



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

APR 22 2015

Ref: 8ENF-L

MEMORANDUM

SUBJECT: In the Matter of Whiting Oil and Gas Corporation
Docket No. CAA-08-2015-0012
Combined Complaint and Consent Agreement

FROM: Suzanne J. Bohan, Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice

TO: Hon. Elyana R. Sutin, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice is transmitting a combined complaint and consent agreement (CCCA) in the above-referenced matter. We request that you issue a final order approving it.

This action arises out of a voluntary self-disclosure report that the respondent Whiting Oil and Gas Corporation (Whiting) submitted to the EPA on September 23, 2014 pursuant to the EPA's audit policy, entitled Notification Under Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (Audit Policy), 65 Fed. Reg. 19,618-19,627 (April 11, 2000).

Based on Whiting's self-disclosure report, the EPA found violations of the federal Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671, and 40 C.F.R. part 60, subpart JJJJ--Standards of Performance for Stationary Spark Ignition Internal Combustion Engines at various oil and gas production facilities located in the State of Colorado. Whiting has notified the EPA of corrective actions taken to address these violations.

Under the Audit Policy, the EPA has discretion to assess a penalty equivalent to the economic benefit Whiting gained because of its noncompliance. Based upon the information submitted by Whiting, the EPA has determined that Whiting satisfied all applicable conditions set forth in the Audit Policy and, therefore, qualifies for a 100% reduction of the gravity component of the civil penalty that would otherwise apply to these violations. Specifically, the violations were discovered through an audit or through a compliance management system reflecting due diligence; the violations were discovered voluntarily; the violations were promptly disclosed to the EPA in writing; the violations were disclosed prior to commencement of an agency inspection or investigation, notice of a citizen suit, filing of a complaint by a third party, reporting of the violations by a "whistleblower" employee, or imminent discovery by a regulatory agency; the violations have been corrected; appropriate steps have been taken to prevent a recurrence of the violations; the violations have not resulted in serious actual harm nor



presented an imminent and substantial endangerment to human health or the environment and they did not violate the specific terms of any judicial or administrative final order or agreement to which Whiting is a party; and Whiting has cooperated as requested by the EPA.

The EPA has determined that based on the Audit Policy, it is appropriate to assess a penalty of \$1,303, which reflects the economic benefit attributable to the CAA violations alleged in this action. Whiting has agreed to pay the penalty. The EPA has entered into this settlement under the authority of section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

The EPA has not issued a public notice of this action, because none is required under the applicable statute. However, the EPA conferred with the Colorado Department of Public Health and the Environment regarding this matter.

Whiting is represented by Clay Taylor, Attorney, 1700 Broadway, Suite 2300, Denver, Colorado 80290. His telephone number is (303) 390-4900 and his email address is clay.taylor@whiting.com.

The EPA attorney for this matter is Abigail Dean, Enforcement Attorney, at (303) 312-6106.

cc: Clay Taylor

Enclosure (CCCA)