

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 8

DOCKET NO.: SDWA-08-2011-0051

2011 OCT 26 AM 8:05

Marathon Oil Company

FINAL ORDER

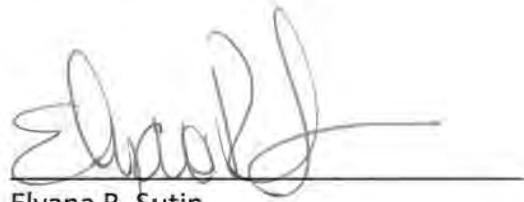
RESPONDENT

FILED
EPA REGION VIII
RECORDS CLERK

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the 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 the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

In addition, Respondent's Motion for a Third Extension of Time filed, October 11, 2011, through counsel, Kirby J. Iler, requested until October 19, 2011 to file the Consent Agreement. This Motion is now moot and does not need to be considered.

SO ORDERED THIS 26th of October, 2011.



Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 OCT 26 AM 8:05
FILED
EPA REGION VIII
HEARING CLERK

Docket No. SDWA-08-2011-0051

In the Matter of:)
)
Marathon Oil Company.) **CONSENT AGREEMENT**
1720 Carey Avenue)
Suite 200)
Cheyenne, WY 82001)
)
Respondent)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Marathon Oil Company (Respondent), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On July 25, 2011, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondent for certain violations of Part C of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h et seq., and the underground injection control (UIC) regulations promulgated thereunder.
2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint or this Consent Agreement.
4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's successors or assigns. Any change in the

ownership or corporate status 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.

This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. EPA acknowledges that Respondent is now in compliance with the violations that formed the basis of the Complaint.
6. EPA acknowledges that regarding the Shoshone 65-40 well, Respondent provided evidence that it had contacted EPA in December 2010, and obtained EPA approval of an alternate procedure in March 2011.
7. Due to Respondent's compliance and in consideration of the statutory penalty factors at 42 U.S.C § 300h-2(c)(4)(B), EPA agrees to settle this action for thirty-six thousand dollars (\$36,000.00).
8. Respondent consents and agrees to pay a civil penalty in the amount of thirty six thousand dollars (\$36,000.00), in the manner described below in this paragraph.
 - a. Payment is due within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement. If the due date falls on a weekend or legal federal holiday, then the due date becomes the next business day. The date the payment is made is considered to be the date processed. Payments received by 11:00 A.M. EST are processed on the same business day, those received after 11:00 A.M. are processed on the next business day.
 - b. The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," to:

REGULAR MAIL:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York.

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read " D 68010727
Environmental Protection Agency "

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact – Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV

Enter sfo 1.1 in the search field

Open form and complete required fields.

- c. In the event payment is not received by the specified due date, interest accrues from the date of the final order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. 3717, and will continue to accrue until payment in full is received. (i.e., on the 1st late day, 30 days of interest accrues).
 - d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the Final Order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.
 - e. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
9. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations.
10. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the Consent Agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
11. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

12. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement.
13. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a final order.
14. Each party shall bear its own costs and attorney fees in connection with this matter.
15. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

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

Complainant.

Date: 10/25/11

By: 

for Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Date: 10/25/11

By: 

Brenda L. Morris, Senior Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

MARATHON OIL COMPANY,
Respondent.



Date: 10/7/11

By: 

Name, Title: R. J. Whisonant, Operations Manager
Rocky Mountain Operations

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **MARATHON OIL COMPANY, DOCKET NO.: SDWA-08-2011-0051** was filed with the Regional Hearing Clerk on October 26, 2011.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Brenda Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on October 26, 2011, to:


Kirby J. Iler, Its Counsel
Marathon Oil Co.
1501 Stampede Avenue
Cody, WY 82414

E-mailed to:

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

Elizabeth Whitsel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

October 26, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk