

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 JUN 29 AM 9:04
FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:) Docket No.
)
Family Tree Corporation) **JOINT SETTLEMENT REPORT AND**
2150 W. 29th Avenue, Suite 500) **SECOND REQUEST TO EXTEND TIME FOR**
Denver, CO 80202) **FILING AN ANSWER**
)
Respondent.)

The United States Environmental Protection Agency, Region 8 (EPA), and Family Tree Corporation, by and through their undersigned representatives, hereby provide the Honorable Elyana R. Sutin, Regional Judicial Officer, with the following Joint Settlement Report and Second Request to Extend Time for Filing an Answer to update the Judge on the status of the parties' voluntary settlement efforts in the above-referenced matter and need for additional time to achieve a settlement in lieu of Respondent filing an Answer.

1. EPA filed an Administrative Complaint and Opportunity to Request a Hearing against Family Tree Corporation on May 27, 2011, under sections 309(g) and 311b(6)(B)(ii) of the Clean Water Act for alleged violations of the oil pollution prevention regulations set forth at 40 C.F.R. Part 112 at its Pilot Butte facility located in Fremont County, Wyoming. The Complaint proposed a civil administrative penalty.
2. Pursuant to the Order Granting Extension of Time to File Answer issued by Judge Sutin on June 27, 2011, Respondent's deadline for filing an Answer in this matter was extended through August 19, 2011.
3. The parties have been working informally to resolve the matter outside of litigation.

4. As a precursor to settlement, Respondent has been working to return the facility to

compliance with the Spill Prevention, Control and Countermeasure (SPCC) regulations.

including addressing the physical SPCC deficiencies and updating the SPCC plan.

5. On August 5, 2011, Respondent submitted a counter-offer for Complainant's

review.

6. The parties believe that it is in their best interest to resolve this matter outside of

litigation.

7. Subject to the Judge granting the parties' joint second request for an extension of

time for filing an Answer, the parties will either file a fully executed Consent Agreement or

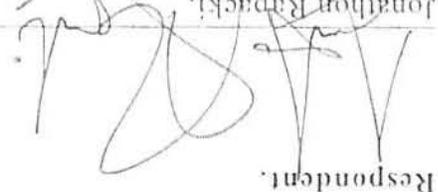
Respondent will file an Answer on or before September 30, 2011.

Respectfully submitted this 18th day of August, 2011.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.


Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129
Telephone: 303/312-6906

FAMILY TREE CORPORATION,
Respondent.


Jonathan Rapacki,
Family Tree Oil & Gas

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT SETTLEMENT REPORT AND SECOND REQUEST TO EXTEND TIME TO FILE AN ANSWER was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent in the following manner to the addresses listed below:

Via hand-delivery to:

The Honorable Elyana R. Sutin, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Via regular mail to:

Jonathon Rapacki,
Family Tree Oil & Gas
2150 W. 29th Avenue, Suite 500
Denver, CO 80211

Date: 8/19/2011

By: 