Respondent reserves all of its rights, remedies, and defenses in any future proceedings. This Agreement shall not be construed to create rights in, or grant any cause of action to, any third party not a party to this Agreement.

65. The parties agree to submit this Agreement to the appropriate EPA regional judicial officer, with a request that it be incorporated into a Final Order.

66. Each party shall bear its own costs and attorney fees in connection with all issues associated with this Agreement.

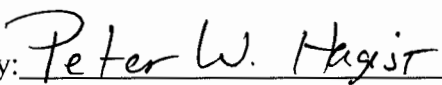
**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**
Office of Enforcement, Compliance, and
Environmental Justice, Complainant

Date: 8/18/16

By: 
Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Whiting Oil and Gas Corporation,
Respondent

7/26/2016
Date

By: 
Peter W. Hagist
Senior Vice President, Planning

Combined Complaint and Consent Agreement - Appendix 1

The following are acceptable payment methods for the civil penalty required to be paid pursuant to the Agreement.

1. If payment is being made by check, submit the check, including the name, docket number, and the notation, "Oil Spill Liability Trust Fund-311," payable to "**Environmental Protection Agency**" :

Regular Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Federal Express, Airborne, or other commercial carrier:

US Bank
Cincinnati Finance Center Box 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Craig Steffen
513-487-2091

2. Wire Transfers:

Wire transfers must indicate the name and docket number of this case and be sent directly to the Federal Reserve Bank in New York City with the following information:

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"

3. ACH (also known as REX or remittance express):

Please indicate the name and docket number of this case on Automated Clearinghouse (ACH) payments to EPA made through the US Treasury using the following information:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury Facility
5700 Rivertech Court
Riverdale, MD 20737

US Treasury Contact Information:
Randolph Maxwell: 202-874-7026
Remittance Express (REX): 1-866-234-5681

4. On-line Payment:

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below:

www.pay.gov

Enter "sfo 1.1" (without the quotation marks) in the "Search Public Forms" field.

Click on the first link to open the form, complete required fields, and then click on "Submit Data" button at bottom of form.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

1595 Wynkoop Street; Denver, CO 80202-1129

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT SETTLEMENT

Action:

EPA is providing notice of a Combined Complaint and Consent Agreement with penalty assessment and the opportunity for public comment on the proposed administrative penalty assessment against Whiting Oil and Gas Corporation, for discharges of oil into waters of the U.S.

Summary:

EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the Act and its implementing regulations, after providing the person subject to the penalty notice an opportunity for a hearing, and after providing the public with notice of the proposed penalty, and the opportunity to submit written comments and to participate in a Class II penalty proceeding (hearing), if any. The deadline for submitting public comment is thirty (30) calendar days after issuance of this notice.

On August 19, 2016, EPA filed a Combined Complaint and Consent Agreement pursuant to Section 311(b)(6)(B)(ii) of the Act. Pursuant to Section 311(b)(6)(C) of the Act, and 40 C.F.R. § 22.45, EPA hereby notifies the public of this proposed penalty assessment:

In the matter of: Whiting Oil and Gas Corporation
1700 South Broadway Suite 2300
Denver, Colorado 80209

EPA Docket Number: CWA-08-2016-0014

Proposed penalty in the Complaint: \$ 79,500.00

Alleged violations: On February 13, 2014, Whiting Oil and Gas released 218 barrels of crude oil and produced water (brine) into the Cherry State Creek, which is a tributary of the Little Missouri River in violation of section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3).

Written comments on the Combined Complaint and Consent Agreement are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public, as well as information submitted by JC Hunt Company Inc., will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The Combined Complaint and Consent Agreement is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at:
<http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

Submit written comments to: Melissa Haniewicz
Regional Hearing Clerk (8RC);
EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: (303) 312-7059.

FOR FURTHER INFORMATION:

Persons wishing to receive a copy of the Combined Complaint and Consent Agreement, or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for hearings), or to comment upon the proposed penalty assessment, or any other aspect of the matter,

should contact the Regional Hearing Clerk identified above. No action will be taken by EPA to finalize a settlement in this matter until thirty (30) calendar days after this public notice.

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT** in the matter of **WHITING OIL AND GAS CORPORATION**; **DOCKET NO.: CWA-08-2016-0014** was filed with the Regional Hearing Clerk on August 19, 2016. The **FINAL ORDER** was filed with the Regional Hearing Clerk on 23 Sept 2016.

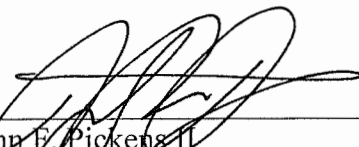
Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Brenda Morris, Senior Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on 23 Sept 2016, to:

Respondent

Michael Peters
Representation
Whiting Oil and Gas Corporation
900 Robinson Renaissance
119 N. Robinson
Oklahoma City, Oklahoma 73102

And emailed to:

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



John F. Pickens II
Acting Regional Hearing Clerk

