

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

1595 WYNKOOP STREET DENVER, CO 80202-1129 Phone 800-227-8917

http://www.epa.gov/region08

July 21, 2020 11:17 AM

Received by

DUCKET NO.: CWA	EPA Region VIII	
IN THE MATTER OF:)	Hearing Clerk
THE REATA PETROLEUM CORPORATION) FINAL ORDER)	
DEGRONDENT)))	
RESPONDENT		

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice, the Expedited Penalty Action and Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Expedited Penalty Action and Consent Agreement, effective immediately upon filing this Expedited Penalty Action and Consent Agreement and Final Order.

SO ORDERED THIS 21st	DAY OF ^{July}	, 2020.
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ELYANA SUTIN Digitally signed by ELYANA SUTIN Date: 2020.07.21 11:16:14 -06'00'

Elyana Sutin Acting Regional Judicial Officer

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In the Matter of:)	EXPEDITED PENALTY ACTION AND CONSENT AGREEMENT EPA Region VII Hearing Clerk
The Reata Petroleum Corporation, Respondent)	Docket No.: CWA-08-2020-0016

On August 22, 2018, authorized representatives of the United States Environmental Protection Agency (EPA) conducted an inspection of the facility known as the Reata Petroleum gas station and convenience store at 1305 Barlow Road in Fort Morgan, Colorado. The facility is owned and/or operated by The Reata Petroleum Corporation (Respondent). The purpose of the inspection was to determine compliance with the Spill Prevention Control and Countermeasure regulations promulgated at 40 C.F.R. Part 112, Subparts A-C, under Section 311(j) of the Clean Water Act (Act), 33 U.S.C. §1321(j). As a result, the EPA has found that Respondent, a "person" as defined in section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7), violated the regulations as described in attached Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, Proposed Penalty Form (Violations Form), which is hereby incorporated by reference.

Respondent and the undersigned EPA Complainant enter into this Expedited Penalty Action and Consent Agreement (Consent Agreement) to settle Respondent's federal civil penalty liability for the violations set forth in the Violations Form for a penalty payment of \$700. This Consent Agreement and any final order by an EPA Regional Judicial Officer ratifying this Consent Agreement (Final Order) will commence and conclude this action pursuant to Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations set forth in the Violations Form have been corrected.

Respondent consents to the assessment of a penalty in the amount specified above. The Respondent agrees that it shall, within 30 calendar days of the date of issuance of the Final Order, make payment in this amount by any of the methods provided on the website https://www.epa.gov/financial/makepayment, a printout of which is attached and entitled "Payment Instructions." The payment shall also indicate it is payable to "Oil Spill Liability Trust Fund-311" and be identified with the docket number that appears on the Final Order. Within 24 hours of payment, the Respondent shall also send proof of payment to each of the following:

Darla Hohman, Environmental Scientist Enforcement and Compliance Assistance Division (8ENF-RO-O) Region 8, U.S. Environmental Protection Agency hohman.darla@epa.gov and

Melissa Haniewicz, Regional Hearing Clerk Region 8, U.S. Environmental Protection Agency haniewicz.melissa@epa.gov

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements.

Consistent with Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), Respondent will not deduct penalties paid under this Consent Agreement for federal tax purposes.

This Consent Agreement and the accompanying Final Order resolve only the federal civil penalty claim for the specific violation alleged in the Violations Form. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, the EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations, to enforce the provisions of this Consent Agreement and the Final Order following its filing with the Regional Hearing Clerk. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent neither admits nor denies the allegations set forth in the Violations Form, but Respondent admits that the EPA has jurisdiction over this matter under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and 40 C.F.R. Part 22. For the purposes of this proceeding, Respondent waives any right to contest the allegations in the Violations Form and its right to appeal the proposed Final Order that would ratify this Consent Agreement. Moreover, Respondent agrees to bear its own costs and attorney's fees related to this Consent Agreement. The parties consent to service of this Consent Agreement and the Final Order by e-mail at the following valid e-mail addresses: livingston.peggy@epa.gov (for Complainant), and real particle unit addresses:

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and to legally bind Respondent to it.

SIGNATURE BY RESPONDENT:	
Signature Kathy Langu Dat	e 6/26/2020
Name and Title (print): KATHY SANGER Mailing Address: 2170 Cast Chestnut Street Sterling Co 80751 Email Address: reata petroleum Lagrani. con Telephone: 970-522-0988	1
SIGNATURE BY EPA/COMPLAINANT:	
Janice Pearson Digitally signed by Janice Pearson Date: 2020.06.30 16:52:03 -06'00'	Date June 30, 2020
Janice Pearson, Chief RCRA/OPA Enforcement Branch Region 8, U.S. Environmental Protection Agency 1595 Wynkoop Street Denver, Colorado 80202	
FINAL ORDE	
Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) and (c), thereby approved and incorporated by reference into this	this Consent Agreement resolving this matter is Final Order.
Respondent is hereby ORDERED to comply with all of upon the date of signature of this Final Order.	the terms of this Consent Agreement, effective
Regional Judicial Officer	Date

CERTIFICATE OF SERVICE

The undersigned certifies that the attached EXPEDITED ACTION SETTLEMENT AND **CONSENT AGREEMENT** and the **FINAL ORDER** in the matter of **THE REATA** PETROLEUM CORPORATION; DOCKET NO.: CWA-08-2020-0016 was filed with the Regional Hearing Clerk on July 21, 2020.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Peggy Livingston, Enforcement Attorney, and sent via certified receipt email on July 21, 2020, to:

Respondent

Kathy J. Sanger, Registered Agent The Reata Petroleum Corporation Reatapetroleum1@gmail.com

EPA Financial Center

Jessica Chalifoux U. S. Environmental Protection Agency Cincinnati Finance Center Chalifoux.Jessica@epa.gov

July 21, 2020

MELISSA HANIEWICZ Date: 2020.07.21

Digitally signed by MELISSA HANIEWICZ

Melissa Haniewicz Regional Hearing Clerk