

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

---

In re:	)	
	)	
	)	
Phoenix Production Company,	)	
Rolf Lake Unit and Sheldon Dome Field	)	
Wind River Indian Reservation	)	
	)	
NPDES Permit Nos. WY-0024945 and	)	
WY-0024953	)	
	)	

---

NPDES Appeal No. (15-03)

**PETITION FOR REVIEW**

## TABLE OF CONTENTS

	<b>Page</b>
I. The Region Erred in its Adoption of Technology-Based Limits Derived from 40 C.F.R. Part 435, Subpart E.....	4
II. The Region Misapplied the Tribes' Water Quality Standards.....	7
A. Tribal Water Quality Standards Do Not Require the Effluent Limits Required by the Permits.....	7
B. The Region Cannot Require Whole Effluent Toxicity Testing for Discharges that Do Not Support Aquatic Life.....	9
C. Requiring Mercury Monitoring and Mercury Minimization is Not Reasonable.....	9
III. The Addition of Other Provisions of the Permits is Clearly Erroneous. ....	10
A. The Chemical Inventory Reporting Requirement is Beyond the Region's Authority under the Clean Water Act and the Public Was Erroneously Denied an Opportunity to Comment on this Addition to the Permit.....	10
B. The Sulfate Limit is Not Technology-Based and the Region Was Required to Consider a Compliance Schedule.....	10
IV. The Region Neglected to Consider the Cost and Resulting Loss of an Effluent Dependent Stream Flow.....	11
A. The Region Did Not Assess the Cost of Compliance.....	11
B. The Region Should Have Considered the Social Consequences Associated with Shutting In the Fields or Reinjecting Effluent.....	12

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Statutes</b>	
Clean Water Act.....	4, 10
Comprehensive Environmental Response Compensation and Liability Act.....	10
Emergency Planning and Community Right-to-Know Act.....	10
Toxic Substances Control Act .....	10
<b>Other Authorities</b>	
40 C.F.R. Part 435, Subpart E.....	4, 5, 11, 13
40 C.F.R. §§ 124.16(a), 124.60(b).....	1
40 C.F.R. § 124.19(a).....	1
40 C.F.R. § 435.50 .....	5
40 C.F.R. § 435.51(c).....	5
40 C.F.R. § 435.52.....	6
<a href="http://www.wyomingextension.org/agpubs/pubs/B1183.pdf">http://www.wyomingextension.org/agpubs/pubs/B1183.pdf</a> .....	6

## **TABLE OF ATTACHMENTS**

Attachment A: S. Niehaus, Phoenix Production Co., Comments on Sheldon Dome Permit  
(Aug. 7, 2013)

Attachment B: S. Niehaus, Phoenix Production Co., Comments on Rolff Lake Permit  
(Aug. 7, 2013)

Attachment C: Rolff Lake & Sheldon Dome Discharge Map

Permittee Phoenix Production Company (“Phoenix”) respectfully submits its Petition for Review pursuant to 40 C.F.R. § 124.19(a). Phoenix submits this Petition in order to facilitate negotiations among the current litigants as well as the Eastern Shoshone and Northern Arapaho Tribes (collectively, “the Tribes”). Specifically, Phoenix seeks to invoke the authority of 40 C.F.R. §§ 124.16(a) and 124.60(b), to stay the effect of provisions of the permits at issue during the pendency of this appeal. Phoenix reserves the right to amend this petition in the event that negotiations do not yield a resolution of the issues in this administrative litigation. Counsel for Phoenix has conferred with EPA Region VIII counsel and the Region does not object to this procedure. Counsel for EPA Region 8 (the “Region”) and Phoenix anticipate availing themselves of other procedural mechanisms that will seek to avoid further litigation and pleadings, and, thereby, further facilitate a negotiated resolution of this administrative litigation.

#### **ABBREVIATED BACKGROUND**

The discharges at issue flow from the Sheldon Dome and Rolff Lakes Fields located on the Wind River Indian Reservation. The receiving waters for both discharges are unnamed ephemeral streams.<sup>1</sup> Eventually, the unnamed ephemeral streams discharge to Dry (Pasup) Creek (“Dry Creek”), a stream that, in some significant stretches, is naturally ephemeral and intermittent. For both discharges, the receiving waters’ actual use is for livestock and wildlife propagation.<sup>2</sup> Indeed, but for the effluent discharge, the unnamed ephemeral streams to which the Sheldon Dome and Rolff Lake outfalls discharge would be largely dry, only flowing in response to precipitation or snow melt.<sup>3</sup> Because they are dry, these unnamed receiving streams

---

<sup>1</sup> Sheldon Dome Field Statement of Basis (“Sheldon Basis”) at 7; Rolff Lake Field Statement of Basis (“Rolff Basis”) at 5.

<sup>2</sup> Sheldon Basis at 8; Rolff Basis at 7.

<sup>3</sup> Sheldon Basis at 7; Rolff Basis at 5.

would not naturally support aquatic life. Nonetheless, these streams have been designated as Class 3B waters: “waters that are intermittent and ephemeral streams with sufficient hydrology to normally support and sustain communities of aquatic life, including invertebrates, amphibians, or other flora and fauna.”<sup>4</sup> “In general, 3B waters are characterized by frequent linear wetland occurrences or impoundments within or adjacent to the stream channel over its entire length.”<sup>5</sup> For the unnamed receiving streams and for much of Dry Creek, these streams would not support such uses and do not reflect these characteristics except to the extent that water discharged from these fields flows in these streams.

For the Sheldon Dome discharge, the unnamed ephemeral stream is approximately 3.95 stream miles from the discharge point to Dry Creek.<sup>6</sup> The distance from this point on Dry Creek to the Wind River, a perennial stream, is about 18.67 stream miles. Thus, the Sheldon Dome outfall is approximately 22.62 stream miles from the Wind River and the effluent from this facility travels only approximately .67 miles from the outfall before it dries up in the arid conditions.<sup>7</sup>

The discharge from the Rolff Lake field is about .75 miles from Dry Creek.<sup>8</sup> This discharge contributes a very small volume to Dry Creek at an intermittent portion of the Creek.

---

<sup>4</sup> Sheldon Basis at 7.

<sup>5</sup> Rolff Basis at 5.

<sup>6</sup> Response to Comments Specific to Phoenix Production Company Sheldon Dome WY-0024953 (“Sheldon Response”) at 1.

<sup>7</sup> S. Niehaus, Phoenix Production Co., Comments on Sheldon Dome Permit at 7 (Aug. 7, 2013) (“Phoenix Sheldon Comments”) (attached as Exhibit A).

<sup>8</sup> Rolff Basis at 5.

The discharge is approximately 30.48 stream miles from the confluence of Dry Creek and the Wind River.<sup>9</sup>

EPA acknowledges that the Tribes' Wind River Environmental Quality Commission (the "Commission") has designated these largely effluent dependent streams for livestock and wildlife propagation.<sup>10</sup> At least five ranchers, some of whom are Tribe members, support the continued discharge from these fields so that they may continue to water their livestock.<sup>11</sup> Phoenix has estimated that approximately 2,620 head of Tribal cattle owned by 13 Tribal permittees depend on these discharges.<sup>12</sup> These discharges have supported wildlife and livestock historically, and Phoenix respectfully submits that the Commission never intended classification of these streams to foreclose discharge and thereby curtail the use of these streams by ranchers dependent on the availability of the effluent water.

The Permits at issue impose limits that cannot be met. Consequently, if the Permits in their current form are allowed to govern Phoenix discharges, Phoenix will be forced to curtail its discharge and reinject produced water at the Rolff Lake facility and to shut in production from the Sheldon Dome facility. These actions will deprive ranchers of sorely needed water and deprive the Tribes of revenues from oil production from the Sheldon Dome field.

### **SUMMARY DISCUSSION**

Phoenix respectfully submits that (i) the Region mistakenly imposed limits that are unsupported and excessively stringent, and (ii) the Region misapplied Tribal water quality standards to the discharges at issue in this Petition. Phoenix believes that the Region's

---

<sup>9</sup> S. Niehaus, Phoenix Production Co., Comments on Rolff Lake Permit at 7 (Aug. 7, 2013) ("Phoenix Rolff Comments") (attached as Exhibit B).

<sup>10</sup> Sheldon Basis at 8; Rolff Basis at 7.

<sup>11</sup> Sheldon Basis at 8; Rolff Basis at 7.

<sup>12</sup> Phoenix Sheldon Comments at 3-5. The Region does not dispute these use figures.

imposition of the limits in the Permits is factually and legally clearly erroneous. In addition, the Board should exercise its discretion to review the Region's determination to curtail an effluent discharge in a way that harms ranchers and the Tribes and produces little, if any, environmental benefit. At the very least, the Region should have considered the hardships imposed and economic consequences attendant to its decision.

The Region improperly implemented both technology requirements of 40 C.F.R. Part 435, Subpart E and the Tribal Water Quality Standards. Consequently, the Permits impose limits that are not achievable. Specifically, Phoenix objects to limits and attendant monitoring requirements that apply to chloride (for the final limits), sulfate (for both interim and final daily and monthly limits), and sulfide (for the final limits).<sup>13</sup> In addition, Whole Effluent Toxicity testing and the Mercury Monitoring Plan should not be required at this facility. Finally, the Chemical Inventory Reporting Requirement is beyond the Region's authority under the Clean Water Act and the public was erroneously denied an opportunity to comment on this addition to the Permits.

**I. THE REGION ERRED IN ITS ADOPTION OF TECHNOLOGY-BASED LIMITS DERIVED FROM 40 C.F.R. PART 435, SUBPART E.**

For nearly a century, produced water in this area of the Wind River Reservation has been used for livestock watering and wildlife propagation. Letters supporting the discharge were submitted and no one has ever cited any evidence that these particular discharges have not been sufficient to support these uses in the past. Indeed, decades of experience demonstrate that these waters are essential to ranching and to wildlife in the area.

---

<sup>13</sup> See Sheldon Dome Permit at 18-19, Tables 7 & 8; Rolff Lake Permit at 17-18, Tables 7 & 8.



The Region has, until this round of permitting, agreed that this discharge is of sufficient quality to support livestock and wildlife. Under the very same regulations, 40 C.F.R. Part 435, Subpart E, the Region has concluded that these same discharges are of sufficient quality to merit their discharge without the onerous limits of the Permits at issue in this Petition. The position is understandable since Subpart E applies to all onshore oil and gas facilities west of the 98<sup>th</sup> Meridian “for which the produced water has a use in agriculture or wildlife propagation when discharged into navigable waters.” 40 C.F.R. § 435.50. The Region has long-recognized that these discharges are “of good enough quality to be used for wildlife or livestock watering or other agricultural uses and that the produced water is actually put to such use during periods of discharge.” 40 C.F.R. § 435.51(c). Nowhere in the administrative record does the Region suggest that this discharge is somehow different from the discharges it has permitted for decades. Presumably, if the discharges were of sufficient quality to support livestock and wildlife in the past, they continue to support the same uses. Indeed, the Region admits as much:

Based on beneficial uses documentation and the water management plan submitted by grazing lessees and approved by the Wind River Environmental Quality Commission, ***the produced water has a use in livestock and wildlife propagation after discharge into the receiving waters.*** The permit application also contained 2 letters representing 5 ranchers that documented the actual beneficial usage of the discharged water to their livestock. In addition, a water management plan for the discharged water was submitted. The Wind River Environmental Quality Commission evaluated these letters and the water management plan and approved these documents.<sup>14</sup>

The Region’s contradictory determination that these same discharges do not now support these beneficial uses without more stringent limits is clearly erroneous.

---

<sup>14</sup> Rolff Basis at 7 (emphasis added).

Indeed, the Effluent Limit Guideline at issue only imparts a daily maximum limitation for oil and grease for produced water. Other limitations are *not* authorized under 40 C.F.R. § 435.52. The Region also lacks authority to impose more stringent technology-based limits than what is expressly prescribed by Subpart E. Thus, the newly devised limits for chloride, sulfate, and sulfide, are beyond the Region’s authority.

The Region seeks to rationalize its onerous limitations based upon a 2007 literature review that has been widely criticized and that the State of Wyoming does not employ to require treatment of discharged produced water.<sup>15</sup> Specifically, the Region has adopted conclusions drawn by a review of literature primarily focused on feedlot impacts on livestock prepared by Raisbeck et al. from the University of Wyoming.<sup>16</sup> The Raisbeck Report is not consistent with published reports or standards and the report is not clearly reflective of its sources. Indeed, many natural water sources regularly used for livestock watering are naturally high in sulfate, sometimes exceeding 1,800 mg/L.<sup>17</sup> A subsequent study conducted by Penny J. Hunter demonstrated that much higher sulfate levels (up to 3,100 mg/L) will not adversely affect livestock in Wyoming.<sup>18</sup> This evaluation incorporated Wyoming-specific sulfate levels in forage and exposure conditions. Thus, the Hunter Study provides a more realistic measure of the impact of higher sulfate levels. Of course, this evaluation is consistent with the agriculture use

---

<sup>15</sup> See e.g., Phoenix Sheldon Comments at 3-5 (Aug. 7, 2013); see also, “Risk Management Considerations for Wyoming Livestock Water Quality Criteria, Penny J. Hunter, Environmental Water quality Effects and Beneficial Uses of Wyoming Produced Water Surface Discharges” (Geomega 2007) (Attachment 2 to Phoenix Sheldon Comments) (the “Hunter Study”).

<sup>16</sup> M.F. Raisbeck, S.L. Riker, C.M. Tate, R. Jackson, M.A. Smith, K.J. Reddy and J.R. Zygmunt (2007), Water Quality for Wyoming Livestock and Wildlife; a Review of the Literature Pertaining to Health Effects of Inorganic Contaminants UW AES bulletin B-1183 (the “Raisbeck Report”). (Available at: <http://www.wyomingextension.org/agpubs/pubs/B1183.pdf>. Last accessed Apr. 29, 2015).

<sup>17</sup> Phoenix Sheldon Comments at 4.

<sup>18</sup> See generally Hunter Study.

of these discharged waters for many decades; the Raisbeck Report’s academic assessment of impacts from other types of uses should not be given same weight as actual on-the-ground use of the waters. In short, the 13 Tribal Permittees whose 2,680 cattle survive on the produced water conclusively demonstrate the beneficial use of these discharges – without the extreme limits the Region would impose in these Permits.

## **II. THE REGION MISAPPLIED THE TRIBES’ WATER QUALITY STANDARDS.**

### **A. Tribal Water Quality Standards Do Not Require the Effluent Limits Required by the Permits.**

The Region did not properly apply the Tribes’ water quality standards. EPA chose to impose water quality standards that are distinctly not applicable to the ephemeral and intermittent drainages that might be affected by the Phoenix discharges. The Region concedes that the discharges to unnamed tributaries are not classified by the Tribes. Even though the record is devoid of any evidence that these unnamed tributaries have “sufficient hydrology to normally support and sustain communities of aquatic life including invertebrates, amphibians, or other flora and fauna which inhabit waters of the Reservation,” as required by the Tribes’ 3B classification, the Region nonetheless categorizes them as Class 3B.<sup>19</sup>

Similarly, based upon its misreading of the Tribes’ water quality standards, the Region assumes that all reaches of Dry Creek are Class 3B. In fact, the Tribes’ water quality standards do not dictate that individual reaches should not be analyzed to determine if they are capable of supporting such aquatic life. Moreover, any flora or aquatic life in these ephemeral and

---

<sup>19</sup> See, e.g., Response to Comments Specific to Phoenix Production Company Rolff Lake WY-0024945 (“Rolff Response”) at 1-2.

intermittent streams are likely a product of the discharge and would be lost without the discharge.<sup>20</sup>

Perhaps more importantly, the Region makes no effort to discern the impact of these discharges upon Dry Creek. Because the Region assumes that the unnamed dry tributaries would be classified in a way that supports aquatic life, the Region adopts extreme limits, (e.g., the sulfide limit) that would not apply to a dry streambed that is incapable of supporting aquatic life. Yet, after traveling the distance from the discharge point, across an otherwise dry streambed, to the confluence with Dry Creek, any impact on Dry Creek from the discharge would be negligible.<sup>21</sup> If the Region had evaluated the discharge based upon its impact on the only water quality-limited stream – Dry Creek – the analysis would have been different and, in all likelihood, the Region would have imposed more reasonable limits. Instead, the Region presumed the 3B classification for the unnamed, dry streambed and did not consider the impact on Dry Creek. This is contrary to the Tribes’ water quality standards and unsupported by the record.

The Region does not consider that the Tribes’ water quality limits were never intended to curtail use for livestock production. Indeed, as the Region itself explains, “based on beneficial uses documentation and the water management plan submitted by grazing lessees and approved by the Wind River Environmental Quality Commission, the produced water has a use in livestock and wildlife propagation after discharge into the receiving waters.”<sup>22</sup> To require limits that have the effect of curtailing this use is plainly contrary to the Tribes’ own understanding of their water quality standards.

---

<sup>20</sup> See Phoenix Rolff Comments at 7.

<sup>21</sup> Phoenix Rolff Comments at 7.

<sup>22</sup> Rolff Basis at 7.

**B. The Region Cannot Require Whole Effluent Toxicity Testing for Discharges that Do Not Support Aquatic Life.**

The Whole Effluent Toxicity testing remains unnecessary. Here, the Region confronts streams whose relevant reaches are ephemeral or, in some instances, intermittent. To require WET testing for streams that do not naturally support the aquatic life that is the subject of the testing is not reasonable. In its comments, Phoenix explained that the Sheldon Dome outfall is approximately 22.62 stream miles from the Wind River and that the effluent from this facility only travels .67 miles downstream in the unnamed ephemeral drainage.<sup>23</sup> Of course, the unnamed ephemeral drainages to which Phoenix discharges do not support aquatic life at all and the Tribal water quality standards do not suggest otherwise. For discharges that do not support aquatic life, WET testing is simply unsupported.

**C. Requiring Mercury Monitoring and Mercury Minimization is Not Reasonable.**

The Permits require Phoenix to monitor mercury and impose a “Mercury Minimization Plan.”<sup>24</sup> Yet, Phoenix explained in its comments that mercury is rarely a component of crude oil or produced water.<sup>25</sup> In fact, any trace amounts of mercury would likely be the product of atmospheric deposition and not associated with the discharge. The Region does not dispute this factual point but it nonetheless requires implementation of a mercury minimization plan. Absent at least some credible record evidence that mercury is a potential problem at this site, the Region should not require a “Mercury Minimization Plan.”

---

<sup>23</sup> Phoenix Sheldon Comments at 7.

<sup>24</sup> E.g., Rolff Lake Permit, Part 1.3.B.; Rolff Basis at 22;

<sup>25</sup> Phoenix Rolff Comments at 10.

### **III. THE ADDITION OF OTHER PROVISIONS OF THE PERMITS IS CLEARLY ERRONEOUS.**

#### **A. The Chemical Inventory Reporting Requirement is Beyond the Region's Authority under the Clean Water Act and the Public Was Erroneously Denied an Opportunity to Comment on this Addition to the Permit.**

The Region added a “Chemical Inventory Reporting Requirement” to the Permits.<sup>26</sup> The Region added this requirement in response to a comment on the Permits. Yet, the Region provides no authority for imposing this requirement. Indeed, nothing in the Clean Water Act supports such a requirement. Other statutory authority serves the function of requiring industry to report and appropriately analyze chemicals. For example, the Emergency Planning and Community Right-to-Know Act (“EPCRA”), the Toxic Substances Control Act (“TSCA”), and provisions of the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”) all require reports under specified circumstances of the presence or release of chemicals. By contrast, the Clean Water Act provides no comparable authority. Accordingly, the Region may not impose such a requirement in its Permit.

The Region added this provision at the behest of a commenter. The provision was never subjected to the appropriate notice and comment essential to such a requirement. Certainly, this was not a logical outgrowth of provisions in the draft permit. Given that Phoenix and other members of the public had no way to anticipate inclusion of this obligation, its addition to the permit without notice or opportunity for comment is clearly erroneous.

#### **B. The Sulfate Limit is Not Technology-Based and the Region Was Required to Consider a Compliance Schedule.**

The Region rejected comments that requested that the Permit employ a schedule for compliance. The Region asserts that “the permit limit for sulfate is a [Technology-Based

---

<sup>26</sup> See Rolff Basis at 23.

Effluent Limit] under 40 C.F.R. Part 435, Subpart E.”<sup>27</sup> Yet, the simple reality that ranchers use this effluent for livestock watering and that it is used for wildlife propagation belies EPA’s assertion. Imposition of a limit cannot be squared with prior interpretations of Subpart E, and it should follow that the Region cannot impose such a limit without considering a compliance schedule.

#### **IV. THE REGION NEGLECTED TO CONSIDER THE COST AND RESULTING LOSS OF AN EFFLUENT DEPENDENT STREAM FLOW.**

##### **A. The Region Did Not Assess the Cost of Compliance.**

Phoenix explained to the Region that it would be unable to meet the sulfate and sulfide requirements and WET testing costs of the permits without turning to reinjection or shutting in the fields.<sup>28</sup> EPA declined to credit Phoenix’s assertion and claimed that Phoenix should have conducted some sort of cost study rather than simply providing the fundamental result: that compliance with these Permits is prohibitively expensive.<sup>29</sup> The Region declined to meet with Phoenix to provide its own information on treatment alternatives that the Region claims to be available.<sup>30</sup> Indeed, rather than providing information in the record responsive to Phoenix’s explanation that the Region’s approach is simply too costly, the Region sought to shift the responsibility from the Region to the permittee: the Region asserted that Phoenix should have conducted an economic evaluation of treatment technologies that the Region claims are viable.

