

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter Of:)	Docket No. SDWA-05-2022-0010
)	
Omimex Energy, Inc.)	Proceeding under Section 1423(c) of the
Ludington, Michigan,)	Safe Drinking Water Act,
)	42 U.S.C. § 300h-2(c)
Respondent.)	
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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 1423(c)(2) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c)(2), and Sections 22.1(a)(9), 22.13(b), 22.18(b)(2) and (3), and 22.45 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Omimex Energy, Inc., a corporation doing business in Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of SDWA, 42 U.S.C. § 300h-2(c)(3), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 1421 of SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection, monitoring, recordkeeping and reporting requirements, for state underground injection control (UIC) programs to prevent underground injection which endangers drinking water sources.

10. Section 1421(d)(1) of SDWA, 42 U.S.C. § 300h(d)(1), defines “underground injection” as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

11. Section 1422(c) of SDWA, 42 U.S.C. § 300h-1(c), provides that the Administrator for EPA shall prescribe UIC programs applicable to those states that have not obtained primary enforcement responsibility of their UIC programs (a concept called “primacy”) or do not have primacy for all types of wells.

12. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124 and 144 through 148.

13. EPA administers and has primary enforcement responsibility of the UIC program

in the State of Michigan. The UIC program for the State of Michigan is set forth at 40 C.F.R. Part 147, Subpart X.

14. 40 C.F.R. § 144.1(g) provides that the UIC programs regulate underground injection by six classes of wells and all owners or operators of these injection wells must be authorized either by permit or rule. 40 C.F.R. § 144.6(b)(1) defines Class II wells as those which inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at standard temperature and pressure.

15. 40 C.F.R. § 144.11 further prohibits any underground injection, except into a well authorized by rule or by permit issued under the UIC program.

16. 40 C.F.R. § 144.51(a) provides that any UIC permittee must comply with all conditions of its permit. Any permit noncompliance constitutes a violation of SDWA, except that the permittee need not comply with the provisions of its permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.

17. Section 1423(a)(2) of SDWA, 42 U.S.C. § 300h-2(a)(2), provides that any person found to be in violation of any requirement of an applicable UIC program in a state that does not have primacy may be assessed a civil penalty and be subject to an order requiring compliance pursuant to Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

18. Under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$7,500 for each day of violation, up to a maximum administrative penalty of \$177,500 for SDWA violations occurring after January 12,

2009 through December 6, 2013; \$7,500 for each day of violation, up to a maximum administrative penalty of \$187,500 for SDWA violations occurring after December 6, 2013 through November 2, 2015; \$11,665 for each day of violation, up to a maximum administrative penalty of \$291,641 for SDWA violations occurring after November 2, 2015; \$11,803 for each day of violation, up to a maximum administrative penalty of \$295,088 for SDWA violations occurring after November 2, 2015, where penalties are assessed on or after December 23, 2020 and issue an order requiring compliance.

Factual Allegations and Alleged Violations

19. Respondent is a corporation, and as such, Respondent is a “person” as that term is defined at Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

20. At all times relevant to this Complaint, Respondent was authorized to operate the following four wells located in Calhoun County, Michigan under permit:

- a. Convis 30 Fac 3 (Permit MI-025-2D-0002, issued July 16, 2012)
- b. J.L. Dunn #2 (Permit MI-025-2D-0001, issued July 10, 2012)
- c. Pennfield 35-6 (Permit MI-025-2R-0007, issued July 12, 2012)
- d. Pennfield 35-7 Unit Well #11-4 (Permit MI-025-2R-0001, issued July 20, 2012)

21. At all times relevant to this CAFO, Respondent was authorized to operate the following eighteen wells located in Calhoun County and Ingham County, Michigan under rule:

- a. Aurelius 35-7
- b. Aureleus 35-8
- c. Onondaga 10-1
- d. Onondaga 10-3

- e. Onondaga 10-4
- f. Onondaga 10-5
- g. Onondaga 10-6
- h. Onondaga 10-7
- i. Onondaga 10-8
- j. Onondaga 10-9
- k. Onondaga 21 A-4
- l. Onondaga 21 A-14
- m. Onondaga 21 B-6
- n. Onondaga 21 B-7
- o. Pennfield 35-3
- p. Pennfield 35-4
- q. Pennfield 35-5
- r. Pennfield 35-8

22. The Permit authorizes the underground injection of salt water into the wells named in paragraphs 20 and 21 (“the Wells”), subject to the terms and conditions set forth in the Permits.

23. Salt Water, brine, and fresh water are “fluids” and the subsurface emplacement of salt water through the Wells is a “well injection.” 40 C.F.R. § 144.3.

24. At all times relevant to this CAFO, Respondent owned and operated well injection in the State of Michigan and was thus subject to the UIC program requirements set forth at 40 C.F.R. Parts 124, 144, 146, 147 (Subpart X), and 148.

25. At all times relevant to this CAFO, Respondent did not apply for and obtain an

emergency permit pursuant 40 C.F.R. § 144.34.

26. The Wells are Class II wells as defined by 40 C.F.R. §§ 144.6 and 146.5.

27. On August 21, 2017, EPA issued a request for information (Information Request) to Respondent pursuant to Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), 40 C.F.R. §§ 144.17 and 144.51(h), to gather information related to the Permit and historic operations and maintenance of the Wells.

28. On October 23, 2017, EPA received Respondent's response to its Information Request with the requested information (Respondent's Response).

29. Under 40 C.F.R. § 144.51(a), Respondent is required to comply with all conditions of the Permit and any noncompliance constitutes a violation of SDWA.

COUNT I

Injection of Unauthorized Fluids

30. Page 1 of the permit for the J.L. Dunn #2 injection well (MI-025-2D-0001) states that "injection is limited to disposal of salt water from production wells owned or operated by Omimex Energy, Inc."

31. From July 2014 to May 2017, Respondent injected a total of 3,780,378 gallons of fluid during 28 separate months from the J.W. Collins #1 well, a production well not owned or operated by Omimex Energy, Inc.

32. Respondent received payments totaling \$25,806.90 for accepting and injecting the unauthorized fluid.

33. Respondent's injection of unauthorized fluids constitutes a violation of Page 1 of the J.L. Dunn #2 injection well (MI-025-2D-0001) permit.

34. Thus, each day Respondent injected fluids from the J.W. Collins #1 well

constitutes a violation of Page 1 of the J.L. Dunn #2 (MI-025-2D-0001) injection well permit and SDWA and subjects Respondent to penalties under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

COUNT II

Failure to Monitor and Record Annulus Pressures

35. Part II (B)(2)(d) of the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection well permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) (*See* Page 11 of the permits) requires the annulus pressure of each well to be recorded at least weekly.

36. Part II (B)(2)(a) of the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection well permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) (*See* Page 11 of the permits) requires that measurements shall be representative of the monitored activity.

37. Part II (B)(3)(a) of the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection well permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) (*See* Page 12 of the permits) requires reporting of weekly measurements of annulus pressure.

38. Respondent stated in its May 30, 2017 letter to EPA that “For determining the weekly annulus pressure, Omimex does not require the use of gauges for determining if there is a vacuum or 0 pressure.” Respondent also included a copy of a memorandum instructing Respondent’s well operators that “We do not require a gauge on the annulus if it’s normally zero, in which you can open it up to the atmosphere by cracking a valve. If you puke out a little bit of fluid into a bucket, that is okay and record the pressure as zero.”

39. Respondent has reported zero pounds per square inch pressure on the annulus for each of the four permitted wells listed above for the reviewed period of June 1, 2014 to May 31, 2017.

40. Respondent stated in its October 12, 2017 letter to EPA that “We agree that a gauge was not always used in determining the 0 psi recorded on the annulus for this period of time. However, when the annulus was cracked open there was no pressure to record with a gauge; therefore, we reported the annulus pressure as 0 psig.” Respondent also stated that “We just did not always use pressure gauges as we previously interpreted that pressure gauges were only required to read positive pressure.”

41. Respondent’s failure to utilize a calibrated pressure gauge to measure a representative annulus pressure before equalizing to atmospheric pressure is a failure to properly measure and record an annulus pressure.

42. Respondent’s failure to properly measure and record annulus pressures of the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection wells constitutes a violation of Part II(B)(2)(d), Part II(B)(a), and Part II(B)(3)(a) of the permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) and subjects Respondent to penalties under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

COUNT III

Failure to Certify Reports

43. 40 C.F.R. § 144.32 requires that reports be signed by “a responsible corporate officer” or a “duly authorized representative of that person” who is responsible for the overall operation of the regulated facility or activity, such as the position of plant

manager, operator of a well or a well field, superintendent, or position of equivalent responsibility.” Any authorization must be submitted to EPA.

44. Part I (E)(11) of the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection well permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) (*See* Page 7 of the permits) requires all reports to be signed and certified according to 40 C.F.R. § 144.32.

