



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-L

APR 20 2009

SENT VIA FIRST CLASS MAIL

Howard L. Boigon, Esq.
Hogan & Hartson LLP
1200 Seventeenth Street, Suite 1500
Denver, Colorado 80202

Re: SEP Completion Approval Letter –
Machii-Ross Petroleum Company
Rocky Mountain Fuel 22-32 Tank Battery
and Berger Tank Battery - Combined
Complaints and Consent Agreements
(Docket Nos. CWA-08-2008-0022 and
CWA-08-2008-0023)

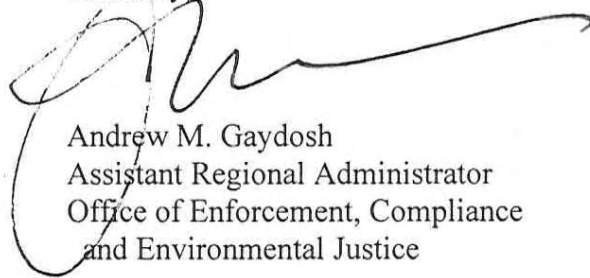
Dear Mr. Boigon:

On August 25 and September 30, 2008, the United States Environmental Protection Agency Region 8 Judicial Officer issued Final Orders for the Combined Complaints and Consent Agreements (CCAs) in the Machii-Ross Petroleum Company (Machii-Ross) Rocky Mountain Fuel 22-32 Tank Battery (Rocky Mountain) and Berger Tank Battery (Berger) matters (Docket Nos. CWA-08-2008-0022 and CWA-08-2008-0023) that settled alleged violations of sections 311(b)(3) and 311(j)(1)(C) of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 1321(b)(3) and 1321(j)(1)(C) and 40 C.F.R. § 112.3. In accordance with the CCAs, Machii-Ross agreed to perform Supplemental Environmental Projects (SEPs) at a minimum total cost of \$36,145 (\$6,855 for the Rocky Mountain SEP and \$29,290 for the Berger SEP). Specifically, Machii-Ross agreed to purchase equipment for the Frederick-Firestone, Colorado Fire Protection District and the Fort Lupton, Colorado Fire Department to enhance response to oil spill incidents.

In accordance with paragraphs 38. and 40. of the Rocky Mountain and Berger CCAs, respectively, Machii-Ross provided EPA with SEP Completion Reports on November 14, 2008 and submitted supplemental invoices on December 1 and 16, 2008; and January 29, February 10 and April 2, 2009, documenting its fulfillment of the SEP requirements. Based on EPA's review of the SEP Completion Report and subsequent supporting documentation, EPA accepts the SEP Completion Report and confirms that Machii-Ross has successfully satisfied all requirements associated with its SEP obligation.

If you require more specific information regarding this subject, the most knowledgeable people on my staff are Michelle Marcu, Enforcement Attorney, who can be reached at (303) 312-6921 or Donna Inman, Environmental Scientist, who can be reached at (303) 312-6201.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew M. Gaydosh', with a long horizontal flourish extending to the right.

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

cc: Jennifer Biever, Hogan & Hartson LLP
Tina Artemis, 8RC