

**UNITED STATES**  
**ENVIRONMENTAL PROTECTION AGENCY** 2008 JAN 18 PM 1:27  
**REGION 8**

IN THE MATTER OF: )  
 )  
Merit Energy Company )  
13727 Noel Road, Suite 500 )  
Dallas, TX 75240 )  
 )  
(Powell Pressure Maintenance Unit )  
SWNE Sec. 26, T40N, R74W, )  
Converse County, Wright, WY) )  
 )  
Respondent. )

Docket No. CWA-08-2007-0027  
EPA REGION VIII  
HEARING CLERK

**SETTLEMENT STATUS REPORT**

COMES NOW, Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned counsel, and provides the following Settlement Status Report in the above-referenced matter.

1. EPA filed a Class I administrative action against Merit Energy Company under section 311(b)(6)(B)(i) of the Clean Water Act (Act), as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1321(b)(6)(B)(i), on September 28, 2007, based on alleged noncompliance with the Spill Prevention, Control and Countermeasure (SPCC) regulations set forth in 40 C.F.R. Part 112.

2. This matter was assigned to Judge William B. Moran for Alternative Dispute Resolution (ADR) on November 15, 2007, pursuant to the Order Initiating Alternative Dispute Resolution Process and Appointing Neutral.

3. On January 14, 2008, EPA, upon consultation with the Respondent, requested in writing a thirty day extension for ADR, citing that the parties had been working informally and in good faith to resolve the matter. EPA also stated that the parties would notify Judge Moran

as the ADR Neutral no later than January 22, 2008, whether the parties had reached a settlement in principle or, alternatively, desired to schedule the initial ADR session.

4. The parties reached a settlement agreement on January 17, 2008.

5. The parties anticipate filing a fully-executed Consent Agreement setting forth the terms and conditions of settlement with the Regional Judicial Officer by February 29, 2008, requesting its approval and incorporation into a Final Order.

Respectfully submitted this 18<sup>th</sup> day of January 2008.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant.



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the SETTLEMENT STATUS REPORT was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

Via facsimile and pouch mail to:

The Honorable William B. Moran  
ADR Neutral  
Office of Administrative Law Judges (Mail Code 1900L)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Facsimile: (202) 565-0044

Via electronic and regular mail to:

Arlene Valliquette  
Land & Regulatory Manager-North Division  
Merit Energy Company  
13727 Noel Road, Suite 500  
Dallas, TX 75240  
E-mail: Arlene.Valliquette@meritenergy.com

1/18/2008  
Date

Judith M. McTernan  
Signature