45. During the period of June 1, 2014 to September 30, 2016, Respondent submitted monthly reports signed by Respondent’s Administrative Assistant for the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection wells (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007).

46. Respondent’s Administrative Assistant is not a responsible corporate officer within the meaning of 40 C.F.R. § 144.32 and has not been duly authorized to sign reports on behalf of a responsible corporate officer.

47. Respondent’s failure to properly sign and certify monthly reports for the Convis 30 Fac 3, J.L. Dunn #2, Pennfield 35-6, and Pennfield 35-7 Unit Well #11-4 injection wells constitutes a violation of Part I (E)(11) of the permits (MI-025-2D-0001, MI-025-2D-0002, MI-025-2R-0001, and MI-025-2R-0007) and subjects Respondent to penalties under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

COUNT IV

Failure to Submit Timely Annual Reports

48. 40 C.F.R. § 144.28 (h)(2)(i) requires an annual report to EPA for all rule authorized wells.

49. Respondent’s annual reports ending December 2015 were received by EPA on

August 16, 2016 for 18 wells listed in Paragraph 21 and named Aurelius 35-7, Aureleus 35-8, Onondaga 10-1, Onondaga 10-3, Onondaga 10-4, Onondaga 10-5, Onondaga 10-6, Onondaga 10-7, Onondaga 10-8, Onondaga 10-9, Onondaga 21 A-4, Onondaga 21 A-14, Onondaga 21 B-6, Onondaga 21 B-7, Pennfield 35-3, Pennfield 35-4, Pennfield 35-5, and Pennfield 35-8. These reports should have been submitted in January 2016, as annual reports are received from Respondent in January of each year such as in 2011, 2012, 2013, 2014, 2015, and 2017.

50. Respondent's failure to submit timely annual reports for 18 rule authorized wells is a violation of 40 C.F.R. § 144.28 (h)(2)(i) and subjects Respondent to penalties under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

Civil Penalty

51. Based upon the facts alleged in this CAFO, the factors listed in Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), EPA's UIC Program Judicial and Administrative Order Settlement Penalty Policy (September 1993) (EPA's UIC Penalty Policy), Respondent's good faith and cooperation in resolving this matter, EPA has determined that an appropriate civil penalty to settle this action is \$40,000. Within 30 days after the effective date of this CAFO, Respondent must pay a \$40,000 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name and the docket number of this CAFO.

52. When it pays the penalty or any portion thereof, Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Jim Adamiec (ECW-15J)
Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Richard Nagle (C-13J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

53. This civil penalty is not deductible for federal tax purposes.

54. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondent must pay the following on any amount overdue under this CAFO: interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a handling charge fee each month that any portion of the penalty is more than 30 days past due; and up to 6% per year penalty on any principal amount 90 days past due.

55. If Respondent does not pay timely the civil penalty, EPA may request the United States Department of Justice bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses

for the collection action under Section 1423(c)(7) of SDWA, 42 U.S.C. § 300h-2(c)(7). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

Compliance Requirements

56. As provided by Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2), and agreed to by Complainant and Respondent, Respondent shall, from the effective date of this order:

- a. Immediately cease injection of fluids other than from sources owned and operated by Respondent, and approved by EPA; fluids from third-party sources must be added to existing permits through formal modification before injection;
- b. Sample, analyze, record and retain all monitoring information in accordance with the Permits and 40 C.F.R. § 144.51(j), including the date, exact place, and time of sample or measurements, the individual(s) who performed the sampling or measurements, the methods used, the results, and all calibration records from the date of the sample, measurement or report;
- c. Use calibrated gauges for all monitoring required by the Permits and/or replace them with new gauges on an annual basis;

57. In the event Respondent permanently ceases operation of the Wells, plugs and abandons the Wells, sells ownership of the Wells in whole, or the Wells enter into the State of Michigan's Orphan Well Program prior to the Respondent completing the requirements of paragraph 56, Respondent shall demonstrate all operation of the Wells have ceased by submitting appropriate documentation to Complainant, including documentation of effective change of ownership or operational control of a facility upon the consent of the Respondent.

58. Should Respondent seek to transfer the Permits for the Wells, Respondent shall

notify Complainant at least 30 days in advance of the proposed transfer date and include a written agreement between the existing and new permittees containing a specific date for transfer or permit responsibility, coverage, and liability between them, and demonstration that the financial responsibility requirements of §144.52(a)(7) will be met by the new permittee.

