

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 26 PM 3:06

In the Matter of:)
)
 Bear Paw Energy, LLC)
)
) **EXPEDITED CONSENT AGREEMENT**
) **DOCKET NO.: CWA-08-2011-0033**
 Respondent.)

FILED
EPA REGION VIII
BRANDON BLERK

1. Pursuant to 40 C.F.R. § 22.13(b), Complainant, United States Environmental Protection Agency(EPA), Region 8, and Respondent, Bear Paw Energy, LLC, by their undersigned representatives, hereby settle the civil cause of action arising out of a spill of oil that occurred on or about July 28, 2010, and agree as follows:
2. The Clean Water Act (the Act), as amended, authorizes the Administrator of EPA to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States, 33 U.S.C. § 1321(b) (6) and (b) (3).
3. The determination required by Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. §1321(b)(3) and (b)(4), includes discharges of oil that (1) violate applicable water quality standards; (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shoreline; or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline, 40 C.F.R. § 110.3.
4. This authority has been properly delegated to the undersigned EPA official.
5. Respondent owns and/or operates the Stony Creek Gathering Pipeline located at Latitude 48.147677°N, Longitude 103.555394°W, Williams County, North Dakota.

6. Respondent admits that on or about July 28, 2010, its Stony Creek Gathering Pipeline facility discharged approximately 14 barrels or less of oil into or upon an unnamed pond, which is hydrologically connected to Lake Sakakawea, and/or its adjoining shorelines.
7. Respondent's discharge from its facility caused a sheen upon, or discoloration of, or caused a sludge or emulsion to be deposited on the surface of an unnamed pond.
8. Lake Sakakawea and the unnamed pond are navigable waters of the United States as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 CFR §110.1.
9. Respondent's discharge constitutes a violation of Section 311 (b) (3) of the Act.
10. Respondent admits that EPA has jurisdiction in this proceeding.
11. Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this Consent Agreement.
12. This Consent 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.
13. This Consent Agreement contains all terms of the settlement agreed to by the parties.
14. Respondent consents and agrees to the assessment of a civil penalty of \$500.00, for the discharge of oil in violation of Section 311(b)(3) 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 wire transfer. 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
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

If the Respondent sends payment by overnight mail, the payment should be sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Wire transfers should be directed to:

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."

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

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

and

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

15. Respondent states, under penalty of perjury, that they have (1) investigated the cause of the spill; (2) cleaned up the spill pursuant to federal requirements; and (3) taken corrective measures to prevent future spills.
16. Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this Consent Agreement once incorporated into the Final Order, or fails to make the corrective measures to obtain compliance or has not cleaned up the discharged oil as represented, this Consent Agreement is null and void, and EPA may pursue any applicable enforcement options.
17. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement.
18. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
19. Each party shall bear its own costs and attorneys fees in connection with this matter.
20. 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 : _____ Date: _____
Sandra A. Stavnes, Director
UIC/FIFRA/OPA Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Bear Paw Energy, LLC, Respondent.

By : Craig Forsander Date: 9-19-11
Name: Craig Forsander
Title: Vice President



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

By :  _____

Date: 9/22/11

Sandra A. Stavnes, Director
UIC/FIFRA/OPA Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Bear Paw Energy, LLC, Respondent.

By : _____

Date: _____

Name: _____

Title: _____

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT AND FINAL ORDER** in the matter of **BEAR PAW ENERGY, LLC;** **DOCKET NO.: CWA-08-2011-0033**, was filed with the Regional Hearing Clerk on September 26, 2011.

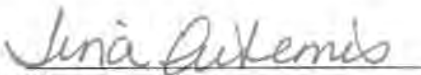
Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda L. Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail on September 26, 2011, to:

Jim Haught
Bear Paw Energy, LLC
c/o ONEOK
100 West Fifth Street
Tulsa, OK 74103-4298

And emailed to:

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

September ²⁶~~19~~, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk