

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
DOCKET NO.: CAA-08-2011-0020

2011 NOV 22 PM 12:43

IN THE MATTER OF:

KODIAK OIL & GAS (USA), INC.

RESPONDENT.

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ORDER ON REVISED JOINT
MOTION TO AMEND
ADMINISTRATIVE COMPLAINT
AND CONSENT AGREEMENT

FILED
EPA REGION VIII
COURT CLERK


On November 21, 2011, the parties filed a Revised Joint Motion to Amend Administrative Complaint and Consent Agreement. The Motion requests, pursuant to paragraphs D.1.a and F.13 of the Agreement, that the Complaint and Consent Agreement be amended to include a Revised Appendix A and modification of the penalty.

The Revised Appendix substitutes the original Appendix A by deleting an incorrectly included emission source in Table A-1 and substituting one well listed in Table A-3 for a different well. This amendment decreases the number of existing emission sources from 19 to 18 and thereby, decreases the penalty to \$54,000 from \$57,000 as contemplated by paragraph E.1 of the original Administrative Complaint and Consent Agreement.

In addition, the parties filed a Joint Motion to Withdraw Previously Filed Motion on November 21, 2011. This Motion is **GRANTED**.

The court hereby approves the Revised Joint Motion to Amend to include the Revised Appendix A, and the modification to paragraph E.1 based on the terms of the Complaint and Consent Agreement for good cause shown, pursuant to 40 C.F.R. §§22.14(c), 22.16(c) and 22.18(b)(2). The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, which was effective on August 29, 2011 by Final Order.

SO ORDERED THIS 22nd DAY OF November, 2011.


Elyana R. Sutin
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER ON REVISED JOINT MOTION TO AMEND ADMINISTRATIVE COMPLAINT AND CONSENT AGREEMENT** in the matter of **KODIAK OIL & GAS (USA), INC.; DOCKET NO.: CAA-08-2011-0020**, was filed with the Regional Hearing Clerk on November 22, 2011.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jim Eppers, 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 on November 22, 2011, to:

Cathleen M. Osborn, Legal Counsel
Kodiak Oil & Gas Corp.
Legal Counsel
1625 Broadway, Suite 250
Denver, CO 80202

And emailed to:

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

November 22, 2011



Tina Artemis
Paralegal/Regional Hearing Clerk