

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

**FILED**

**Aug 06, 2025**

**2:28 pm**

**U.S. EPA REGION 8  
HEARING CLERK**

IN THE MATTER OF:

MERIT ENERGY COMPANY, LLC,  
  
Respondent.

**CONSENT AGREEMENT**

Docket No. CWA-08-2025-0013

**I. INTRODUCTION**

1. This is an administrative penalty assessment proceeding pursuant to sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules of Practice), as codified at 40 C.F.R. part 22.
2. The parties to this proceeding are the U.S. Environmental Protection Agency (EPA), through the authorized undersigned EPA official, (Complainant) and Merit Energy Company, LLC (Merit), through the authorized undersigned Merit official (Respondent).
3. Respondent owns and/or operates the Phelps Field Tank Battery (Facility) located in Park County, Wyoming.
4. The parties, having agreed settlement of this action is in the public interest, consent to the entry of this consent agreement (Agreement) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Agreement.

**II. JURISDICTION**

5. This Agreement is issued under the authority of section 311(b)(6) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6). This is a Class II proceeding, as described in section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii).
6. This proceeding is subject to the Consolidated Rules of Practice, under which a proceeding may be simultaneously commenced and concluded by a final order from a Regional Judicial Officer or Regional Administrator ratifying a consent agreement. 40 C.F.R. § 22.13(b).

### **III. GOVERNING LAW**

7. The objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. 33 U.S.C. § 1251(a).

#### **Oil Discharge Prohibition**

8. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), prohibits discharging oil into or upon the navigable waters of the United States in such quantities as may be harmful as determined under section 311(b)(4) of the Act, 33 U.S.C. § 1321(b)(4).
9. Section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), defines "discharge" to include "any spilling, leaking, pumping, pouring, emitting, emptying or dumping . . . ."
10. Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), defines oil as "oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil."
11. Section 502(7) of the Act, 33 U.S.C. § 1362(7), defines "navigable waters" as "waters of the United States, including the territorial seas." In turn, "waters of the United States" has been defined to include, *inter alia*, all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; and tributaries to such waters. 40 C.F.R. §§ 122.2 and 110.1.
12. Section 311(b)(4) of the Act, 33 U.S.C. § 1321(b)(4), directed the President to determine by regulation, for purposes of section 311 of the Act, those quantities of oil and any hazardous substances the discharge of which may be harmful to the public health or welfare of the United States, including but not limited to fish, shellfish, wildlife and public and private property, shorelines, and beaches. The President delegated the authority to make this determination to the EPA Administrator in section 8(a) of Executive Order No. 12777 (56 Fed. Reg. 54757, October 21, 1991).
13. In response to the directive referenced in paragraph 12, above, the EPA Administrator promulgated 40 C.F.R. § 110.3. That regulation provides that a discharge of oil may be harmful to the public health or welfare or the environment of the United States if that discharge (a) violates applicable water quality standards or (b) causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
14. Consequently, a discharge of oil that (a) violates applicable water quality standards or (b) causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the

surface of the water or upon the adjoining shorelines is prohibited by section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

### **Spill Prevention Control and Countermeasure Requirements**

15. In section 311(j) of the Act, 33 U.S.C. § 1321(j), Congress directed the President to issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil . . . from vessels and from onshore and offshore facilities, and to contain such discharges . . . .” 33 U.S.C. § 1321(j)(1)(C). The President delegated the authority to issue these regulations to the EPA Administrator in section 2(b)(1) of Executive Order No. 12777 (56 Fed. Reg. 54757, October 21, 1991).
16. In response to the directive referenced in paragraph 15, above, the EPA promulgated 40 C.F.R. part 112, entitled “Oil Pollution Prevention.”
17. A facility subject to 40 C.F.R. part 112 is required to prepare a written Spill Prevention, Control, and Countermeasure (SPCC) plan and to adhere to the discharge prevention and containment practices specified in that regulation. 40 C.F.R. § 112.3. *See* 33 U.S.C. § 1321(j). The regulations in 40 C.F.R. part 112, subparts A through C, will be referenced in this Agreement as the “SPCC Regulations.”
18. The SPCC Regulations apply to “any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in [40 C.F.R. part 110], into or upon the navigable waters of the United States or adjoining shorelines.” 40 C.F.R. § 112.1(b). There are certain exceptions in 40 C.F.R. § 112.1(d) that are not relevant to this proceeding.
19. As set forth in paragraph 13, above, under 40 C.F.R. § 110.3, discharges of oil that may be harmful to the public health or welfare or the environment of the United States include discharges of oil that (a) violate applicable water quality standards; or (b) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

