

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF)
Countrymark Energy Resources, LLC)

Docket No. SDWA-04-2016-1004(b)

USEPA, REGION 4
OFFICE OF REGIONAL
COUNSEL
2016 SEP 30 PM 3:31
HEARING LEFT

ORDER GRANTING JOINT MOTION TO WITHDRAW FINAL ORDER

On September 30, 2016, Complainant and Respondent filed a Joint Motion to Withdraw Final Order pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits codified at 40 Code of Federal Regulations (C.F.R.) Part 22 (Part 22) seeking the withdrawal of the Consent Agreement and Final Order (CA/FO), Docket No. SDWA-04-2016-1004(b), issued by the Regional Judicial Officer and filed by the Regional Hearing Clerk on September 20, 2016, and leave to file a new CA/FO after submittal of that CA/FO on public notice. The parties state therein that subsequent to the CA/FO becoming final, it came to their attention that there were errors in the CA/FO that did not correctly reflect the settlement reached by both parties and the CA/FO submitted for public notice mistakenly alleged that Respondent was in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq., for four Underground Injection Control (UIC) wells subject to UIC Permit Nos. KYA0715, KYA0997, KYI0801, and KYI1029 instead of only two wells subject to UIC Permit Nos. KYA0715 and KYI0801.

In light of the above, there are clearly grounds for the CA/FO issued by the Regional Judicial Officer and filed by the Regional Hearing Clerk on September 20, 2016, to be withdrawn and leave to file a new CA/FO after complying with the public notice requirements contained in 40 C.F.R. §22.45. Accordingly, the Complainant and Respondent's Joint Motion to Withdraw Final Order is granted pursuant to Part 22, including 40 C.F.R. §22.4(c)(10). This Order granting the Joint Motion to Withdraw Final Order will become effective upon filing with the Regional Hearing Clerk in accordance with 40 C.F.R. §22.31.

SO ORDERED.

Date: September 30, 2016

Tanya Floyd
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the foregoing ORDER GRANTING JOINT MOTION TO WITHDRAW FINAL ORDER, in the Matter of Countrymark Energy Resources, LLC, Docket No. SDWA-04-2016-1004(b) on the parties listed below in the manner indicated:

Tony Shelton

Via EPA Internal Mail

Wilda Cobb

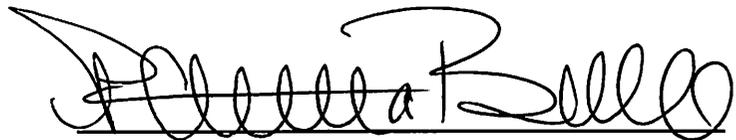
Via EPA Internal Mail

Michael Gibbons
Countrymark Energy Resources, LLC
100 Saint Ann Street
Owensboro, Kentucky 42303

Via Certified Mail/Return Receipt

Date: _____

9-30-16



Patricia A. Bullock, Regional Hearing Clerk
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Atlanta, GA 30303-8960
(404) 562-9511