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

2005 JUN 16 AM 10: 24
FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2005-0030

IN THE MATTER OF:	)	
	)	
CORK PETROLEUM, INC.	)	**FINAL ORDER**
TANK BATTERY NO. 1	)	
	)	
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 Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

June 16, 2005
DATE

Alfred C. Smith
Alfred C. Smith
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 JUN 16 AM 10: 24

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EPA REGION VIII
HEARING CLERK

In the Matter of:	)	
	)	
Cork Petroleum, Inc.	)	**EXPEDITED CONSENT AGREEMENT**
	)	
Respondent.	)	**DOCKET NO.: CWA-08-2005-0030**

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Cork Petroleum, Inc., by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on September 16, 2004, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against 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 authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates an oil production facility, Tank Battery No. 1, in Hot Springs County, Wyoming.

Respondent admits its facility is subject to the SPCC regulations.

Respondent agrees to correct the items cited on the attached List of SPCC Violations within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent agrees to send a copy of the facility's SPCC Plan to the person named below.

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.

Respondent consents and agrees to the assessment of a civil penalty of $1,750.00, which shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

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

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 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 consent order.

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

This Consent Agreement, upon incorporation into a final consent 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

Elisabeth Evans, Director
Technical Enforcement Program

6/6/05
Date

Cork Petroleum, Inc., Respondent.

By: Thomas A. Sullivan

6/2/05
Date

Name: THOMAS A. SULLIVAN

Title: President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **CORK PETROLEUM, INC., TANK BATTERY NO. 1; DOCKET NO.: CWA-08-2005-0030** was filed with the Regional Hearing Clerk on June 16 2005.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michael Risner, 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 June 16, 2005, to:

Thomas A. Sullivan, President
Cork Petroleum, Inc.
124 N. 12th Street
Thermopolis, WY 82443

And

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

June 16, 2005

Tina Artemis
Regional Hearing Clerk

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