

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. CAA-08-2011-0025

2012 JUN 15 PM 12:58

FILED
EPA REGION 8
WASHINGTON DC

In the Matter of:)
MARATHON OIL COMPANY)
Respondent.)

**JOINT MOTION TO AMEND
ADMINISTRATIVE COMPLAINT
AND CONSENT AGREEMENT**

Marathon Oil Company (Marathon), Respondent, and the United States Environmental Protection Agency (the EPA), Complainant, hereby file this Joint Motion to Amend the Administrative Complaint and Consent Agreement.

1. On August 29, 2011, the Court approved an Administrative Complaint and Consent Agreement (Agreement) in this matter (see August 29, 2011 Order Granting Filing of An Electronic Consent Agreement Final Order). The Court also approved substitution of a revised Appendix A to this Agreement on October 3, 2011.

2. Pursuant to the terms of Paragraph F.12 of this Agreement, the purpose of this Motion is to request that the Court amend the terms of the Agreement and approve the attached Second Revised Appendix A to this Agreement. The requested amendment to the Agreement includes the addition of Table A-5 to Appendix A, along with language changes to the Agreement recognizing the addition of Table A-5, and the extension of the deadline to commence construction on these sources from June 30, 2012 to August 29, 2012.

3. The specific requested language changes to Paragraph D of the Agreement are as follows (and a clean copy of the amended language is attached to this Joint Motion):

- D.1.e. Change “June 30, 2012” to “August 29, 2012”
- D.1.f. Add “A-5” after A-4 and change “June 30, 2012” to “August 29, 2012”
- D.1.g. Add “A-5” after A-4 and change “June 30, 2012” to “August 29, 2012”
- Insert a new paragraph between D.1.d and D.1.e that reads “By June 15, 2012, Respondent shall submit to EPA a complete synthetic minor source permit application for New Emission Sources listed in Appendix A, Table A-5 that will commence construction during the period starting July 1, 2012 and ending August 29, 2012.”
- D.2.b Add “, and A-5” after A-4.
- F.6 Add to the end of the paragraph, “by August 29, 2012.”

4. No new sources have been added to the new attached Second Revised Appendix A. Pursuant to Paragraph D.1.e of the agreement, sources that commenced construction later than the original projected date have been moved to the appropriate table. Further, pursuant to Marathon’s agreement with EPA, Table A-5 was added to reflect those sources for which construction will commence between July 1, 2012 and August 29, 2012. Finally, names of sources that were previously listed as “unnamed” were added and minor editorial changes were made to update the table with the most recent information available.

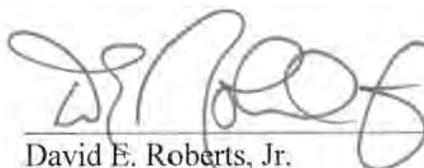
5. EPA and Marathon agree that no further penalties are due under the Agreement, since no additional sources have been added to Appendix A. Further, all applications for the sources listed in the new Table A-5 to Appendix A have already been submitted to EPA.

PRAYER

For the above-mentioned reasons, Respondent and Complainant respectfully request that the Court approve the substitution of the attached Second Revised Appendix A to the Agreement, and approve the revisions to Paragraphs D and F of the Agreement as attached hereto.

**Marathon Oil Company,
Respondent**

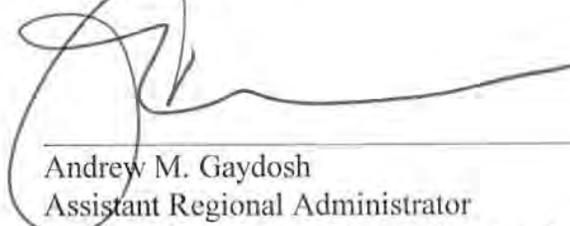
Date: June 8, 2012



David E. Roberts, Jr.
Executive Vice President and
Chief Operating Officer

**United States Environmental Protection
Agency, Region 8,
Complainant**

Date: June 15, 2012



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached Joint Motion to Amend Administrative Complaint and Consent Agreement in the matter of Marathon Oil Co.; Docket No. CAA-08-2011-0025, was filed with the Regional Hearing Clerk on June 15, 2012.

Further, the undersigned certifies that a true and correct copy of the document was mailed to Rebecca K. Skiba, Senior Attorney, Marathon Oil Company on June 15, 2012.

Date: June 15, 2012

David Rochlin
David Rochlin
Senior Enforcement Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

D. REQUIREMENTS UNDER THIS AGREEMENT

The EPA and Respondent, by their undersigned representatives, hereby consent and agree as follows:

1. Permitting

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- e. By June 15, 2012, Respondent shall submit to EPA a complete synthetic minor source permit application for New Emission Sources listed in Appendix A, Table A-5 that will commence construction during the period starting July 1, 2012 and ending August 29, 2012.
- f. Inclusion of an emission source listed in Appendix A, Table A-2, A-3, A-4, or A-5 does not preclude Respondent from commencing construction of that emission source after the date specified in the relevant Paragraph D.1.b,c, d, or e above. However, all such emission sources must commence construction prior to August 29, 2012.
- g. If those emission sources listed in Appendix A, Tables A-2, A-3, A-4, and/or A-5 do not commence construction by August 29, 2012, then they are therefore not subject to Section D of this Agreement.

2. Control Requirements

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- b. For all New Emission Sources listed in Appendix A, Tables A-2, A-3, A-4, and A-5 the Respondent shall comply with the requirements of Appendix B upon start-up of production. Emission sources that receive an effective synthetic minor source permit before commencing construction are not subject to the requirements of this Agreement.

F. GENERAL PROVISIONS

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- 6. For all New Emission Sources listed in Appendix A, Tables A-2, A-3, A-4, and A-5 compliance with the relevant CAA provisions requires that Respondent; a) obtains an effective synthetic minor source permit; b) is subject to an EPA approved Federal Implementation Plan which allows for a permit by rule; or c) complies with a new EPA applicable CAA regulation that removes them from PSD applicability by August 29, 2012.

APPENDIX A

EMISSION SOURCE INVENTORY

Table A-1 Existing Emission Sources (commenced construction by August 30, 2011)

Source Name (Note 1)	Latitude and Longitude	Section, Township, Range	Well site completion date (Note 2)	Casinghead gas controlled or captured (Note 3)	Casinghead gas control device	Tanks/Tank Battery control device	Tanks/Tank Battery control device install date
AH 34-23H	47.877253, -102.542592	SWSE 23-151-93	7/9/2009	Captured	--	Enclosed Combustion Device	7/9/2009
ARVID BANGEN USA 31-18H	47.817664, -102.499408	NWNE 18-150-92	8/14/2010	Controlled	Flare	Enclosed Combustion Device	8/14/2010
BANGEN 41-27H	47.875458, -102.562375	NENE 27-151-93	3/6/2009	Captured	--	Enclosed Combustion Device	3/6/2009
BETTY SHOBE USA 41-8H, JASPER L USA 34-5H	47.916428, -102.601283	NENE 8-151-93	8/30/2010	Captured	--	Enclosed Combustion Device	8/30/2010
BOTTLESAN 34-22H	47.878364, -102.565233	SWSE 22-151-93	9/18/2008	Captured	--	Enclosed Combustion Device	9/18/2008
BRODAHL 31-25H	47.875812, -102.519628	NWNE 25-151-93	9/10/2009	Captured	--	Enclosed Combustion Device	9/10/2009
CHARLES SHOBE USA 44-19H	47.875211, -102.623178	NENE 30-151-93	12/26/2008	Captured	--	Flare	12/26/2008
CROW FLIES HIGH USA 31-4H	47.933897, -102.715683	NWNE 4-151-94	5/17/2011	Controlled	Flare	Enclosed Combustion Device	5/17/2011
DANKS USA 11-3H	47.933239, -102.703625	LOT4 3-151-94	8/6/2011	Controlled	Flare	Enclosed Combustion Device	8/6/2011
DEBBIE BAKLENKO USA 12-26H, DEBBIE BAKLENKO USA 13-26H	47.95725, -102.68475	SWNW 26-152-94	6/14/2011	Controlled	Flare	Enclosed Combustion Device	6/14/2011
ELK USA 11-17H	47.817733, -102.487808	NWNW 17-150-92	5/23/2011	Controlled	Flare	Enclosed Combustion Device	5/23/2011
EVERETT FISHER USA 41-6H	47.846783, -102.625939	LOT1 6-150-93	6/26/2010	Controlled	Flare	Enclosed Combustion Device	6/26/2010
FISHER USA 21-5H	47.846783, -102.614661	LOT3 5-150-93	10/23/2009	Controlled	Flare	Enclosed Combustion Device	10/23/2009
GALEN FOX USA 24-7H	47.819722, -102.506864	SESW 7-150-92	10/23/2010	Controlled	Flare	Enclosed Combustion Device	10/23/2010
GLADYS USA 21-2H	47.846725, -102.550322	LOT3 2-150-93	12/23/2009	Captured	--	Enclosed Combustion Device	12/23/2009
GOODALL USA 11-29H	47.964419, -102.620567	SWSW 20-152-93	1/19/2011	Captured	--	Enclosed Combustion Device	1/19/2011
GOOD BEAR USA 21-14H, GOOD BEAR USA 31-14H	47.558417, -102.496433	NENW 14-147-93	--	Controlled	Flare	Flare	--
HENRY CHARGING USA 21-3H	47.846800, -102.571689	LOT3 3-150-93	3/28/2010	Controlled	Flare	Enclosed Combustion Device	3/28/2010
HOWARD USA 11-1H	47.84625, -102.531228	LOT4 1-150-93	6/17/2010	Controlled	Flare	Enclosed Combustion Device	6/17/2010
JACK PENNINGTON 21-28H	47.874525, -102.592108	NENW 28-151-93	8/7/2008	Captured	--	Enclosed Combustion Device	8/7/2008
JAY SANDSTROM USA 34-31H	47.849114, -102.628186	SWSE 31-151-93	2/23/2009	Captured	--	Enclosed Combustion Device	2/23/2009
JERRY PENNINGTON USA 34-21H	47.877369, -102.585514	SWSE 21-151-93	6/11/2009	Captured	--	Enclosed Combustion Device	6/11/2009
JOHNSON 44-32H, FISHER 41-5H	47.848514, -102.603747	SESE 32-151-93	--	Controlled	Flare	Enclosed Combustion Device	--
JONES USA 14-14H, JONES USA 13-14H	47.894436, -102.684581	SWSW 14-151-94	3/17/2011	Controlled	Flare	Enclosed Combustion Device	3/17/2011
LUTHER USA 11-16H, LUTHER USA 31-16H	47.823539, -102.593511	NESW 9-150-93	1/31/2011	Controlled	Flare	Enclosed Combustion Device	1/31/2011
MARK SANDSTROM 14-32H, MARK SANDSTROM 14-32TFH	47.848703, -102.616375	SWSW 32-151-93	10/20/2008	Captured	--	Enclosed Combustion Device	10/20/2008
MYLO WOLDING 14-11, MYLO WOLDING USA 14-11H	47.906239, -102.554117	SWSW 11-151-93	9/18/2010	Captured	--	Enclosed Combustion Device	9/18/2010
MYRMIDON 1-2H, HUNTS ALONG USA 12-1H	47.932239, -102.665538	LOT1 2-151-94	7/9/2008	Captured	--	Enclosed Combustion Device	7/9/2008
ONE FEATHER USA 11-17H, TORGERSON USA 14-8H	47.820473, -102.233209	SWSW 8-150-90	--	Captured	--	Enclosed Combustion Device	--
PENNINGTON 41-4H	47.933292, -102.583997	LOT1 4-151-93	6/1/2009	Controlled	Flare	Enclosed Combustion Device	6/1/2009
QUALE USA 31-20H, QUALE USA 32-20H	47.974164, -102.609658	NWNE 20-152-93	2/14/2011	Controlled	Flare	Enclosed Combustion Device	2/14/2011
RANDI USA 41-17H, ELLA USA 11-16H	47.9062, -102.598714	SWSW 9-151-93	--	Captured	--	Flare	--
RAYMOND USA 41-4H	47.846794, -102.582683	LOT1 4-150-93	12/12/2009	Captured	--	Enclosed Combustion Device	12/12/2009
RED FEATHER USA 21-17H, RED FEATHER USA 31-17H	47.826669, -102.612086	SESW 8-150-93	--	Controlled	Flare	Flare	--
RICHARD BANGEN 21-26H	47.875806, -102.550031	NENW 26-151-93	6/24/2009	Captured	--	Enclosed Combustion Device	6/24/2009
RMDK 31-26H	47.875954, -102.541418	NWNE 26-151-93	6/10/2011	Captured	--	Enclosed Combustion Device	6/10/2011
SHIRLEY PENNINGTON USA 14-22H, JACOB MADISON 11-27H	47.87725, -102.577528	SWSW 22-151-93	8/14/2011	Captured	--	Flare	8/14/2011
SHOBE 24-20H	47.878336, -102.615467	SESW 20-151-93	11/17/2008	Captured	--	Enclosed Combustion Device	11/17/2008
SKOGSTAD 41-28H	47.875725, -102.582331	NENE 28-151-93	8/20/2011	Captured	--	Flare	8/20/2011
TAT USA 13-23H	47.881064, -102.687231	NESE 22-151-94	2/5/2011	Controlled	Flare	Enclosed Combustion Device	2/5/2011
TAT USA 34-22H	47.877647, -102.696881	SESW 22-151-94	3/3/2011	Controlled	Flare	Enclosed Combustion Device	3/3/2011
URAN 31-2H	47.933536, -102.54185	LOT2 2-151-93	6/7/2010	Captured	--	Enclosed Combustion Device	5/4/2011
WADHOLM 41-30H	47.875611, -102.498103	NENE 30-151-92	8/14/2009	Captured	--	Enclosed Combustion Device	8/14/2009
WAKELUM 21-3H	47.933583, -102.568947	LOT3 3-151-93	5/14/2010	Captured	--	Enclosed Combustion Device	5/14/2010
WALDOCK USA 21-16H	47.818065, -102.208213	NENW 16-150-90	--	Controlled	Flare	Flare	--
WENINGER USA 44-34H	47.935236, -102.562564	SESE 34-152-93	9/9/2010	Captured	--	Enclosed Combustion Device	9/9/2010
WINDY BOY USA 12-35H, WINDY BOY USA 13-35H	47.944625, -102.684131	SWNW 35-152-94	8/10/2011	Controlled	Flare	Enclosed Combustion Device	8/10/2011
WOLDING 14-24H	47.877394, -102.530367	SWSW 24-151-93	2/3/2010	Captured	--	Enclosed Combustion Device	2/3/2010

Note 1: Source names with multiple well names are characterized by the first well completed on the well pad.

Note 2: The date given is the first oil date for the Source.

Note 3: Captured gas is sold; Controlled gas is sent to a control device, such as a Flare.

Table A-2 New Emission Sources (commencing construction between August 31, 2011 and December 31, 2011)

Source Identification	Section, Township, Range	Expected Commence Construction Date
Aisenbrey 21-25H; Aisenbrey 21-25TFH	NENW 25-151-93	10/1/2011
Bears Ghost USA 31-4H; Bears Ghost USA 31-4TFH	NWNE 4-147-94	11/1/2011
Boy Chief USA 11-15H; Boy Chief USA 11-15TFH	NWNW 15-147-93	9/1/2011
CUMMINGS USA 41-6H; CUMMINGS USA 41-6TFH	6-150-92	12/1/2011
Driver USA 34-9H; Black Hawk 31-16H	9-150-90	11/1/2011
Everett Fisher USA 31-6H; Jessica USA 21-6TFH	6-150-93	10/1/2011
Goodbird USA 34-7H; Goodbird USA 44-7H	SESE 7-150-90	10/1/2011
Jahnke USA 24-31H; Jahnke USA 24-31TFH	31-151-93	10/1/2011
Lucky One 21-2H; Lucky One 21-2TFH	2-151-93	10/1/2011
One Feather USA 31-17H; Siting Owl USA 34-8H	17-150-90	11/1/2011
Oren USA 31-6TFH; Rhoda 24-31H	SESW 31-151-92	9/1/2011
Ostlund 11-14H; Ostlund 11-14TFH	NWNW 14-151-93	11/1/2011
Pennington USA 31-4H; Pennington 31-4TFH	LOT2 4-151-93	10/1/2011
Maggie Old Dog USA 24-19H	18 or 19-150-93	12/1/2011
Vorwerk USA 14-34H; Vorwerk USA 24-34H	SESW 34-150-90	9/1/2011
Wakelum 41-3H; Wakelum 31-3TFH	3-151-93	11/1/2011
Weninger Cox 44-34TFH; Weninger Cox 34-34TFH	151-93 27/34	11/1/2011

