

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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In the Matter of: )  
)  
**Homeland Gas & Oil Ltd., Inc.** )  
)  
) **EXPEDITED CONSENT AGREEMENT**  
)  
Respondent. ) **DOCKET NO.: CWA-08-2008-0006**

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

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

Respondent owns and/or operates an oil production facility, the Ute Tribal 1-31C5, located at SENW Section 31, Township 3S, Range 5W, Duchesne County, Utah.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits that it failed to prepare and implement an SPCC Plan for its Ute Tribal 1-31C5 facility.

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

Respondent agrees to submit a copy of the SPCC Plan for its Ute Tribal 1-31C5 facility to EPA for its review and approval.

Respondent admits that EPA has jurisdiction in this proceeding.

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

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

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

Respondent consents and agrees to the assessment of a civil penalty of \$ 2,400.00, for the violations of Section 311(j) of the Act, which shall be paid no later than thirty (30) days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF – 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

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

If paying by EFT, the Respondent shall transfer \$2,400.00 to:

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

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

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

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

and

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

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

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

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

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

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

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

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

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

Date: 12/10/07

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

By : Brian R. Fove

Date: \_\_\_\_\_

Name: Brian R. Fove

Title: Pres

List of SPCC Violations  
Homeland Gas & Oil Ltd., Inc.  
Ute Tribal 1-31C5

SPCC Plan [40 C.F.R. § 112.3]:

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

The specific violations at the Ute Tribal 1-31C5 are:

Inadequate general containment in violation of 40 CFR § 112.7(c). Berm is low at northwest corner of perimeter berm.

There are no records of inspections in violation of 40 CFR § 112.7(e).

No records of training for oil handling personnel in violation of 40 CFR § 112.7(f).

Inadequate secondary containment for tank battery, separation, and/or treating facility installations in violation of 40 C.F.R. § 112.8(c)(2). Berm is low at northwest corner of perimeter berm.

Accumulations of oil in diked areas not removed in violation of 40 CFR § 112.9(b). Oil staining around tanks, piping and wellhead not removed.

Inadequate inspection of oil production facility's bulk storage containers and piping in violation of 40 C.F.R. § 112.9(c)(3). Oil staining from overfilling and at base of tanks. Insulation around piping soaked with oil.