



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2019 NOV 13 PM 2:59

FILED  
EPA REGION VIII  
HEARING CI FRK

DOCKET NO.: SDWA-08-2019-0022

IN THE MATTER OF:	)	
	)	
CRESCENT POINT ENERGY U.S. CORP.	)	FINAL ORDER
	)	
	)	
	)	
RESPONDENT	)	

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) 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 of the terms of the Consent Agreement, effective immediately upon filing this Consent Agreement and Final Order.

SO ORDERED THIS 13<sup>th</sup> DAY OF November, 2019.

Elyana Sutin  
Acting Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2019 NOV 13 PM 2:59

In the Matter of: )  
)  
Crescent Point Energy U.S. Corp., ) **CONSENT AGREEMENT**  
)  
Respondent. ) Docket No. SDWA-08-2019-0022  
)  
Proceeding under section 1423 of the Safe )  
Drinking Water Act, 42 U.S.C. § 300h-2 )

FILED  
EPA REGION VIII  
HEARING CL FRK

The United States Environmental Protection Agency (EPA) and Crescent Point Energy U.S. Corp. (Respondent), by their undersigned representatives, agree as follows:

1. On June 3, 2019, the EPA issued a Complaint and Notice of Opportunity for Hearing (Complaint) to the Respondent for certain violations of the Respondent's permits (Permits), section 1423 of the Safe Drinking Water Act (Act), and the underground injection control regulations promulgated thereunder. Since that time, the Respondent has worked to resolve the violations identified in the Complaint which resulted in the identification of new and additional violations. On November 5, 2019, the EPA issued an Amended Complaint and Notice of Opportunity for Hearing (Amended Complaint) to incorporate all identified violations.
2. The Respondent admits the jurisdictional allegations of the Amended Complaint and neither admits nor denies the specific factual allegations of the Amended Complaint.
3. The Respondent waives its right to contest the allegations in the Amended Complaint and to appeal any final order (Final Order) an EPA Regional Judicial Officer may issue to approve this consent agreement (Agreement).
4. This Agreement, upon incorporation into a Final Order, is binding upon the EPA, the Respondent, and the Respondent's successors and assigns. No change in the ownership or control of the Respondent, including without limitation, any change in ownership or control of

control of the Respondent, including without limitation, any change in ownership or control of the facilities subject to the Permits, shall alter the Respondent's responsibilities under this Agreement unless the EPA, the Respondent, and any successor in interest agree in writing to allow a successor to assume such responsibilities prior to the transfer. Additionally, no later than 30 calendar days prior to such transfer, the Respondent shall notify the EPA of the transfer at the addresses specified below in Paragraph 5 of this Agreement.

5. The Respondent agrees to pay, and agrees to the EPA's assessment of, an administrative civil penalty in the amount of \$99,500.00 as described below:

(a) Payment is due no later than 30 calendar days after the date of the Final Order;

(b) Payment shall be made using any method provided on the following website: <https://www.epa.gov/financial/makepayment>;

(c) Identify each payment with "Docket No. SDWA-08-2019-0022" and, within 24 hours of payment, email proof of payment to Nathan Wiser at [wiser.nathan@epa.gov](mailto:wiser.nathan@epa.gov) and send by U.S. mail to:

Missy Haniewicz, Regional Hearing Clerk  
U.S. EPA Region 8 (8RC)  
1595 Wynkoop Street  
Denver, CO 80202-1129

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the name and docket number of this matter (see bottom of page).

(d) If the 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 (*e.g.*, on the first late day, 30 days of interest will have accrued).

(e) A handling charge of \$15 shall be assessed the 31<sup>st</sup> day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges, second to accrued interest, and then to the outstanding principal amount.

(f) Consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), the Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

6. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

7. Any failure by the Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and such other relief as may be appropriate.

8. Nothing in this 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 any failure by the Respondent to comply with this Agreement.

9. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into and bind the Respondent to this Agreement.

10. The parties agree to submit this Agreement to the appropriate EPA Regional

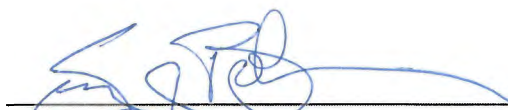
Judicial Officer, with a request that it be incorporated into a Final Order.

11. Each party shall bear its own costs and attorney fees in connection with this matter.

12. This Agreement, upon incorporation into a Final Order and full satisfaction by the Respondent, shall resolve the Respondent's liability for federal civil penalties for the violations alleged in the Amended Complaint.

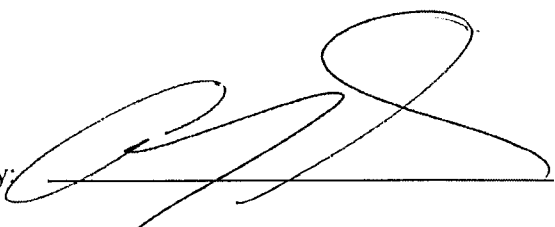
**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8**

Date: 11/5/19

By:   
Suzanne J. Bohan, Director  
Enforcement and Compliance  
Assurance Division,  
Complainant

**RESPONDENT:**

Date: 10/28/2019

By:   
Name, Title: ANTHONY BALDWIN, PRESIDENT

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT and FINAL ORDER** in the matter of **CRESCENT POINT ENERGY U.S. CORP.; DOCKET NO.: SDWA-08-2019-0022** was filed with the Regional Hearing Clerk on November 13, 2019.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on November 13, 2019, to:

Respondent

Crescent Point Energy U.S. Corp.  
Attn: CT Corporation System, Registered Agent  
1108 E. South Union Avenue  
Midvale, Utah 84047

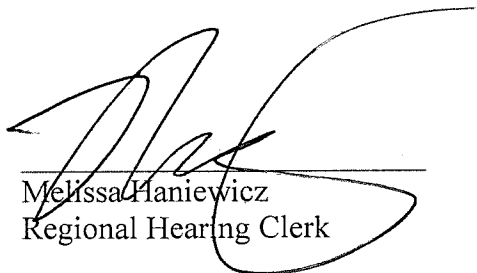
Legal Representation

Randy Dunn, Lucas Satterlee  
Davis Graham and Stubbs LLP  
1550 17<sup>th</sup> Street, Suite 500  
Denver, Colorado 80202

And emailed to:

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

November 13, 2019



Melissa Haniewicz  
Regional Hearing Clerk