Phoenix respectfully notes that EPA possesses this information and, if there are economically viable alternatives, the Region should have made that information available. Instead, the Response to Comments simply alludes to the Region’s own undocumented effort to

---

<sup>27</sup> Rolff Response at 13.

<sup>28</sup> See e.g., Phoenix Rolff Comments; Rolff Response at 5.

<sup>29</sup> See Rolff Response at 6.

<sup>30</sup> See e.g. Phoenix Rolff Comments at 10 (requesting opportunity to meet with Region).

“work with a similar facility” to “successfully implement” WET testing requirements and “treatment technology.”<sup>31</sup> The record is devoid of further explanation from the Region as to what cost-effective testing techniques or treatment technologies are available. In the absence of such information, the Board should not credit the Region’s assertion that Phoenix could undertake such efforts and the Permit should be remanded for EPA’s reconsideration of the viability of the obligations imposed in this Permit.

**B. The Region Should Have Considered the Social Consequences Associated with Shutting In the Fields or Reinjecting Effluent.**

As Phoenix explained, the company is required either to reinject the effluent or shut in the fields. Phoenix has already provided the Tribes with notice that for the Sheldon Dome field, if the Permit remains in place, the Company must shut in the field. The Sheldon Dome field has no injection capability and there simply is no cost-effective way to meet the limits prescribed by the Sheldon Dome permit.<sup>32</sup> With respect to Rolff Lake, Phoenix has already begun reinjecting effluent. Thus, the Tribes stand to suffer the loss of revenues from the Sheldon Dome production and the loss of other economically beneficial impacts associated with the operation of this field.

For both fields, the discharge and attendant benefits will be lost to Native American ranchers in the area. This loss will harm these ranchers and cause further economic hardship in an area of the country that suffers from very difficult economic conditions. Yet, despite Phoenix’s explanation of the ranchers’ dependence on these discharges, the Region neglected even to consider this impact. Moreover, wildlife dependent upon these discharges will suffer.

---

<sup>31</sup> Rolff Response at 6.

<sup>32</sup> Phoenix Sheldon Comments at 3-4.



40 C.F.R. Part 435, Subpart E mandates that EPA consider these consequences and ground its decision, in part, upon these impacts. EPA did not consider the consequences, and, accordingly, the Permits do not meet the regulatory requirements and are clearly erroneous.

### **CONCLUSION**

Phoenix provides this Petition in order to obtain a stay of the permit limits so that Phoenix and the Region can conduct negotiations without the necessity of terminating a discharge or shutting in a field. Phoenix, with the consent of EPA counsel, reserves the right to amend this summary petition should further litigation be necessary. In any event, Phoenix respectfully submits that the record does not support the Permits and that, if this matter proceeds, the Board should require the Region to withdraw the Permits, submit them for notice and comment, and revise the Permits consistent with the principles discussed above.

Respectfully Submitted,

*s/Daniel H. Leff*  
Daniel H. Leff  
John C. Martin  
Susan M. Mathiascheck  
Crowell & Moring, LLP  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 624-2500 (telephone)  
(202) 628-5116 (fax)  
[dleff@crowell.com](mailto:dleff@crowell.com)  
[jmartin@crowell.com](mailto:jmartin@crowell.com)  
[smathiascheck@crowell.com](mailto:smathiascheck@crowell.com)

*Counsel for Phoenix Production  
Company*

**STATEMENT OF COMPLIANCE WITH WORD LIMIT**

The forgoing Petition for Review complies with the word limitation pursuant to 40 C.F.R. §§ 124.19(d)(1)(iv) and (d)(3).

## CERTIFICATE OF SERVICE AND COMPLIANCE WITH WORD LIMITATIONS

I hereby certify that, pursuant to 40 C.F.R. § 124.19(i), I have, on this 29th day of April, 2015, caused the forgoing Petition for Review to be served upon the following persons, by certified mail, at the addresses below:

Everett Volk, Esq.  
US EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Peter J. DeMarco  
Natural Resources Defense Council  
1152 15th Street, N.W., Suite 300  
Washington, D.C. 20005

Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility  
2000 P Street, N.W., Suite 240  
Washington, DC 20036

Respectfully Submitted,

*s/Daniel H. Leff*

Daniel H. Leff

Crowell & Moring, LLP

1001 Pennsylvania Ave., N.W.

Washington, D.C. 20004

[dleff@crowell.com](mailto:dleff@crowell.com)

(202) 624-2546 (telephone)

(202) 628-5116 (fax)

*Counsel for Phoenix Production  
Company*