### **Enforcement**

20. Any owner or operator of any onshore facility from which oil is discharged in violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), may be assessed an administrative civil penalty by the EPA, according to section 311(b)(6)(A)(i) of the

Act, 33 U.S.C. § 1321(b)(6)(A)(i). As adjusted for inflation pursuant to 40 C.F.R. part 19, the maximum class II penalty for violations occurring after November 2, 2015, where penalties are assessed on or after January 8, 2025, is \$23,647 per day for each day during which the violation continues, with a maximum of \$295,564. (See 90 Fed. Reg. 1375, 1377 (January 8, 2025).)

21. Any person who fails or refuses to comply with any regulation issued under section 311(j) of the Act, 33 U.S.C. § 1321(j), including the SPCC Regulations, may be assessed an administrative civil penalty by the EPA, according to section 311(b)(6)(A)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(A)(ii). As adjusted for inflation pursuant to 40 C.F.R. part 19, the maximum class II penalty for violations occurring after November 2, 2015, where penalties are assessed on or after January 8, 2025, is \$23,647 per day for each day during which the violation continues, with a maximum of \$295,564. (See 90 Fed. Reg. 1375, 1377 (January 8, 2025).)

#### **IV. ALLEGATIONS OF FACT AND LAW**

The following allegations apply at all times relevant to this Agreement:

22. Respondent is a Delaware corporation. Its registered agent for service of process in Delaware is Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.
23. Respondent does business in the State of Wyoming and is headquartered in Texas at 13727 Noel Road, Suite 1200, Tower 2, Dallas, Texas, 75240.
24. Respondent is a “person” for purposes of sections 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 122.2.
25. Respondent is an “owner or operator” of the Facility for purposes of sections 311(a)(6) and 311(j)(5), 33 U.S.C. §§ 1321(a)(6) and 1321(j)(5), and 40 C.F.R. Part 112, as that term is defined in section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 122.2.
26. The Facility is located in Park County, Wyoming.
27. The Facility is a collection of tanks, connected by underground lines and collection and testing systems, that receives crude oil and produced water from production wells. The Facility includes the “Spider 6 (SP6)” header and its connected flowlines that receive product from wells “Phelps No. 44,” “Phelps No. 50,” “Phelps No. 31,” “Spring Creek No. 105,” “Phelps No. 15,” “Phelps No. 22,” and “Spring Creek No. 75.” The Facility also includes a shared water injection line that connects the “Phelps No. 12” well and the “Spring Creek No. 38” well.
28. Respondent produces, gathers, stores, and transfers oil at the Facility.

29. The Facility is an “onshore facility” for purposes of sections 311(b)(6) and 311(j) of the Act, 33 U.S.C. §§ 1321(b)(6) and 1321(j), as that term is defined in section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.
30. On or about June 4, 2022, Respondent discharged approximately 125 barrels of produced water and crude oil from the Facility into the Short Fork of the Meeteetse Creek in Park County, Wyoming (The June 2022 Discharge). The June 2022 Discharge originated from a flowline on SP6.
31. Respondent reported the June 2022 Discharge to the United States Coast Guard National Response Center (NRC) on or about June 7, 2022 (NRC Report No.1338067) and supplemented that report on or about June 10, 2022 (NRC Report No. 1338425).
32. On or about July 10, 2023, Respondent discharged approximately 528 barrels of produced water and crude oil from the Facility into the Short Fork of the Meeteetse Creek in Park County, Wyoming (The July 2023 Discharge). The July 2023 Discharge originated from a shared water injection line that connects the “Phelps No. 12” well and the “Spring Creek No. 38” well.
33. Respondent reported the July 2023 Discharge to the NRC on or about July 10, 2023 (NRC Report No. 1372716) and supplemented that report on or about July 31, 2023 (NRC Report No. 1374807).
34. The produced water and crude oil referenced in paragraph 30, above, and the produced water and crude oil referenced in paragraph 32, above, released during the June 2022 Discharge and the July 2023 Discharge, respectively, constitute “oil” as defined in section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).
35. The June 2022 Discharge and the July 2023 Discharge were each a “discharge” within the meaning of section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2).
36. The June 2022 Discharge and the July 2023 Discharge each caused a sheen on the surface of the water and/or its adjoining shorelines, and/or caused a sludge or emulsion to be deposited beneath the surface of the water and/or upon the adjoining shorelines of the Short Fork of the Meeteetse Creek.
37. The June 2022 Discharge and the July 2023 Discharge were each a discharge of oil in such quantities as may be harmful under section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), and 40 C.F.R. § 110.3.
38. The Short Fork of the Meeteetse Creek is a perennial stream that flows to the Meeteetse Creek.
39. The Meeteetse Creek is a perennial stream that flows to the Greybull River.

