



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 24 2013

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Schwarz
CSMB
1600 Stout Street
Suite 1700
Denver, Colorado 80202

Re: **Merit Energy Company, LLC, Kalkaska, Michigan and Milford, Michigan**
Consent Agreement and Final Order
Docket No. **CAA-05-2013-0020**

Dear Mr. Schwarz,

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. U.S. EPA has filed the original CAFO with the Regional Hearing Clerk on April 24, 2013. Please inform your client of their obligation to pay a civil penalty in the amount of \$51,100 in the manner prescribed in paragraphs 36-42 and please note that your client must reference their check with the docket number. In addition, your client must complete a Supplemental Environmental Project worth \$200,000 as prescribed in paragraphs 43-59.

Please feel free to contact Monika Chrzaszcz at (312) 886-0181 if you have any questions regarding the enclosed documents. Please direct any legal questions to Robert Guenther, Regional Counsel, at (312) 886-0566. Thank you for your assistance in resolving this matter.

Sincerely yours,

Michael E. Hans, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure

cc. Robert Guenther, ORC
Bill Ellsworth (Merit Energy Company, LLC)
Bill Loney (Merit Energy Company, LLC)

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA-REGION 5
2013 APR 24 AM 10:23

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	DOCKET NO.: CAA-05-2013-0020
MERIT ENERGY COMPANY, LLC,)	
)	
KALKASKA, MICHIGAN,)	PROCEEDING TO ASSESS
EPA ID: 10000006646)	A CIVIL PENALTY UNDER
and)	SECTION 113(d) OF THE
MILFORD, MICHIGAN,)	CLEAN AIR ACT,
EPA ID: 100000204897)	42 U.S.C. § 7413(d)
)	
RESPONDENT.)	
_____)	

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

1. This is an administrative action commenced and concluded under section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and 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 (the Consolidated Rules) as codified at 40 C.F.R. part 22, for violations of section 112(r) of the CAA, 42 U.S.C. § 7412(r).

2. According to 40 C.F.R. § 22.13(b), where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO).

3. Complainant is, by lawful delegation, the Director of the Superfund Division, U.S. EPA Region 5.

4. Respondent is Merit Energy Company, LLC, a limited liability corporation organized under the laws of the State of Delaware, and is thus a “person” according to section 302(e) of the CAA, 42 U.S.C. § 7602(e).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

JURISDICTION AND WAIVER OF RIGHT TO HEARING

7. Respondent stipulates that U.S. EPA has jurisdiction over the subject matter of this CAFO and waives any jurisdictional objections it may have. Respondent neither admits nor denies Complainant’s factual allegations set forth in paragraphs 23 through 31 and 33 of this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

STATUTORY AND REGULATORY BACKGROUND

9. Section 112(r)(7)(B) of the CAA, 42 U.S.C. § 7412(r)(7)(B), requires the Administrator of U.S. EPA to issue regulations regarding the prevention and detection of accidental releases of designated chemicals. These regulations further require the Administrator to promulgate regulations requiring the owners or operators of stationary sources where a regulated substance is present above a threshold quantity to prepare a risk management plan to prevent or minimize risks of accidental releases of those designated substances.

10. Pursuant to section 112(r)(7)(A) and (B) of the CAA, 42 U.S.C. § 112(r)(7)(A) and (B), the Administrator promulgated the Chemical Accident Pollution Prevention rule on January 31, 1994. This rule is codified at 40 C.F.R. part 68 and has been modified from time to time since.

11. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.12(d), requires the owner and operator of a stationary source with a process subject to Program 3, as defined at 40 C.F.R. § 68.10(d), to develop and implement a management system as required by 40 C.F.R. § 68.10(d), conduct a hazard assessment pursuant to 40 C.F.R. §§ 68.20 to 68.42, implement the prevention requirements of 40 C.F.R. §§ 68.65 to 68.87, and develop and implement an emergency response program as provided in 40 C.F.R. §§ 68.90 and 68.95. These requirements are collectively known as the “Risk Management Program.”

12. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.10(d), defines a Program 3 process as one which does not meet the requirements of a Program 1 process found at 40 C.F.R. § 68.10(b) and is subject to the process safety management standard at 29 U.S.C. § 1910.119.

13. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3, defines “stationary source” as: “any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.”

14. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3, defines “process” as “ ... any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of those activities. ... ”

15. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3, defines “regulated substance” as “ ... any substance listed pursuant to section 112(r)(3) of the Clean Air Act ... in [40 C.F.R.] § 68.130.”

16. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines “owner or operator” as “ ... any person who owns, leases, operates, controls or supervises a stationary source.”

17. The Chemical Accident Pollution Prevention rule, at 40 C.F.R. § 68.3, defines “threshold quantity” as “ ... the quantity specified for regulated substances pursuant to section 112(r)(5) of the Clean Air Act ... , listed in [40 C.F.R.] § 68.130 and determined to be present at a stationary source as specified in [40 C.F.R.] § 68.115. ... ”

18. The Chemical Accident Pollution Prevention rule, in Tables 3 and 4 referenced in 40 C.F.R. § 68.130, lists propane (CAS # 74-98-6) and ethyl mercaptan (CAS # 75-08-1) as regulated substances with threshold quantities of 10,000 pounds each. Additionally, under 40 C.F.R. § 68.115(b)(2), the rule subjects to the requirements of the rule flammable mixtures containing a regulated substance in excess of one percent of the total mixture and maintained in quantities in excess of 10,000 pounds.

19. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement imposed under section 112(r)(7),

it is unlawful for any person to operate any stationary source in violation of such requirement.

20. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), provides that the Administrator may issue an administrative order against any person assessing civil administrative penalties of up to \$25,000 per day of violation whenever the Administrator finds that person has violated a requirement of subchapter I of the CAA, including a requirement of any rule promulgated under that subchapter.

21. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. part 19, increased the statutory maximum penalty under section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), to \$32,500 per day of violation to a maximum of \$270,000 for violations occurring after March 15, 2004, through January 12, 2009, and to \$37,500 per day of violation to a maximum of \$295,000 for violations occurring after January 12, 2009.

22. Section 113(d)(1), 42 U.S.C. § 7413(d)(1), further limits the Administrator's authority to pursue administrative penalties to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving an older period of violation is appropriate for administrative penalty action.

FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

23. At all times relevant to this Complaint, Respondent owned, operated, controlled and supervised a facility located at 1080 Prough Road, Kalkaska, Michigan (the Kalkaska facility), which includes buildings, structures, equipment, installations,

which belong to the same industrial group, are located on one or more contiguous properties and which are under the control of Respondent. The Kalkaska facility is an onshore natural gas processing plant that removes natural gas liquids from field gas and that fractionates natural gas liquids into other usable natural gas products. Respondent's Kalkaska facility stores and uses propane and ethyl mercaptan and other flammable mixtures.

24. At all times relevant to this Complaint, Respondent also owned, operated, controlled and supervised a facility located at 13750 Lone Tree Road, Milford, Michigan (the Milford facility), which includes buildings, structures, equipment, installations, which belong to the same industrial group, are located on one or more contiguous properties and which are under the control of Respondent. The Milford facility is a non-fractionating onshore natural gas processing plant that sweetens field gas and removes natural gas liquids from field gas. Respondent's Milford facility stores and uses flammable mixtures.

25. Respondent's facilities in Kalkaska and Milford are "stationary sources" as that term is defined in 40 C.F.R. § 68.3.

26. Respondent is an "owner or operator" as that term is used in 40 C.F.R. § 68.3.

27. Respondent's Kalkaska facility had propane and ethyl mercaptan in quantities exceeding 10,000 pounds during calendar years 1999 through 2010. Respondent similarly maintained flammable mixtures containing more than one percent of propane, butane or other regulated substances in quantities exceeding 10,000 pounds during calendar years 1999 through 2010. Respondent thus maintained flammable

substances at its Kalkaska facility in quantities exceeding the threshold quantities under the Chemical Accident Pollution Prevention rule.

28. Respondent's Milford facility maintained flammable mixtures containing more than one percent of methane or other regulated substances in quantities exceeding 10,000 pounds during calendar years 1999 through 2010. Respondent thus maintained flammable substances at its Milford facility in quantities exceeding the threshold quantities under the Chemical Accident Pollution Prevention rule.

29. Respondent's processes at its Kalkaska and Milford facilities subject both of them to Program 3 requirements because the distance to public receptors, as defined at 40 C.F.R. § 68.30, is less than the distance to the flammable or toxic endpoint for a worst-case release assessment under 40 C.F.R. § 68.25, and because the processes are subject to the process safety management standard at 29 U.S.C. § 1910.119.

