



**REGION 8**

DENVER, CO 80202

**FILED**

**Apr 22, 2025**

**3:48 pm**

**U.S. EPA REGION 8  
HEARING CLERK**

IN THE MATTER OF:

Acorn Petroleum, Inc.,  
Respondent

Docket No. CWA-08-2025-0011

**EXPEDITED SETTLEMENT  
AGREEMENT**

On September 26, 2022, authorized representatives of the United States Environmental Protection Agency conducted an inspection of the Erie Avenue facility, located at 809 Erie Avenue in Pueblo, Colorado (Facility). This Facility is owned and/or operated by Acorn Petroleum, Inc. (Respondent). The purpose of the inspection was to evaluate Respondent's compliance with the Spill Prevention Control and Countermeasure (SPCC) regulations at 40 C.F.R. part 112, subparts A-C. The SPCC regulations were promulgated under section 311(j) of the Clean Water Act (Act), 33 U.S.C. § 1321(j). As a result of the inspection, the undersigned EPA Complainant has found that Respondent, a "person" as defined in section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7), violated the SPCC regulations as described in attached Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form (Violations Form), which is incorporated into this Expedited Settlement Agreement (Agreement) by reference.

By signing this Agreement, Respondent:

- (1) certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations alleged in the Violations Form have been corrected; and
- (2) agrees to pay a penalty in the amount and manner stated below.

Respondent shall pay a civil penalty in the amount of \$2,031 within 30 days after an executed version of the final order (Final Order) ratifying this Agreement is filed with the Regional Hearing Clerk for EPA Region 8 (Filing Date). Respondent shall pay this

penalty using any of the methods provided on the website

<https://www.epa.gov/financial/makepayment>, with additional instructions available at <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent's payment shall indicate it is payable to "Environmental Protection Agency." In the check or other instrument of payment, Respondent shall also reference the docket number that appears on the Final Order and include a reference to "Oil Spill Liability Trust Fund-311." Within 24 hours after making payment, Respondent shall e-mail proof of payment to each of the following:

- (1) Darla Hohman, Environmental Scientist  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 8  
[R8\\_hearing\\_clerk@epa.gov](mailto:R8_hearing_clerk@epa.gov); and
- (3) Cincinnati Finance Division  
U.S. Environmental Protection Agency  
[CINWD\\_acctsreceivable@epa.gov](mailto:CINWD_acctsreceivable@epa.gov).

If Respondent is unable to transmit the proof of payment via e-mail, Respondent will contact Ms. Hohman at (303) 312-6263 to make alternative arrangements.

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

If Respondent fails to timely pay the full amount of the penalty, the EPA is authorized to recover any unpaid amount of the penalty, plus interest (at the IRS standard underpayment rate), enforcement expenses such as attorneys' fees and costs of collection proceedings, and a 20% quarterly non-payment penalty. For more information, see 33 U.S.C. § 1321(b)(6)(H), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11.

Consistent with section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement is a consent agreement under 40 C.F.R. part 22. This Agreement and the Final Order will commence and conclude this proceeding pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). Respondent's compliance with this Agreement and the Final Order will resolve only the federal civil penalty claims for the violations alleged above. This Agreement and the Final Order do not constitute a waiver, suspension or modification of the requirements of the Act or any regulations promulgated thereunder, and they do not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent neither admits nor denies the allegations set forth above, but Respondent admits that the EPA has jurisdiction over this matter under section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and 40 C.F.R. part 22. For the purposes of this proceeding, Respondent waives (i) any right to contest the allegations in this Agreement, (ii) any rights or defenses Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and (iii) any right to appeal or challenge the lawfulness of the Final Order.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Agreement and to bind Respondent to it. Complainant agrees to accept Respondent's digital or original signature on this Agreement.

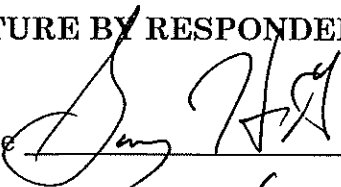
Complainant and Respondent consent to service of this Agreement and the Final Order at the following valid email addresses: emeson.robbyn@epa.gov (for Complainant), and ghille.acornpetroleuminc.com (for Respondent). Respondent agrees that this e-mail address and any other address for Respondent provided to the Regional Hearing Clerk in connection with this proceeding may be made public when this Agreement, the Final Order, and any related Certificate(s) of Service are filed or uploaded to a searchable database.

01/06/14  
revised  
4/12/15



**SIGNATURE BY RESPONDENT:**

Signature



Date

04/17/2025

Name and Title (print):

Garry Hill

Mailing Address:

PO BOX 603

Colorado Springs

CO 80901

Email Address:

ghill@acornpetroleuminc.com

Telephone:

719.301.5511

**SIGNATURE BY EPA COMPLAINANT:**

Date:

Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division  
Region 8, U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202  
bohan.suzanne@epa.gov  
(303) 312-6925

**FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), the foregoing Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with the Agreement. This Final Order is effective upon the Filing Date.

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Regional Judicial Officer

Date