

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In The Matter Of:) Docket No. SDWA-05-2019-0001
)
Great Lakes Petroleum Producers, Inc.) Proceeding under Section 1423(c) of the
Jenison, Michigan) Safe Drinking Water Act,
) 42 U.S.C. § 300h-2(c)
Respondent.)
_____)



Consent Agreement and Final Order

Statutory Authority

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 22.13(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, by lawful delegation, the Director of the Water Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Director").
3. Respondent is Great Lakes Petroleum Producers, Inc. ("Respondent" or "the Company"), a Michigan corporation with an office located at 1901 Wilson Avenue SW, Grand Rapids, Michigan 49534.
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"). *See* 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 terms of this CAFO, including the assessment of the civil penalty and the compliance requirements specified below.

Jurisdiction and Waiver of Right to Judicial Review and Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and admits the factual allegations and alleged violations in this CAFO.

8. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of SDWA, 42 U.S.C. § 300h-2(c)(3); its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO under Section 1423(c)(6) of SDWA, 42 U.S.C. § 300h-2(c)(6). Respondent also consents to the issuance of this CAFO without further adjudication.

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, respectively, 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, and consists of the UIC program requirements of 40 C.F.R. Parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of Subpart 147.

14. 40 C.F.R. § 144.1(g) provides that 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. Class II wells 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. 40 C.F.R. § 144.6(b)(1).

15. 40 C.F.R. § 144.11 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 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not

comply with the provisions of this 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 1401(6) of SDWA, 42 U.S.C. § 300f(6), and 40 C.F.R. § 144.3 define “contaminant” as any physical, chemical, biological, or radiological substance or matter in water.

18. 40 C.F.R. § 144.3 defines “fluid” as any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

19. 40 C.F.R. § 144.3 defines “injection well” as a “well” into which “fluids” are being injected.

20. 40 C.F.R. § 144.3 defines “permit” as an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 C.F.R. Parts 144, 145, 146 and 124.

21. Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), defines “person” as an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency). *See also*, 40 C.F.R. § 144.3.

22. 40 C.F.R. § 144.3 defines “underground injection” as a “well injection.”

23. 40 C.F.R. § 144.3 defines “well” as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

24. 40 C.F.R. § 144.3 defines “well injection” as the subsurface emplacement of fluids through a well.

25. 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/or be subject to an order requiring compliance pursuant to Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

26. 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 \$187,500 for SDWA violations occurring after December 6, 2013 through November 2, 2015, and not more than \$11,181 for each day of violation, up to a maximum administrative penalty of \$279,536 for SDWA violations occurring after November 2, 2015; and/or issue an order requiring compliance.

Factual Allegations and Alleged Violations

27. 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.

28. At all times relevant to this CAFO, Respondent was authorized to drill, construct and operate a Class II well known as the Riverside #2 well located in Kent County, Michigan, T7N, R12W, Section 33, SW ¼ Section, pursuant to EPA UIC permit No. MI-081-2D-0007 (“the Permit”). The Permit became effective on March 14, 1989.

29. The Permit was modified by EPA on November 26, 2012, to change the name of the permittee to Great Lakes Petroleum Producers, Inc.

30. The Permit authorizes the underground injection of salt water (also commonly referred to as brine) into the Riverside #2 well, subject to the terms and conditions set forth in the Permit.

31. Salt water is a “fluid” and the subsurface emplacement of salt water through Riverside #2 well is a “well injection”. 40 C.F.R. § 144.3.

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

33. At no time relevant to this CAFO did the Respondent apply for and obtain an emergency permit pursuant 40 C.F.R. § 144.34.

34. Part I (E)(1) of the Permit and 40 C.F.R. § 144.51(a) require the Respondent to comply with the requirements of the Permit.

35. The Permit authorizes Respondent to inject salt water solely produced from oil production wells owned or operated by Respondent in the immediate area of the Riverside #2 well.

36. The Permit requires, among other things, that Respondent obtain EPA's approval prior to making any change in Respondent's injection fluids; submit an analysis of new injection fluids to EPA prior to injection; monitor injection pressures and annulus pressures weekly and retain records of monitoring information including all calibration and maintenance records for at least three years.

37. On December 16, 2014, pursuant to EPA's authority under Section 1445(b) of SDWA, 42 U.S.C. § 300j-4(b) and Part I (E)(7) of the Permit, EPA employees inspected the Riverside #2 well facility and interviewed Kenneth R. Langerak, President of Great Lakes Petroleum Producers, Inc. and operator of the Riverside #2 well.

38. During EPA's December 16, 2014 interview, Mr. Langerak stated he hauls and injects brine from the "farmer down the road" into the Riverside #2 well.

39. During EPA's December 16, 2014 interview, Mr. Langerak also stated the Company does not have a procedure in place for notifying EPA of planned changes in the injection fluid, requesting EPA approval for new injection fluid sources, or reporting loss of mechanical integrity to EPA.

40. During EPA's December 16, 2014 interview, Mr. Langerak stated the Company does not measure the injection pressure or annulus pressure of the Riverside #2 well with either a digital or mechanical gauge.

41. During EPA's December 16, 2014 interview, Mr. Langerak stated that he monitors annulus pressure (i.e. "back side pressure") on a quarterly basis when he reports annulus liquid loss, but he does not otherwise measure annulus pressure of the Riverside #2 well.

42. Following EPA's inspection of the Riverside #2 well facility and interview with Mr. Langerak, EPA reviewed all monthly, quarterly, and annual reports submitted by the Respondent for the Riverside #2 well in 2013, 2014 and 2015. EPA found that all monthly monitoring reports submitted by the Respondent, and certified in accordance with 40 C.F.R. § 144.32(d), consistently describe the injection pressure as "Gravity" for each week on the monthly reports. EPA also found that the Respondent submitted "Zero" for annulus pressure for each week on all of its monthly reports in 2013, 2014 and 2015.

43. On February 18, 2016, EPA issued Information Request No. V-UIC-16-1445-001 ("EPA's 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), and Part I (E)(6) of the Permit, to gather information related to the historic operations and maintenance of the Riverside #2 well and the Permit.

44. EPA received Respondent's response to its Information Request with the requested information on March 30, 2016 ("Respondent's Response").

45. Under 40 C.F.R. § 144.51(a) and Part I (E)(1) of the Permit, Respondent is required to comply with all conditions of the Permit (except to the extent and for the duration such non-compliance is authorized by an emergency permit pursuant to 40 C.F.R. § 144.34) and each day of non-compliance constitutes a violation of SDWA and is grounds for enforcement action, permit termination, revocation and reissuing or modification.

Count I - Unauthorized Injection

46. The statements in Paragraphs 1 through 45 of the CAFO are hereby incorporated by reference as if set forth in full.

47. Part I (E)(18) of the Permit states Great Lakes Petroleum Producers "shall be restricted to the injection of fluids brought to the surface in connection with conventional oil or natural gas production or those fluids used in the enhancement of oil and gas production as specified in 40 C.F.R. § 146.5(b). Further, no fluids other than those from sources noted in the administrative record for this permit and approved by the Director shall be injected."

48. The permit application submitted by Respondent for the Riverside #2 well listed 23 production wells owned or operated by Respondent. These 23 production wells are the only sources of fluids included in the administrative record and approved by EPA.

49. Respondent's Response also identified three oil production wells owned by Versluis Orchards as sources of fluid Respondent injected into the Riverside #2 well since at least January 1, 2013. The three oil production wells owned by Versluis Orchards are the WE Sackner wells #1, #3, and #5 ("the Sackner wells"), in the Walker Field, T7N, R12W, Section 29.

50. Respondent's Response stated that Versluis Orchards is a neighboring farm, located at 145 Maynard Avenue Northwest, Grand Rapids, Michigan, 49504.

51. During the period from January 1, 2013 to March 26, 2016, Versluis Orchards contacted Respondent to haul its brine around three times a year. Mr. Langerak would pick up about 60 barrels (bbl.) at a time for a total of about 180 bbl. per year. Respondent determined this volume by reading the fluid level indicator gauge on the tanker.

52. Respondent's Response stated that Versluis Orchards usually paid Mr. Langerak \$130.00 in cash to haul and dispose of brine from the Sackner wells into the Riverside #2 well.

53. Respondent's Response stated that the information regarding the hauling and disposal and cash transactions were never recorded.

54. The Sackner wells are not approved sources of injection fluid for the Riverside #2 well, and are not owned or operated by Respondent.

55. Thus, each day Respondent injected fluids from unapproved sources in its Riverside #2 well is a violation of the Permit, the UIC regulations at 40 C.F.R. §§ 144.11 and 144.51(a), and SDWA.

Count II - Failure to Make Required Notifications

56. The statements in Paragraphs 1 through 55 of the CAFO are hereby incorporated by reference as if set forth in full.

57. Part I (E)(9)(a) of the Permit requires the Respondent to notify and obtain EPA's approval at least 30 days prior to any changes in the injection fluids.

58. Respondent hauled and disposed of salt water or brine from the Sackner wells around three times a year, from at least January 1, 2013 to March 26, 2016.

59. Respondent changed its injection fluid by injecting salt water or brine from the Sackner wells without notifying EPA, or obtaining EPA's approval.

60. Thus, each day Respondent failed to notify and obtain EPA's approval prior to making changes to its injection fluids is a violation of the Permit, the UIC regulation at 40 C.F.R. § 144.51, and SDWA.

Count III - Failure to Submit Chemical Composition Analyses of New Injection Fluids

61. The statements in Paragraphs 1 through 60 of the CAFO are hereby incorporated by reference as if set forth in full.

62. Part I (E)(9)(a) of the Permit requires the Respondent to submit an analysis of new injection fluids to EPA for approval within 10 days prior to injection in accordance with Parts II (B)(2) and (3) of the Permit.

63. Thus, each day Respondent failed to submit an analysis of the new injection fluids produced from the Sackner wells to EPA for approval prior to injecting this new fluid into the Riverside #2 well is a violation of the Permit, the UIC regulation at 40 C.F.R. § 144.51, and SDWA.

Count IV - Failure to Monitor Injection Pressures

64. The statements in Paragraphs 1 through 63 of the CAFO are hereby incorporated by reference as if set forth in full.

65. Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) of the Permit require injection pressure to be measured and recorded at least weekly, and be reported to EPA on a monthly basis.

66. Part II (B)(2)(d) of the Permit states that all gauges used in monitoring shall be calibrated in accordance with the Permit.

67. Respondent failed to take weekly measurements of injection pressure with a gauge from at least February of 2013 to March of 2016.

68. Thus, each day Respondent failed to measure with a gauge and record the injection pressure of the Riverside #2 well, and consequently failed to accurately report such measurements to EPA is a violation of the Permit, the UIC regulation at 40 C.F.R. § 144.51, and SDWA.

Count V - Failure to Monitor Annulus Pressure

69. The statements in Paragraphs 1 through 68 of the CAFO are hereby incorporated by reference as if set forth in full.

70. Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) of the Permit require annulus pressure to be measured and recorded at least weekly, and be reported to EPA on a monthly basis.

71. Part II (B)(2)(d) of the Permit states that all gauges used in monitoring shall be calibrated in accordance with the Permit.

72. Respondent failed to take weekly measurements of annulus pressure with a gauge from at least February of 2013 to March of 2016.

73. Thus, each day Respondent failed to measure with a gauge and record the annulus pressure of the Riverside #2 well, and consequently failed to accurately report such measurements to EPA, is a violation of the Permit, the UIC regulation at 40 C.F.R. § 144.51, and SDWA.

Count VI - Failure to Retain Records of All Monitoring

74. The statements in Paragraphs 1 through 73 of the CAFO are hereby incorporated by reference as if set forth in full.

75. Part I (E)(8)(a) of the Permit requires the Respondent to retain records of all monitoring information, including all calibration and maintenance records and copies of all records required by the Permit, for at least three years from the date of the sample, measurement, or report.

76. Amongst other information, Part I (E)(8)(c) of the Permit requires that records of monitoring information shall include (i) the date, exact place, and time of sample or measurements, and (ii) the individual(s) who performed the sampling or measurements.

77. In Respondent's Response, Respondent stated that Mr. Langerak "inspected" the Riverside #2 well at least every Monday, and most weeks multiple times per week.

78. Respondent's Response further stated "[t]he raw data from the weekly, monthly, and quarterly inspections was routinely logged into a computer" but that Mr. Langerak did not keep copies of the monthly reports sent to EPA for the Riverside #2 well.

79. Thus, each day Respondent failed to retain records of all monitoring information, and copies of all records required by the Permit is a violation of the Permit, the UIC regulation at 40 C.F.R. § 144.51, and SDWA.

Civil Penalty

80. Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), requires the Administrator to take into account the seriousness of the violation, the economic benefit (if any) resulting from the violation; any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require, when assessing a civil penalty for violations of SDWA.

81. 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), and the economic impact of the penalty on

the violator in particular, as well as EPA's UIC Program Judicial and Administrative Order Settlement Penalty Policy (September 1993), and Respondent's good faith and cooperation in resolving this matter, EPA has determined that an appropriate civil penalty to settle this action is \$5,000.

82. Within 30 days of the effective date of this CAFO, Respondent must pay a \$5,000 civil penalty by sending a cashier's or certified check by express mail, 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.

83. At the time of payment, Respondent must also send a copy of a notice of payment and a transmittal letter, stating Respondent's name and complete address, and the docket number of this CAFO, to EPA at the following addresses:

Timothy Elkins (WU-16J)
Underground Injection Control Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Sarah Stillman (C-14J)
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

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

85. 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 from the date payment was due at a rate established by the Secretary of the Treasury; the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a \$15 handling charge each month that any portion of the penalty is more than 30 days past due; and 6% per year penalty on any principal amount 90 days past due.

Compliance Requirements

86. As provided by Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2), Respondent shall, for a period of two years from the effective date of this CAFO:

- (i) Immediately cease injection of fluids other than from sources owned and operated by Respondent, and approved by EPA;
- (ii) Record and retain all monitoring information, including the date, exact place, and time of sample or measurements, the individual(s) who performed the sampling or measurements, and all calibration records from the date of the sample, measurement or report;
- (iii) Include documentation of gauge calibration certification and/or gauge replacement with the Respondent's annual report required by the Permit to be submitted to EPA, and postmarked no later than the 10th day of the first month
- (iv) Within 14 days of the effective date of this CAFO, use calibrated gauges for all monitoring and/or replace them with new gauges on an annual basis;
- (v) Within 30 days of the effective date of this CAFO, submit to EPA analyses of injection fluids from production wells owned or operated by Respondent which were not previously approved by EPA, along with a written request to the Director for approval;
- (vi) Within 30 days of the effective date of this CAFO, establish and implement a record keeping system capable of properly preserving and retaining records required by the Permit;
- (vii) Within 30 days of the effective date of this CAFO, submit to EPA copies of all records of monitoring information with its monthly reports. Reports and records of

all monitoring information shall be postmarked no later than the 10th day of the month following the reporting period;

- (viii) Within 90 days of the effective date of this CAFO, Respondent will submit to EPA and implement a standard operating procedure (“SOP”) for use in providing adequate direction to all staff in monitoring, recording, and reporting practices required by the Permit. The SOP must address procedures for measuring injection pressure, annulus pressure, flow rate and cumulative volume with calibrated gauges and flow meters or totalizers. The SOP must also address how all monitoring information will be maintained, including all calibration and maintenance records and copies of all records from the date of the sample, measurement or report.

87. In accordance with Part I (E)(11) of the Permit, all reports, notifications, documentation, and submissions required by this CAFO shall 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.”

88. 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 40 C.F.R. § 2.203(b). The name and address of any permit applicant or permittee and information which deals with the existence, absence, or level or contaminants in drinking water is not entitled to confidential treatment. 40 C.F.R. § 144.5. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40

C.F.R. Part 2, Subpart B. If Respondent does not assert a claim of business confidentiality when it submits the information, EPA may make the information available to the public without further notice.

89. 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.

90. 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.

91. Upon EPA approval, submissions by Respondent are incorporated and enforceable as part of this CAFO. In case of inconsistency between any submission by Respondent and this CAFO and its subsequent modifications, this CAFO and its subsequent modifications shall control.

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

93. 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.

General Provisions

94. Pursuant to 40 C.F.R. § 22.5, the parties consent to service of this CAFO by email at the following email addresses: stillman.sarah@epa.gov (for Complainant) and jbeard@mikameyers.com (for Respondent).

95. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts 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).

96. 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. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

97. If Respondent fails to comply with the requirements set forth in Paragraph 86 above, EPA may request the United States Department of Justice bring an action to seek penalties for violating this CAFO.

98. This CAFO does not in any case affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law not alleged in this CAFO.

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

100. Respondent certifies that it is complying with Section 1423 of SDWA, 42 U.S.C. § 300h-2, and its Permit.

101. This CAFO constitutes a "previous violation" as that term is used in EPA's UIC Program Judicial and Administrative Order Settlement 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).

102. The terms of this CAFO bind Respondent and its officers, directors, agents, servants, employees, and its successors and assigns.

103. 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.

104. Each party agrees to bear its own costs and attorneys' fees in this action.

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

106. 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 his proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

107. In accordance with 40 C.F.R. §§ 22.18(b)(3), 22.31(b), and 22.45, this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

**Consent Agreement and Final Order
In the Matter of: Great Lakes Petroleum Producers, Inc.
Docket No. SDWA-05-2019-0001**

Great Lakes Petroleum Producers, Inc., Respondent

10/16/2018
Date

Kenneth R. Langerak
Kenneth R. Langerak
Great Lakes Petroleum Producers, Inc.

United States Environmental Protection Agency, Complainant

10/23/18
Date

Linda Holst
Linda Holst
Acting Director
Water Division
U.S. Environmental Protection Agency, Region 5

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Docket No. SDWA-05-2019-0001

Final Order

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

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