30. The Administrator of U.S EPA and the Attorney General of the United States, each through their respective delegates, have determined that administrative penalty action is appropriate for the period of violations alleged in this CAFO.

31. On September 14, 2010, Respondent's Risk Management Program for the Kalkaska facility, prepared pursuant to 40 C.F.R. § 68.12(d), failed to implement mandatory elements required by those provisions. A table listing the deficiencies in Respondent's Risk Management Program at its Kalkaska facility is attached as Table A.

32. Respondent's failure to develop and implement a complete Risk Management Program at the Kalkaska facility violates the requirements of 40 C.F.R. § 68.12(d).

33. On May 31, 2011, Respondent's Risk Management Program for the Milford facility, prepared pursuant to 40 C.F.R. § 68.12(d), failed to implement mandatory elements required by those provisions. A table listing the deficiencies in Respondent's Risk Management Program at its Milford facility is attached as Table B.

34. Respondent's failure to implement a complete Risk Management Program at the Milford facility violates the requirements of 40 C.F.R. § 68.12(d).

35. Respondent's violation of 40 C.F.R. § 68.12(d) at its Kalkaska and Milford facilities constitutes unlawful operation of stationary sources subject to a regulation or requirement promulgated under section 112(r) of the CAA, 42 U.S.C. § 7412(r), and authorizes the Administrator to seek penalties pursuant to section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B).

CIVIL PENALTY

36. Based on an analysis of the factors as specified in section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, Respondent's cooperation in quickly resolving this matter and Respondent's willingness to perform the supplemental environmental project detailed below, Complainant has determined that an appropriate civil penalty to settle this action is \$51,100.

37. Within 30 days after the effective date of this CAFO, Respondent must pay the \$51,100 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

38. The check must note the case caption and the docket number of this CAFO.

39. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Monika Chrzaszcz (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Robert S. Guenther (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

40. This civil penalty is not deductible for federal tax purposes.

41. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States' enforcement expenses for the collection action. Respondent acknowledges that the validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

42. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2).

Respondent must pay the United States enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. According to section 113(d) of the CAA, 42 U.S.C. § 7413(d)(5), this nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

SUPPLEMENTAL ENVIRONMENTAL PROJECT

43. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by reducing emissions of criteria air pollutants from a third natural gas treating facility it operates at 4000 Fisk Road, Manistee, Michigan (the Manistee facility).

44. At its Manistee facility, Respondent must complete the SEP as follows: within the 16 weeks after the filing of this CAFO, Respondent will decommission an existing natural gas powered compressor motor used to generate pressure for the inlet compression facility at the Manistee facility and replace it with an electric compressor motor. Respondent estimates that this project will reduce nitrogen oxide emissions by approximately 21 to 27 tons per year (tpy), carbon monoxide emissions by approximately 37 to 47 tpy, volatile organic compound emissions by approximately .30 to .35 tpy and carbon dioxide emissions by approximately 1,600 to 2,000 tpy.

45. Respondent must spend \$200,000 to accomplish the project described in the previous two paragraphs.

46. Unless Respondent sooner determines to discontinue operations at the Manistee facility, Respondent must continuously use or operate the electric compressor motor in lieu of the natural gas powered motor for 2 years following its acquisition and placement into active service.

47. Respondent, by its undersigned signatory, certifies as follows:

I certify that Merit Energy, LLC, is not required to perform or develop the SEP by any law, regulation, prior order, or prior agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Merit Energy, LLC, has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Merit Energy, LLC, is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

48. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

49. By no later than the 13th month following the filing of this CAFO, Respondent must submit to U.S. EPA a report on the implementation of the SEP, identifying the date the electric compressor motor was placed in service in the inlet compression facility at its Manistee facility.

50. Respondent must submit a SEP completion report to U.S. EPA during the 25th month following the filing of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed including verification that the natural gas-fired motor was removed from service for at least two years;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs for the purchase and installation of the electric compressor installed in the inlet compression facility;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantifying the benefits and pollution reductions, if feasible).

In the event Respondent determines to discontinue operations at the Manistee facility during the two year period after the filing of this CAFO, Respondent will first provide 14 days notice to U.S. EPA to the addressees noted in paragraph 39 before beginning the decommissioning of plant equipment, including the date Respondent reasonably anticipates the decommissioning to be complete. Respondent must submit its SEP completion report within 30 days of completing the decommissioning.

51. Respondent must submit all notices and reports required by this CAFO by first class mail to Monika Chrzaszcz of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 39, above.

52. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

53. Within 30 days following receipt of the SEP completion report described in paragraph 50, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 55, below.

54. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any reasonable requirements U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 55, below.

55. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, including the milestones established in paragraphs 44 and 46 above, Respondent must pay a penalty of \$153,300.
- b. If Respondent does not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to

complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 45, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

c. If Respondent completes the SEP satisfactorily, but spends less than 90 percent of the amount set forth in paragraph 45, Respondent must pay a penalty of \$30,618.

d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$100	1 st through 14 th day
\$200	15 th through 30 th day
\$500	31 st day and forward

56. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

57. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 37-39, above, and will pay interest and nonpayment penalties on any overdue amounts.

58. Any public statement that Respondent makes referring to the SEP must include the following language, "Merit Energy Company, LLC, undertook this project in settlement of an enforcement action brought by the United States Environmental Protection Agency for violations of the emergency planning requirements of the Clean Air Act."

59. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct the \$200,000 expenditure incurred in performing the SEP,

and any amounts spent in excess of that will be handled in compliance with all applicable tax law and regulations.

GENERAL PROVISIONS

60. This CAFO resolves only Respondent's liability, and any liability of Respondent's parents, subsidiaries, affiliates, related corporations and entities, insurers, reinsurers, indemnitors, stockholders, officers, directors, employees, agents, servants, successors and assigns for federal civil penalties for the violations and facts alleged in this CAFO.

61. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

62. This CAFO does not affect Respondent's responsibility to comply with the CAA or other applicable federal, state and local laws or regulations.

63. This CAFO is a "final order" for purposes of U.S. EPA's enforcement response policy for section 112(r) of the CAA.

64. The terms of this CAFO bind Respondent, Respondent's parents, subsidiaries, affiliates, related corporations and entities, insurers, reinsurers, indemnitors, stockholders, officers, directors, employees, agents, servants, successors and assigns.

65. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

66. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

67. This CAFO constitutes the entire agreement between the parties. 2013 APR 21 AM 10:23

Merit Energy Company, LLC, Respondent

3/22/13
Date

Kurt Jagoda
Kurt Jagoda
Operations Manager, Michigan
Merit Energy Company, LLC

U.S. Environmental Protection Agency, Complainant

4-11-13
Date

Richard C. Karl
Richard C. Karl, Director
Superfund Division

In the Matter of:
Merit Energy Company, LLC,
Kalkaska and Milford, Michigan
Docket No: CAA-05-2013-0020


RECEIVED
REGIONAL HEARING CLERK
U.S. EPA-REGION 5
2013 APR 24 AM 10:24

FINAL ORDER

This Consent Agreement and Final Order, as agreed to by the parties, will become effective immediately upon filing with the Regional Hearing Clerk. **IT IS SO ORDERED.**

Date: 4-22-13

By: _____


Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

U.S. ENVIRONMENTAL
PROTECTION AGENCY
APR 24 2013
OFFICE OF REGIONAL
COUNSEL

CAA-05-2013-0020

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA-REGION 5

Certificate of Service

2013 APR 24 AM 10:24

I hereby certify that I have caused a copy of the foregoing Consent Agreement and Final Order (CAFO) to be served upon the persons designated below, on the date below, by causing said copies to be delivered by depositing in the U.S. Mail, First Class, and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelope addressed to:

Jeff Schwarz
CSMB
1600 Stout Street
Suite 1700
Denver, Colorado 80202

Bill Ellsworth
DOT/PSM Compliance Coordinator
Merit Energy Company, LLC
101 Primrose
PO Box 189
Bairoil, Wyoming 82322

Bill Loney
Plant Foreman
Merit Energy Company, LLC
1510 Thomas Road
PO Box 910
Kalkaska, Michigan 49646

I have further caused the original CAFO and this Certificate of Service, and one copy, to be filed with the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, on the date below.

Dated this 24th day of April, 2013.



Monika Chrzaszcz
U.S. Environmental Protection Agency
Region 5