General Provisions

59. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: nagle.richard@epa.gov (for Complainant), and ken_prior@omimexgroup.com, (for Respondent).

60. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order must be submitted to EPA electronically, to the extent possible. Exhibit 1 provides the instructions needed for electronic submissions. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) to the enforcement officer, whose name and address is identified in paragraph 52, above.

61. Reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

62. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business

confidentiality regarding any portion of the information submitted in response to this CAFO, as provided in 40 C.F.R. § 2.302(a)(2). The manner of asserting such claims is specified in Exhibit 2. The name and address of any permit applicant or permittee and information which deals with the existence, absence, or level of contaminants in drinking water is not entitled to confidential treatment. 40 C.F.R. § 144.5.

63. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this CAFO may subject Respondent to criminal prosecution under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), as well as 18 U.S.C. §§ 1001 and 1341.

64. Submissions required by this CAFO shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

65. The information required to be submitted pursuant to this CAFO is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

66. EPA may use any information submitted in accordance with this CAFO in support of an administrative, civil, or criminal action against Respondent.

67. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO. Violation of this CAFO shall be deemed a violation of SDWA for purposes of Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b).

68. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

69. This CAFO does not affect Respondent's responsibility to comply with SDWA and other applicable federal, state, or local laws and permits. Compliance with this CAFO will

not be a defense to any actions subsequently commenced pursuant to federal law administered by EPA.

70. Respondent certifies that it is complying with SDWA, its implementing regulations, and the Permit.

71. This CAFO constitutes a “previous violation” as that term is used in EPA’s UIC Penalty Policy and to determine Respondent’s “history of such violations” under Section 1423(c)(4)(B) of SDWA, 42 U.S.C. § 300h-2(c)(4)(B).

72. The terms of this CAFO bind Respondent and its successors and assigns.

73. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

74. Each party agrees to bear its own costs and attorneys’ fees in this action.

75. This CAFO constitutes the entire agreement between the parties.

76. The parties acknowledge and agree that final approval by EPA of this CAFO is subject to 40 C.F.R. § 22.45(c)(4) which sets forth requirements under which a person not a party to this proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

77. In accordance with 1423(c)(3)(D) of SDWA, 42 U.S.C. § 300h-2(c)(3)(D), and 40 C.F.R. §§ 22.18(b)(3), 22.31(b), and 22.45, this CAFO shall become effective 30 days after the date that the Final Order contained in this CAFO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

78. This CAFO shall be deemed terminated and satisfied by Respondent upon written notice from EPA that Respondent has demonstrated to EPA that all terms of this CAFO have been satisfied.

79. Absent the notice described in Paragraph 78, Respondent may request in writing that EPA terminate this CAFO. With this request for termination, Respondent must submit to the EPA enforcement officer a written final report and certification of completion describing all actions taken to comply with all requirements of the compliance program in Paragraph 56. Respondent must include the certification language required under Paragraph 61. In response to the request for termination and written final report, EPA may require additional information, actions, or evidence from Respondent to show completion of the compliance requirements; EPA may pursue appropriate administrative or judicial action to require compliance with this Order; or EPA may accept the request for termination. This Order shall terminate on the date that EPA notifies Respondent in writing that EPA agrees with Respondent's request for termination.

**Consent Agreement and Final Order
In the Matter of: Omimex Energy, Inc.
Docket No. SDWA-05-2022-0010**

Omimex Energy, Inc., Respondent

7-31-2022
Date

A. Kenneth Prior III
A. Kenneth Prior III
Operations Manager / Authorized Agent

**Consent Agreement and Final Order
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Docket No. SDWA-05-2022-0010**

United States Environmental Protection Agency, Complainant

Date

**MICHAEL
HARRIS**

 Digitally signed by MICHAEL
HARRIS
Date: 2022.08.05 09:22:11
-05'00'

Michael Harris
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

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Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days after filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18, 22.31. and, 22.31. and 22.45.45. IT IS SO ORDERED.

By: _____ Date: _____
Ann Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

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Certificate of Service

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number SDWA-05-2022-0010, which will be filed and effective on in the following manner to the following addresses:

Copy by e-mail to Respondent: Mr. A. Kenneth Prior III
Ken_Prior@omimexgroup.com

Copy by e-mail to Attorney for Complainant: Stephen Mendoza
mendoza.stephen@epa.gov

Copy by e-mail to Attorney for Respondent: N/A

Copy by e-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: _____
Juliane Grange
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5