

U. S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
PROPOSED ADMINISTRATIVE ORDER
In the Matter of Mr. Gary Robinson, Respondent
Docket No. SDWA-06-2010-1106

FILED

2010 JUL 20 AM 10: 57

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300h-2(c). The authority to issue this Order has been delegated by the Administrator to the Regional Administrator of EPA Region 6 ("RA") who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division. The EPA has primary enforcement responsibility for underground injection within the meaning of Section 1422(c) of the Act, 42 U.S.C. § 300h-1(c), to ensure that owners or operators of Class II injection wells within Osage County, Oklahoma, comply with the requirements of the Act.

FINDINGS

1. Respondent, Mr. Gary Robinson, is a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violation alleged herein, Respondent owned an injection well located in the Northwest Quarter of Section 9, Township 24 North, Range 9 East, Pershing Field, Osage County, Oklahoma, designated as Well Number 1A and EPA Inventory Number OS5404 ("the well").

3. Respondent is subject to underground injection control ("UIC") program requirements set forth at 40 C.F.R. Part 147, Subpart GGG, which are authorized under Section 1421 of the Act, 42 U.S.C. § 300h.

4. EPA regulations require the operator of an "injection well," as defined at 40 C.F.R. § 147.2902, to plug the well within one year after termination of injection operations. This date may be extended if the operator has submitted a viable plan for future use of the well to the RA. Plugging must be completed pursuant to 40 C.F.R. § 147.2905.

5. Respondent violated the regulations cited above by failing to plug the well within one year after termination of injection operations. Respondent has no plan for future use of the well since the Bureau of Indian Affairs, Osage Agency, has terminated the lease for the area that includes the well.

6. Therefore, Respondent violated the regulations set forth at 40 C.F.R. § 147.2905.

ORDER

7. Based on the foregoing findings and under the authority of Section 1423(c) of the Act, it is hereby ordered that Respondent shall plug the well according to procedures

set forth in 40 C.F.R. § 147.2905 within thirty (30) days from the effective date of this Order. Respondent shall submit a report of final plugging operations to the EPA; Water Resources Section (6EN-WR); U.S. EPA, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202 within sixty (60) days from the effective date of this Order.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

8. Respondent may request a hearing to contest the issuance of this Order, pursuant to Section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A). Submit the hearing request to the Regional Hearing Clerk (6RC-D); U.S. EPA Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202 within thirty (30) days of the date of receipt of this Proposed Administrative Order.

9. A request for hearing should be included in any response to this Order. Respondent must file a response in order to preserve the right to a hearing or to pursue other relief.

10. Should a hearing be requested, members of the public who commented on the issuance of this Order during the public comment period would have a right to be heard and present evidence at a hearing under Section 1423(c)(3)(C) of the Act, 42 U.S.C. § 300h-2(c)(3)(C).

GENERAL PROVISIONS

11. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 147, Subpart GGG which remain in full force and effect.

12. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.

13. Violation of the terms of this Order after its effective date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6), may subject Respondent to further enforcement action, including a civil action for enforcement of this Order under Section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and civil and criminal penalties for violations of the compliance terms of this Order under Section 1423(b)(1) and (2) of the Act, 42 U.S.C. § 300h-2(b)(1) and (2).

SETTLEMENT

14. EPA encourages all parties against whom an administrative order is proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations. Respondent may wish to appear at any informal conference

or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Order, please contact Mr. Ronald Van Wyk, of my staff, at (214) 665-6459.

15. If this action is settled without a formal hearing, it will be concluded by issuance of a Final Order.

EFFECTIVE DATE

16. The Final Order becomes effective thirty (30) days after issuance unless an appeal is taken pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

July 14, 2010
Date

John A. Blevins
John Blevins
Director
Compliance Assurance and
Enforcement Division

CERTIFICATE OF SERVICE

I certify that the Proposed Administrative Order was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail Mr. Gary Robinson
return receipt requested: P.O. Box 152
Wynona, OK 74084

Copy: Bureau of Indian Affairs, Osage Agency
P.O. Box 1539
Pawhuska, OK 74056

Osage Nation Environmental and Natural Resources Department
P.O. Box 1495
Pawhuska, OK 74056

Dated: _____

JUL 20 2010

Jackie Allen