

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Received by
EPA Region VIII
Hearing Clerk

Docket No. SDWA-08-2021-0030

In the Matter of:)
)
Mann Oil Company LLC,)
)
Respondent.)
)
Proceedings under Section 1423)
of the Safe Drinking Water Act)
42 U.S.C. 300h-2)

**RESPONDENT’S ANSWER
AND AFFIRMATIVE
DEFENSES TO THE
COMPLAINT AND NOTICE
OF OPPORTUNITY FOR
HEARING**

Respondent Mann Oil Company LLC (“Respondent”), through the undersigned attorney, presents its Answer and Affirmative Defenses to the Complaint and Notice of Opportunity for Hearing (the “Complaint”) issued by the United State Environmental Protection Agency Region 8 (“Complainant”) and respectfully states, alleges and prays as follows:

ANSWER TO INDIVIDUAL PARAGRAPHS OF THE COMPLAINT

1. Paragraph 1 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required.
2. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 2 of the Complaint, and the allegations are therefore denied.
3. Respondent specifically admits that Complainant alleges that Respondent has violated the Act. Respondent also specifically admits that by filing the Complaint, Complainant now proposes the issuance of an administrative order requiring the

assessment of a civil penalty. Respondent denies that Complainant previously proposed an administrative order requiring the assessment of a civil penalty.

4. Paragraph 4 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required. Respondent is not requesting a public hearing on the allegations stated in the Complaint.
5. Paragraph 5 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required. Respondent is not requesting a public hearing on the allegations stated in the Complaint.
6. Paragraph 6 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required.
7. Paragraph 7 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required.
8. Respondent admits the allegations stated in Paragraph 8 of the Complaint.
9. Paragraph 9 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 9 of the Complaint, and the allegations are therefore denied.
10. Paragraph 10 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the

allegations stated in Paragraph 10 of the Complaint, and the allegations are therefore denied.

11. Paragraph 11 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 11 of the Complaint, and the allegations are therefore denied.

12. Paragraph 12 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 12 of the Complaint, and the allegations are therefore denied.

13. Paragraph 13 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 13 of the Complaint, and the allegations are therefore denied.

14. Paragraph 14 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the

allegations stated in Paragraph 14 of the Complaint, and the allegations are therefore denied.

15. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 15 of the Complaint, and the allegations are therefore denied.

16. Paragraph 16 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 16 of the Complaint, and the allegations are therefore denied.

17. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 17 of the Complaint, and the allegations are therefore denied.

18. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 18 of the Complaint, and the allegations are therefore denied.

19. Respondent admits that it received the letter referenced in Paragraph 19 of the Complaint.

20. Respondent admits that it submitted a permit application as referenced in Paragraph 20 of the Complaint. The remainder of Paragraph 20 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is

required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 20 of the Complaint, and the allegations are therefore denied.

21. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 21 of the Complaint, and the allegations are therefore denied.

22. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 22 of the Complaint, and the allegations are therefore denied.

23. Respondent admits the allegations stated in Paragraph 23 of the Complaint.

24. Paragraph 24 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 24 of the Complaint, and the allegations are therefore denied.

25. Paragraph 25 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 25 of the Complaint, and the allegations are therefore denied.

26. Paragraph 26 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 26 of the Complaint, and the allegations are therefore denied.
27. Paragraph 27 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent admits the allegations stated in Paragraph 27 of the Complaint.
28. Paragraph 28 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent denies the allegations stated in Paragraph 28 of the Complaint.
29. Paragraph 29 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required.
30. Paragraph 30 of the Complaint sets forth legal conclusions to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 30 of the Complaint, and the allegations are therefore denied.
31. Paragraph 31 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required.

32. Paragraph 32 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 32 of the Complaint, and the allegations are therefore denied.

33. Paragraph 33 of the Complaint sets forth legal conclusions and other procedural matters to which no response is required. To the extent further response is required, Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations stated in Paragraph 33 of the Complaint, and the allegations are therefore denied.

AFFIRMATIVE DEFENSES TO THE COMPLAINT

34. Respondent affirmatively alleges that it was issued an authorization for injection by the NDIC for the McKenzie Well.

35. Respondent affirmatively alleges that no issue was raised with the McKenzie Well's operation as to Respondent or previous operators of the McKenzie Well until the Complainant's letter sent February 20, 2018. Respondent affirmatively alleges that when it was given notice of an additional permitting requirement, it made good faith efforts to comply with the permitting process to its financial detriment.

36. Respondent affirmatively alleges that it has no history of violations.

37. Respondent affirmatively alleges that from the February 20, 2018 letter until March 2021, Complainant did not request that Respondent address the allegations raised in

the February 20, 2018 letter despite ongoing communications between Respondent and Complainant during that time.

38. Respondent affirmatively alleges that the McKenzie Well operated at minimal levels (both in injection occurrence and volume) for years, including the August 2018 to June 2019 time period referenced in the Complaint.

39. Respondent affirmatively alleges that a monetary fine of significance would represent a financial hardship for Respondent.

40. Respondent affirmatively alleges that it has continued to work in good faith with Complainant to resolve the allegations raised in the Complaint and that, as of the date of this Answer, an agreement in principle has been reached between Respondent and Complainant.

Respectfully submitted,

**WILKERSON, HEGNA, KAVANAUGH &
JOHNSTON, PLLP**

Dated: August 19, 2021

By: /s/ Christopher J. Johnston
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**ATTORNEY FOR RESPONDENT MANN
OIL COMPANY LLC**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. SDWA-08-2021-0030

In the Matter of:)	CERTIFICATE OF SERVICE
)	
Mann Oil Company LLC,)	
)	
Respondent.)	
)	
Proceedings under Section 1423)	
of the Safe Drinking Water Act)	
42 U.S.C. 300h-2)	

Pursuant to 40 C.F.R. § 22.5(a)(1), the EPA’s Region 8 Presiding Officer has authorized use of the EPA’s email as the Region’s electronic filing system (EFS) for filing documents with the RHC. Accordingly, I certify that on August 19, 2021, I sent by email a true and correct copy of Respondent’s Answer and Affirmative Defenses to the Complaint and Notice of Opportunity for Hearing to Haniewicz.Melissa@epa.gov.

**WILKERSON, HEGNA, KAVANAUGH &
JOHNSTON, PLLP**

Dated: August 19, 2021

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