

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street; Denver, CO 80202-1129**

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT SETTLEMENT

Action: EPA is providing notice of a Consent Agreement with penalty assessment and the opportunity for public comment on the proposed administrative penalty assessment against Merit Energy Company, LLC for a discharge of oil into waters of the U.S and violations of the Spill Prevention, Control and Countermeasure Rule.

Summary: EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act (Act), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the Act and its implementing regulations, after providing the person subject to the penalty notice an opportunity for a hearing, and after providing the public with notice of the proposed penalty and the opportunity to submit written comments and to participate in a Class II penalty proceeding (hearing), if any. The deadline for submitting public comment is thirty (30) calendar days after issuance of this notice.

On March 17, 2021, EPA filed a Consent Agreement pursuant to Section 311(b)(6)(B)(ii) of the Act. Pursuant to Section 311(b)(6)(C) of the Act, and 40 C.F.R. § 22.45, EPA hereby notifies the public of this proposed penalty assessment:

Respondent: Merit Energy Company, LLC
13727 Noel Rd Suite 1200 Tower 2
Dallas TX, 75240

Complainant: Janice Pearson, Branch Chief
RCRA and OPA Enforcement Branch
EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

EPA Docket Number: CWA-08-2021-0012

Proposed penalty in the Complaint: \$ 115,000

Alleged violations: 1) On June 13, 2018, Merit Energy Company released 455 barrels of crude oil from the Stateland Facility in Hot Springs County, Wyoming, into Grass Creek, a tributary of the Big Horn River, in violation of section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), and 2) Until July 21, 2020, Merit Energy Company's Spill Prevention, Control and Countermeasure plan for the Stateland Tank Battery in Hot Springs County, Wyoming, did not meet the requirements of 40 C.F.R. part 112.

Written comments on the Consent Agreement are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public, as well as information submitted by Merit Energy Company, LLC, will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The Consent Agreement is available for review on the internet at: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf> by searching for the docket number above.

Submit written comments to: Melissa Haniewicz
Regional Hearing Clerk (8ORC-IO);
Haniewicz.melissa@epa.gov
EPA Region 8
1595 Wynkoop Street

Denver, CO 80202-1129
Telephone: (303) 312-7059

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consent Agreement, or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for hearings), or to comment upon the proposed penalty assessment, or any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by EPA to finalize a settlement in this matter until forty (40) calendar days after this public notice.