

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

2016 SEP 30 AM 7:06

USEPA, REGION 4
OFFICE OF REGIONAL
COUNSEL

HEARING CLERK

IN THE MATTER OF

Countrymark Energy Resources, LLC
100 Saint Ann Street
Ownsboro, Kentucky 42303

Docket No. SDWA-04-2016-1004(b)


Respondent

JOINT MOTION TO WITHDRAW FINAL ORDER

Comes now the Complainant, the U.S. Environmental Protection Agency, Region 4, and Respondent and request pursuant to 40 C.F.R § 22.16 that the Consent Agreement and Final Order (CAFO) issued in this matter by the Regional Judicial Officer, Tanya Floyd on September 20, 2016, be withdrawn. Such CAFOs are to be issued in accordance with 40 C.F.R. Part 22. Subsequent to the CAFO becoming final it came to the attention of the Complainant and Respondent that there were errors in the CAFO that did not correctly reflect the settlement reached by both parties. The CAFO submitted for public notice mistakenly alleged that Respondent was in violation of the Safe Drinking Water Act (SDWA) 42 U.S.C. § 300f, *et seq.*, for four Underground Injection Control (UIC) wells subject to UIC Permits: Permit Nos. KYA0715, KYA0997, KYI0801, and KYI1029. In actual fact, Respondent had only two wells that failed to comply with conditions of its Permits (KYA0715 and KYI0801). The penalty alleged in the CAFO was correct and was for violation of permit conditions for 2 wells.

Complainant and Respondent request that CAFO issued on September 20, 2016, be withdrawn and seek leave to file a new CAFO with the corrections necessary to fully comply with 40 C.F.R. Part 22. Furthermore, both Complainant and Respondent understand that the new CAFO will be submitted for public notice.

Respectfully submitted this 30th day of September 30, 2016.

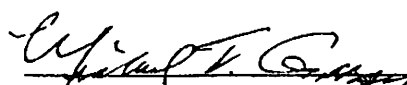


Wilda Cobb

Associate Regional Counsel
US Environmental Protection Agency, Region 4

RESPONDENT

Date 9/29/16



Michael Gibbons, Vice-President of Production
Countrymark Energy Resources, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the foregoing JOINT MOTION TO WITHDRAW FINAL ORDER, in the Matter of Countrymark Energy Resources, LLC, Docket No. SDWA-04-2016-1004(b) on the parties listed below in the manner indicated:

Tony Shelton

Via EPA Internal Mail

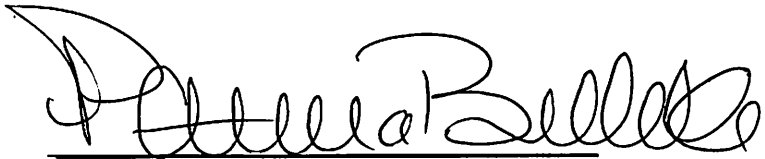
Wilda Cobb

Via EPA Internal Mail

Michael Gibbons
Countrymark Energy Resources, LLC
100 Saint Ann Street
Owensboro, Kentucky 42303

Via Certified Mail/ Return Receipt Requested

Date: 9-30-16



Patricia A. Bullock, Regional Hearing Clerk
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