Table A-3 New Emission Sources (commencing construction between January 1, 2012 and March 31, 2012)

Source Identification	Section, Township, Range	Expected Commence Construction Date
Weninger USA 24-34H; Weninger USA 24-34TFH	SWSE 34-152-93	2/1/2012
TAT USA 14-22H; TAT USA 14-22TFH	SWSW 22-151-94	1/1/2012
TAT USA 12-23H; TAT USA 12-23TFH	SENE 22-151-94	1/1/2012

Table A-4 New Emission Sources (commencing construction between April 1, 2012 and June 30, 2012)

Source Identification	Section, Township, Range	Expected Commence Construction Date
Elk USA 31-17H; Elk USA 31-17TFH	17 or 20-150-92	4/1/2012
Unnamed 3	25 or 26-149-90	6/1/2012
Sec 15/16-152-93	15 or 16 or 17-152-93	5/1/2012
Baker USA 11-18H; Baker USA 11-18TFH	18-150-92	6/1/2012*
HENRY CHARGING USA 41-3H; HENRY CHARGING USA 41-3TFH	LOT 1 3-150-93	6/1/2012*
MHA USA 11-4H; MHA USA 11-4TFH	4-150-93	6/1/2012*
Thomas Miller USA 11-28H; Sec 28/33-150-90 (Thomas Miller Infill)	28-150-90	6/1/2012*
Waljen USA 43-8H; Walton USA 43-8TFH	8-151-93	6/1/2012*
Pearl 41-13H; Pearl 41-13TFH	13 or 24-152-93	6/1/2012*

*The wells in this list are expected to commence construction between 06/01/2012 and 06/30/2012, but exact dates are not available.

Table A-5 New Emission Sources (commencing construction between July 1, 2012 and August 29, 2012)

Source Identification	Section, Township, Range	Expected Commence Construction Date*
Joanne Quale USA 21-30H; Joanne Quale USA 31-30H	30-152-93	7/1/2012*
Mink USA 11-15H; Many Woman USA 14-10H	15-150-90	7/1/2012*
Rhoda 34-31H; Rhoda 34-31TFH	SWSE 31-151-92	7/1/2012*
William USA 31-31H; William USA 31-2TFH	2-150-93	7/1/2012*
Bears Ghost USA 11-4H; Bears Ghost USA 11-4TFH	NWNW 4-147-94	7/1/2012*
Don Olson 31-3H	3-150-90	7/1/2012*
Driver USA 24-9H	16-150-90	7/1/2012*
Eagle USA 41-5H; Eagle USA 41-5TFH; Eagle USA 21-5H; Eagle USA 21-5TFH	5-147-94	7/1/2012*
Felix USA 8-1H; Felix USA 8-2H	17-146-92	7/1/2012*
Fox USA 14-1H; Fox USA 14-1TFH	NESW 14-147-93	7/1/2012*
Many Branches USA 44-23H	23-150-90	7/1/2012*
Mink USA 31-15H	15-150-90	7/1/2012*
Rudolph USA 31-15TFH*	15-151-93	7/1/2012*
Tara Jo USA 34-12H; Tara Jo USA 44-12TFH	12-150-93	7/1/2012*
Danks USA 31-3H; Danks USA 31-3TFH	10-151-94	7/1/2012*
Foolish Bear USA 12-16H	34-147-92	7/1/2012*
Hopkins USA 15-1MBH; Lincoln USA 16-1TFH	23-147-94	7/1/2012*
Isaac USA 31-28H (name changed to Frederick USA 43-26H)	21-147-92	7/1/2012*
Huber USA 11-27H	34-147-92	7/1/2012*
Lucky Mound USA 21-26H	31-147-91	7/1/2012*
Lucky Mound USA 43-1H	2-149-90	7/1/2012*

*The wells in this list are expected to commence construction between 7/1/2012 and 8/29/2012, but exact dates are not available.