



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
HEARING CLERK

MAR 09 2015

Ref: 8ENF-L

**MEMORANDUM**

**SUBJECT:** Consent Agreement - In the Matter of BP America Production Company,  
Docket No. CWA-08-2014-0037

**FROM:** Gwenette C. Campbell, Supervisor   
Water Technical Enforcement Program

James H. Eppers, Supervisory Attorney   
Legal Enforcement Program

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

With this memorandum, we are transmitting a consent agreement in the above-referenced matter. We request that you issue a final order approving it.

On September 30, 2014, the United States Environmental Protection Agency (EPA) issued an administrative penalty complaint pursuant to section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), alleging that BP America Production Company (Respondent), a Delaware corporation, discharged produced water, a pollutant, into waters of the United States without a CWA permit. The complaint proposed a penalty of \$100,000, based on the factors set forth in section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), i.e., the nature, circumstances, extent, and gravity of the violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violations, and such other matters as justice may require.

The EPA issued a public notice of this action, a copy of which is attached. It is our understanding from the Regional Hearing Clerk that no comments from the public have been received.

Under the settlement described in the accompanying consent agreement, the Respondent would pay a cash penalty of \$40,000 and undertake a supplemental environmental project (SEP) worth at least \$50,000. The SEP would culminate in the development of best management practices for a portion of the same watershed where the alleged violation occurred, thus furthering the CWA's goal of restoring and maintaining the integrity of our nation's waters. Region 8 of the EPA obtained the approval of the EPA's Office of Enforcement and Compliance Assurance for this SEP. The settlement penalty amount is consistent with the EPA's CWA settlement penalty policy.

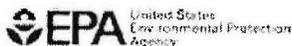


For any questions or comments, please contact Peggy Livingston, Enforcement Attorney, at 303-312-6858.

cc: Andrea Wang

Attachments (consent agreement and public notice)

## Menu



## Region 8

# Public Notices of Proposed Administrative Settlements and Administrative Penalty Assessments

You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.

Some federal laws require that the public be given notice prior to the assessment of civil administrative penalties for violations of environmental requirements. This website serves for such public notice. To view the regulations that govern such proceedings, see 40 C.F.R. Part 22.

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Public Notice of Proposed Administrative Penalty Assessment and Opportunity for Public Comment on the Proposed Consent Agreement between Knife River Corporation and the U.S. EPA for alleged violations of the Clean Water Act on the Little Muddy River and adjacent wetlands in Williston, North Dakota. A new, second 40-day comment period for this action has been initiated due to an omission from the online docket during the original comment period.

Knife River Corporation: docket #CWA-08-2014-0001, December 5, 2014

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Public Notice and Opportunity for Public Comment on the Proposed Combined Complaint and Consent Agreement between Comstock Construction, Inc. and the U.S. EPA for stormwater construction site discharges.

Comstock Construction, Inc.: docket #CWA-08-2015-0005, November 24, 2014

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Public Notice of Proposed Administrative Penalty Assessment and Opportunity for Public Comment on Alleged Violations of the Clean Water Act by BP America Production Company for an unpermitted discharge of produced water from the Y#1 Lateral pipeline on the Southern Ute Indian Reservation.

BP America Production Company: docket #CWA-08-2014-0037, November 4, 2014

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Public Notice of a Combined Complaint and Consent Agreement with penalty assessment and the opportunity for public comment on the proposed administrative penalty assessment against Iowa Tank Lines, Inc. for a discharge of oil into wetlands and the Little Knife River in Stanley, North Dakota.

Iowa Tank Lines, Inc.: docket #CWA-08-2015-0002, October 27, 2014

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Public Notice of Proposed Administrative Penalty Assessment and Opportunity for Public Comment on the Proposed Consent Agreement between Red Door Homes of Bismarck and the U.S. EPA for alleged violations of the Clean Water Act on the Missouri River in Mandan, North Dakota.

Red Door Homes of Bismarck: docket #CWA-08-2015-0003, October 21, 2014

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Public Notice for Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing against Sunny Carpet & Upholstery Cleaning, Inc., for failure to comply with Underground Injection Control Regulations.

Sunny Carpet & Upholstery Cleaning, Inc.: docket #SDWA-08-2014-0054, October 1, 2014

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The public is invited to comment on the proposed penalty assessment, alleged violations, or any other aspect of the matter. Persons wishing to receive a copy of the Complaint, 40 C.F.R. Part 22, or other documents in the proceeding, or to comment on the matter, should contact the person named below:

**Tina Artemis**

Regional Hearing Clerk (8RC)

U.S. EPA Region 8

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303-312-6765

artemis.tina@epa.gov

Last updated on December 5, 2014