



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 8
 1595 WYNKOOP STREET
 DENVER, CO 80202-1129
 Phone 800-227-8917
<http://www.epa.gov/region08>

2012 JUL 31 AM 8:50

FILED
 EPA REGION VIII
 DENVER CO

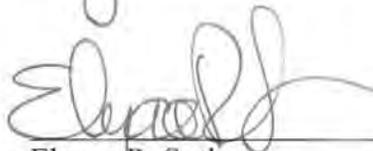
DOCKET NO.: CWA-08-2011-0037

IN THE MATTER OF:)	
)	
)	
PETRA ENERGY, INC. and)	FINAL ORDER
ASHER ASSOCIATES, LLC.)	
2350 E. Willamette Lane)	
Greenwood Village, CO 80121)	
)	
Respondent)	

Pursuant to 40 C.F.R. §22.18, 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.

The Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 31st Day of July, 2012



 Elyana R. Sutin
 Regional Judicial Officer

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2012 JUL 31 AM 8:50

FILED
EPA REGION 8
DENVER COLORADO

Docket No. CWA 08-2011-0037

In the Matter of:)
)
Petra Energy, Inc. and)
Asher Associates, LLC) **CONSENT AGREEMENT**
2350 E. Willamette Lane)
Greenwood Village, CO 80121,)
)
Respondents)
_____)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondents, Petra Energy Inc. and Asher Associates, LLC, by their undersigned representatives, hereby consent and agree as follows:

1. On September 27, 2011, Complainant issued a Complaint that was amended on April 27, 2012, alleging certain violations of Section 311(j) of the Clean Water Act (Act) 33 U.S.C. § 1321(j). The Amended Complaint proposed a civil penalty for the violations alleged therein.
2. Respondents admit the jurisdictional allegations of the Amended Complaint and neither admit nor deny the specific factual allegations of the Amended Complaint.
3. Respondents waive their right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Amended Complaint, or this Consent Agreement.
4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondents and Respondents' heirs, successors or assigns. Any change in ownership or corporate status of Respondents, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. Respondents consent and agree to pay a civil penalty in the amount of four thousand dollars (\$4,000).

6. Complainant 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 violations, 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.

7. Respondents consent and agree to pay a civil penalty in the amount of four thousand dollars (\$4,000), in the manner described below in this paragraph:

- a. Payment is due within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement. If the due date falls on a weekend or legal federal holiday, the due date is the next business day. The date the payment is made is considered to be the date processed by the bank described below. Payments received by 11:00 AM. EST are processed on the same day, those received after 11:00 AM are processed on the next business day.
- b. The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, referencing "Oil Spill Liability Trust Fund-311," for the amount, **payable to the "Environmental Protection Agency,"** to:

CHECK PAYMENTS:

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

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
Telephone: 314-418-4087

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

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 "

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact – Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

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 in the search field. Open form and complete required fields.

- c. A copy of the check, or wire transfer, shall be sent simultaneously to:

Cynthia Peterson (8ENF-UFO)
U.S. EPA Region 8
Technical Enforcement Program
1595 Wynkoop St.
Denver, CO 80202-1129

and

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

8. Nothing in this Consent Agreement shall relieve Respondents of the duty to comply with the Act and its implementing regulations. Respondents, by signing this Consent Agreement, hereby certify to EPA that Respondents are now in compliance with each of the relevant provisions of the Act.

9. Failure by Respondents to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.

10. Nothing in this Consent Agreement shall be construed as a waiver by the EPA 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 Respondents' failure to perform pursuant to the terms of this Consent Agreement.

11. The undersigned representative of Respondents certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondents to the terms and conditions of this Consent Agreement.

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

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

14. 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 alleged in the Complaint.

Complainant,

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

Date: 7/27/12

Eddie A. Sierra
for Andrew M. Gaydosh,
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Date: 7-26-12

Brenda Morris
Brenda Morris, Senior Enforcement Attorney

Respondent,

PETRA ENERGY INC. and
ASHER ASSOCIATES, LLC

Date: 7/25/2012

By: R. P. Patton Vice President Asher Associates, LLC
(Signature of authorized person/Title)

Raif Patton
(Type or Print Name)

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of **CHS, INC.; DOCKET NO.: CWA-08-2011-0037**, was filed with the Regional Hearing Clerk on July 31, 2012.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail and e-mail on July 31, 2012, to:

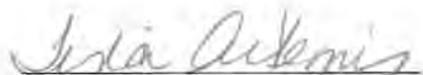
Paul Zogg
Law Offices of Paul Zogg
1221 Pearl Street
Boulder, CO 80302
E-mail: PZOGG@ACEWEB.COM

And emailed to:

Honorable M. Lisa Buschmann
Office of Administrative Law Judges
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

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

July 31, 2012



Tina Artemis
Paralegal/Regional Hearing Clerk