

**FILED****Aug 06, 2025****2:28 pm****U.S. EPA REGION 8
HEARING CLERK**

Public Notice: Proposed Settlement with Merit Energy for Clean Water Act Violations in Park County, Wyoming

Publish Date: June 25, 2025

Summary

EPA is providing notice of an opportunity for the public to comment on a proposed Consent Agreement with an administrative civil penalty assessment against Merit Energy Company, LLC (Merit Energy). In the Consent Agreement, EPA alleges Merit Energy has violated the Clean Water Act (CWA) by discharging oil into waters of the United States from one of its oil production and storage facilities in Park County, Wyoming (the Phelps Tank Battery Facility) and violating several Spill Prevention, Control and Countermeasure (SPCC) rule requirements at the Phelps Tank Battery Facility.

Background

EPA has alleged that Merit:

How to Comment

Comments Due: July 25, 2025

Please submit written comments to:

Kate Tribbet
EPA Region 8 Regional
Hearing Clerk (8ORC-
IO)
r8_hearing_clerk@epa
.gov
Telephone: (303) 312-
6661

1. discharged 125 barrels of crude oil and produced water on June 4, 2022, from the Phelps Tank Battery Facility into the Short Fork of the Meeteetse Creek, which is a tributary of the Big Horn River, in violation of section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3);
2. discharged 528 barrels of crude oil and produced water from the Phelps Tank Battery Facility into the Short Fork of the Meeteetse Creek, again in violation of section 311(b)(3) of the CWA; and
3. had deficient SPCC plans for the Phelps Tank Battery Facility up until April 17, 2025, which did not meet all requirements of 40 C.F.R. part 112.

Please also reference the EPA Docket Number for this matter: CWA-08-2025-0013.

Under the proposed Consent Agreement, Merit has agreed to pay a civil administrative penalty of \$140,000 to resolve its civil penalty liability for these alleged violations.

The addresses of the EPA and Merit Energy are listed below:

EPA: EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. The EPA Region 8's Enforcement and Compliance Assurance Director is identified in the Consent Agreement as the Complainant.

The Respondent: 13727 Noel Road, Suite 1200, Tower 2, Dallas, Texas 75420

EPA is authorized in a Class II proceeding under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), to issue an order assessing a civil administrative penalty for violations of the CWA and its implementing regulations, after providing (1) an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and (2) notification to the public of the proposed penalty and its rights to submit written comments and to participate in a Class II penalty proceeding (hearing), if any.

Public Comments

EPA encourages the public to comment on the proposed Consent Agreement. The Consent Agreement will be available for public review for a comment period of 30 days after the publication of this notice. After the close of this comment period, the EPA will,

if appropriate in view of any comments received, file the Consent Agreement and seek entry of an order approving the Consent Agreement. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (40) days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3). The Consent Agreement is available for review by contacting the person listed in the **For Further Information** section, below.

For Further Information

Persons wishing to receive a copy of the Consent Agreement, or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for any hearing), or to comment upon the proposed penalty assessment, should contact the Regional Hearing Clerk listed in the **How to Comment box** on the right side of this page.

Last updated on June 25, 2025