



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

2006 DEC -8 PM 12:36

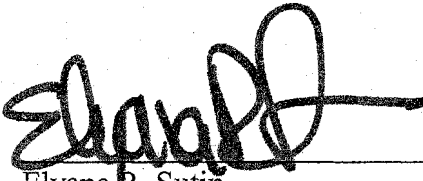
FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2007-0005

IN THE MATTER OF:)	
)	
LONE PINE GAS, INC.)	FINAL ORDER
)	
RESPONDENT)	

Pursuant to 40 C.F.R. §22.18, 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 receipt by Respondent of this Consent Agreement and Final Order.

12.08.06
DATE


Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF:)
)
LONE PINE GAS, INC.)
)
)
Respondent)
_____)

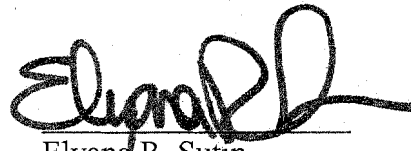
Docket No. CWA-08-2007-0005

ORDER AUTHORIZING
FACSIMILE FILING

FILED
EPA REGION VIII
HEARING CLERK

Pursuant to 40 C.F.R. § 22.5(a)(1), facsimile filing of the expedited consent agreement, including Respondent's signature on page 3 of the consent agreement, is authorized in this proceeding.

Dated: 12.08.06



Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:

Lone Pine Gas, Inc.

Respondent.

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**EXPEDITED CONSENT
AGREEMENT**

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Lone Pine Gas, Inc. by their undersigned representatives hereby settle the civil cause of action arising out of a spill of oil that occurred on or about March 15, 2006, and agree as follows:

The Clean Water Act (the Act), as amended, authorizes the Administrator of EPA to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States, 33 U.S.C. § 1321(b)(6) and (b)(3) or any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This determination includes discharges of oil that (1) violate applicable water quality standards, (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shoreline, or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline, 40 C.F.R. § 110.3. This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates an oil production well, Spaulding Well Number 1, and a gathering pipeline located in Jackson County, Colorado.

Respondent admits that on March 12, 2006 there was a 1,000-gallon discharge of crude oil and produced water into or upon Hell Creek, a perennial stream, and/or adjoining shorelines from its facility, in Jackson County, Colorado. Hell Creek is a tributary to the North Platte River, a perennial, interstate river.

Respondent's discharge from its facility caused a sheen upon, or discoloration of, or caused a sludge or emulsion to be deposited on the surface of Hell Creek and/or its adjoining shoreline.

Respondent's discharge constitutes a violation of Section 311 (b)(3) of the Act.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

A signed copy of this Agreement shall be sent to:

Jane Nakad
Technical Enforcement Program (8ENF-UF())
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Respondent consents and agrees to the assessment of a civil penalty of \$500.00 for the discharge of oil in violation of Section 311(b)(3) of the Act, which, shall be paid no later than 30 days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or

certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF - 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
P. O. Box 371099M
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center
ATTN: Shift Supervisor
Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, PA 15262-0001

If paying by EFT, the Respondent shall transfer \$500.00 to:

Mellon Bank
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, PA 15235

In the case of an international transfer of funds, the Respondent shall use SWIFT address MELNUS3P.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

and

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Respondent states, under penalty of perjury, that it has (1) investigated the cause of the spill, (2) cleaned up the spill pursuant to federal requirements, and (3) taken corrective actions to prevent future spills. Respondent's cost of corrective action to date has been \$ 275,000.

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance or has not cleaned up the discharged oil as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

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

This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: *Elisabeth Evans*
for Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Date: December 6, 2006

Lone Pine Gas, Inc., Respondent.
By: *Colmer D. Mackey*
Name: Colmer D. Mackey

Date: 11/25/06
Title: Pres

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER and ORDER AUTHORIZING FACSIMILE FILING** in the matter **LONE PINE GAS, INC., DOCKET NO.: CWA-08-2007-0005** was filed with the Regional Hearing Clerk on December 8, 2006.

Further, the undersigned certifies that a true and correct copy of the document was delivered to David Janik, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on December 8, 2006, to:

Gilmer D. Mickey, President
Lone Pine Gas, Inc.
6704 E. Long Avenue
Centennial, CO 80112-2507


Regular Mail to:

U. S. Coast Guard
Commander
Finance Center (OGR)
1430 A Kristina Way
Chesapeake, VA 23326

And faxed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center Accounting
Fax: 513-487-2063

December 8, 2006


Tina Artemis
Regional Hearing Clerk

