

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 2014 1595 Wynkoop Street DENVER, CO 80202-1129 Phone 800-227-8917 http://www.epa.gov/region08

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LEA REGIUN VIII HEARING CLERK

Berry Petroleum Company
Samson Resources Company
Colorado Interstate Gas Company,
Respondents.

Docket Nos. CAA-08-2013-0014 CAA-08-2013-0015 CAA-08-2013-0016

CLARIFICATION ORDER

LLC

On January 29, 2014, Complainant filed a Status Report in response to my January 16, 2014 Order. Complainant stated that a revised combined complaint and consent agreement was sent to the three Respondents noted in the caption above for review and signature. Complainant also stated that the revised agreement includes "non-penalty obligations that Respondent agrees to perform..." I understand the revised agreements are modeled after consent agreements ratified by the Environmental Appeals Board (EAB). However, I do not agree that the facts and circumstances presented to me on September 30, 2013, in the above referenced matters, are similar to the consent agreements before the EAB. Therefore, I want to clarify with the parties that I do not believe I have the authority to approve the consent agreements and sign final orders based on the information before me presently.

If the parties wish to discuss this further, please contact Tina Artemis, the Regional Hearing Clerk at 303-312-6765 or artemis.tina@epa.gov, and she will set up a time to discuss either in person or by telephone.

So ORDERED this day of February, 2014.

Elyana Ř. Sutin Regional Judicial Officer U.S EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the in the matter CLARIFICATION ORDER for BERRY PETROLEUM COMPANY, SAMSON RESOURCES COMPANY, AND COLORADO INTERSTATE GAS COMPANY, LLC.; DOCKET NOs.: CAA-08-2013-0014; CAA-08-2013-0015; CAA-08-2013-0016 was filed with the Regional Hearing Clerk on February 6, 2014.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Dana Stotsky and David Rochlin, Enforcement Attorneys, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were sent and placed in the United States mail certified/return receipt and emailed on February 6, 2014 to:

Counsel for Respondents:

Lawrence E. Volmert Holland and Hart LLP, 555 Seventeenth Street, Suite 3200 Denver, CO 80202-3979 Ivolmert@hollandhart.com

Scott Weatherholt Assistant General Counsel – Operations Samson Plaza Two West Second Street Tulsa, OK 74103

Daniel Schnee, Senior Counsel Legal Department-El Paso Corporation/Kinder Morgan Two North Nevada Avenue Colorado Springs, CO 80903

And

Honorable Elyana R. Sutin Regional Judicial Officer U. S. Environmental Protection Agency 1595 Wynkoop Street Denver, CO 80202

February 6, 2014

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Tina Artemis Regional Hearing Clerk/Paralegal