40. The Greybull River flows to the Big Horn River, which is a traditional navigable water within the meaning of section 502(7) of the Act, 33 U.S.C. § 1362(7).
41. The Short Fork of the Meeteetse Creek, the Meeteetse Creek, the Greybull River, and the Big Horn River are each a “navigable water” as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7).
42. The Facility has an aggregate above-ground storage capacity, including the capacity of any bunkered or partially buried tank (as defined in 40 C.F.R. § 122.2), greater than 1320 gallons of oil in containers that each have a shell capacity of at least 55 gallons.
43. The Facility is located to the north of the Short Fork of the Meeteetse Creek.
44. During the June 2022 Discharge, oil flowed approximately 265 feet from a flowline on SP6, as alleged above in paragraph 32, to the Short Fork of the Meeteetse Creek, and along the Short Fork of the Meeteetse Creek for approximately 1.72 miles before entering the Meeteetse Creek.
45. During the July 2023 Discharge, oil flowed approximately 865 feet from a shared injection line, as alleged above in paragraph 33, to the Short Fork of the Meeteetse Creek, and along the Short Fork of the Meeteetse Creek for approximately 1.72 miles before entering the Meeteetse Creek.
46. From the confluence with the Short Fork of the Meeteetse Creek, the Meeteetse Creek flows approximately 11.3 miles to the Greybull River, which flows approximately 50.4 miles to connect to the Big Horn River.
47. Due to its location, the Facility could reasonably be expected to discharge oil and/or other pollutants to the Short Fork of the Meeteetse Creek, the Meeteetse Creek, the Greybull River, and/or the Big Horn River, and/or the adjoining shorelines to those waters, in quantities that would (a) violate applicable water quality standards or (b) cause a film or sheen upon or discoloration of the surface of the navigable waters of the United States or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of such water or adjoining shorelines.
48. The Facility is a “non-transportation related” facility” as that term is defined in 40 C.F.R. § 112.2.
49. At all relevant times, the Facility has been subject to the SPCC Regulations.
50. To comply with the SPCC Regulations, SPCC plans must meet all applicable requirements in 40 C.F.R. part 112. 40 C.F.R. § 112.3. Whenever an SPCC plan does not comply with certain applicable requirements of 40 C.F.R. part 112, the plan must state the reasons for nonconformance and describe in detail alternative

methods and the means of achieving equivalent environmental protection. 40 C.F.R. § 112.7(a)(2).

51. On or about May 26, 2023, Respondent submitted its October 2021 SPCC plan for the Facility to the EPA (the October 2021 SPCC Plan).
52. The EPA reviewed the October 2021 SPCC Plan and found deficiencies in portions of the plan, which EPA alleged to Respondent did not comply with the requirements in 40 C.F.R. part 112.
53. The October 2021 SPCC Plan did not comply with the requirements in 40 C.F.R. § 112.7(a)(3).
54. The October 2021 SPCC Plan did not comply with the requirements of 40 C.F.R. § 112.7(a)(4).
55. The October 2021 SPCC Plan did not comply with the requirements of 40 C.F.R. § 112.7(e).
56. The October 2021 SPCC Plan did not comply with the requirements of 40 C.F.R. § 112.9(b)(1).
57. The October 2021 SPCC Plan did not comply with the requirements of 40 C.F.R. § 112.9(c).
58. The October 2021 SPCC Plan did not comply with the requirements of 40 C.F.R. § 112.9(d)(iv).
59. On February 21, 2025, Respondent submitted to EPA a proposed revised SPCC plan for the Facility (revision date February 19, 2025) to address the deficiencies alleged by EPA. On March 20, 2025, EPA confirmed its agreement that the proposed revisions met all applicable requirements specified in 40 C.F.R. part 112.
60. On April 17, 2025, Respondent submitted to EPA a certified revised SPCC plan for the Facility (the April 2025 SPCC Plan), which is the finalized version of the proposed plan described above in Paragraph 60. The April 2025 SPCC Plan replaces the October 2021 SPCC Plan and is the SPCC plan in place for the Facility as of the Effective Date of this Agreement.

## **V. ALLEGED VIOLATIONS OF LAW**

The Complainant alleges the following violations:

### **Count 1: Discharge of Oil in June 2022**

61. As set forth above in Section IV, the June 2022 Discharge, described above in paragraph 30, was a violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

### **Count 2: Discharge of Oil in July 2023**

62. As set forth above in Section IV, the July 2023 Discharge, described above in paragraph 32, was a violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

### **Count 3: Failure to Prepare an Adequate SPCC Plan**

63. As set forth above in Section IV, the October 2021 SPCC Plan deficiencies alleged above in paragraphs 53 to 58 were each violations of section 311(j) of the Act, 33 U.S.C. § 1321(j), and 40 C.F.R. § 112.3.

## **VI. TERMS OF CONSENT AGREEMENT**

64. For the purpose of this proceeding, Respondent by signing this Agreement:
- a. admits the facts set forth in paragraph 3 of this Agreement;
  - b. admits the jurisdictional allegations in section II of this Agreement;
  - c. neither admits nor denies the factual allegations in sections IV and V of this Agreement;
  - d. consents to the assessment of a civil penalty as stated below;
  - e. acknowledges this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action; and
  - f. waives (i) any right to contest the allegations in this Agreement, (ii) any rights or defenses Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and (iii) any right to appeal or challenge the lawfulness of any final order ratifying this Agreement.
65. In determining the amount of the penalty to be assessed, the EPA considered the seriousness of the violation or violations; the economic benefit to the violator, if any, resulting from the violation; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize the effects of the discharge; the economic impact of the penalty on the violator; and any other matters as justice



shall require, in accordance with section 311(b)(8), 33 U.S.C. § 1321(b)(8).

66. Based on the allegations in sections IV and V above, and having considered the penalty assessment factors cited in paragraph 66, above, the Complainant has determined a civil penalty of is \$140,000 is appropriate to settle this proceeding.
67. Respondent agrees to pay a civil penalty in the amount of \$140,000 (Penalty) within 30 calendar days after an executed version of the order ratifying this Agreement is filed with the Regional Hearing Clerk (Filing Date), unless otherwise provided in that order.
68. Respondent shall pay the Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website <https://www.epa.gov/financial/makepayment>. For additional instructions, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
69. When making a payment, Respondent shall:
  - a. identify every payment with Respondent's name and the docket number that appears on the final order ratifying this Agreement,
  - b. indicate every payment is payable to "Treasurer, United States of America," and include in every payment a reference to "Oil Spill Liability Trust Fund-311," and
  - c. concurrently with any payment or within 24 hours after any payment, serve proof of such payment via electronic mail to each of the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 8  
[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)

and

Dennis Jaramillo  
Environmental Engineer  
U.S. Environmental Protection Agency, Region 8  
[jaramillo.dennis@epa.gov](mailto:jaramillo.dennis@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate payment has been made according to EPA requirements, in the amount due, and identified with Respondent’s name and the docket number that appears on the final order ratifying this Agreement.

70. Interest, Charges, and Penalties on Late Payment. Pursuant to 33 U.S.C. § 1321(b)(6)(H), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Penalty per this Agreement, the entire unpaid balance of the Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Filing Date. If the Penalty is paid within 30 days after the Filing Date (or within 30 days after the order ratifying this Agreement otherwise becomes final under 33 U.S.C. § 1321(b)(6)(D)), interest accrued is waived. If the Penalty is not paid in full within 30 days after the Filing Date, interest will continue to accrue until the unpaid portion of the Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1321(b)(6)(H). The rate of interest is the Internal Revenue Service (IRS) large corporate underpayment rate.
  - b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.
  - c. Late Payment Penalty. A 20% quarterly non-payment penalty.
71. Late Penalty Actions. In addition to the amounts described in paragraph 71, above, if Respondent fails to make timely payment of any portion of the Penalty, interest, or other charges and penalties per this Agreement, the EPA may take additional actions. The actions the EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
  - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the IRS for offset against income tax refunds, per 40 C.F.R. part 13, subparts C and H.

- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
  - d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Penalty, in addition to interest and the amounts described above, per 33 U.S.C. § 1321(b)(6)(H). In any such action, the validity, amount, and appropriateness of the Penalty shall not be subject to review.
72. Consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.
73. This Agreement applies to Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns. Respondent must give written notice and a copy of this Agreement to any successors in interest prior to any transfer of any interest in the Facility occurring prior to payment in full of the penalty referenced above. Any change in ownership or corporate control of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this Agreement.
74. The undersigned representative of Respondent certifies he or she has authority to bind Respondent to this Agreement. Complainant agrees to accept the Respondent's digital or original signature on this Agreement.
75. Except as qualified by paragraph 71, above, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
76. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service (IRS) annually, a completed IRS Form 1098-F (entitled "Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, the EPA requires, and Respondent agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall certify on its completed IRS Form W-9 that this form includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at [Chalifoux.Jessica@epa.gov](mailto:Chalifoux.Jessica@epa.gov), no later than 30 days after the due date under paragraph 68, above, for payment of the penalty, and EPA recommends encrypting IRS Form W-9 in email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five days after Respondent’s receipt of a TIN issued by the IRS.

## **VII. EFFECT OF CONSENT AGREEMENT**

77. Compliance with the final order ratifying this Agreement resolves Respondent’s liability only for federal civil penalties for the violations specifically alleged above.
78. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act, any regulation, order, or permit issued pursuant to the Act, and any other federal, state, or local laws, nor shall it restrict the EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
79. Nothing herein shall be construed to limit the authority of the EPA to pursue injunctive or other equitable relief, or criminal sanctions, for any violations of law or to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
80. If the EPA finds, after signing this Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, the EPA reserves any and all of its legal and equitable rights.

## **VIII. PUBLIC NOTICE**

81. As required by section 311(b)(6)(C) of the Act, 33 U.S.C. § 1321(b)(6)(C), and 40 C.F.R. § 22.45, prior to submitting this Agreement to the Regional Judicial Officer or Regional Administrator for approval, the EPA will provide public notice of

this Agreement and a reasonable opportunity to comment on the matter. The EPA may modify or withdraw its consent to this Agreement if comments received disclose facts or considerations indicating this Agreement is inappropriate, improper, or inadequate.

## **IX. SERVICE OF FINAL ORDER**

82. The contact information for the individuals authorized to receive service of the final order ratifying this Agreement is as follows:

For Complainant:

Robyn Emeson  
Senior Assistant Regional Counsel  
Office of Regional Counsel, Regulatory Enforcement Section  
U.S. EPA Region 8  
1595 Wynkoop St., Denver CO 80202, Mail Code: 8ORC-LE-R  
(303) 312-6485  
[Emeson.Robyn@epa.gov](mailto:Emeson.Robyn@epa.gov)

For Respondent:

Jennifer Reid  
Associate General Counsel  
Merit Energy Company  
13727 Noel Road  
Dallas, TX 75240  
(972) 628-1056  
[jen.reid@meritenergy.com](mailto:jen.reid@meritenergy.com)

83. The parties consent to service of the filing of this Agreement and the final order ratifying this Agreement at the respective email addresses in paragraph 83, above. Respondent agrees that the email address provided in paragraph 83, above, and any other address(es) Respondent provides to the Regional Hearing Clerk in connection with this proceeding may be made public when this Agreement, the final order ratifying it, and any related Certificate(s) of Service are filed or uploaded to a searchable database.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8**

Date: \_\_\_\_\_


By: \_\_\_\_\_

Suzanne Bohan, Director  
Enforcement and Compliance Assurance Division  
**Complainant**

**MERIT ENERGY COMPANY, LLC**

Date: 6/17/25

By:  \_\_\_\_\_

Chad Brister, Senior Vice President   
**Respondent**

## **CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement was transmitted by email to the Regional Hearing Clerk for EPA Region 8 at [R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov) and to Respondent at [jen.reid@meritenergy.com](mailto:jen.reid@meritenergy.com)

Date: \_\_\_\_\_

By: \_\_\_\_\_

Robyn Emeson  
Senior Assistant Regional Counsel  
Office of Regional Counsel  
Legal Enforcement Branch