

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Action: Notice of Proposed Assessment of Clean Water Act Section 309(g) Class II  
Administrative Penalties and Opportunity for Public Comment

The penalties proposed here are in accordance with, and address the Economic Benefit Penalty provision of the EPA Audit Policy.

Pursuant to Section 309(g)(4) of the Clean Water Act, 33 U.S.C. § 1319(g)(4), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

Name and address of Complainant: William K. Honker P.E.  
Director  
Water Quality Protection Division  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Name of Respondent: Jim Torgenson  
Executive Vice President  
QEP Energy Corporation  
Houston, Texas 77010

Location of  
Disclosed Violations: 145 well sites, ponds and 74 pipeline segments in the Haynesville Shale Formation in Caddo and Bossier Parishes, Louisiana

Hydrologic  
Connections: Red River Basin streams

Nature of  
Disclosed Violations: Discharge of “dredged” and/or “fill material”, to develop infrastructure for oil/ gas wells, including gas gathering pipelines, into approximately 122 acres of waters of the United States including bottomland hardwood wetlands, emergent wetlands, and streams which are under the jurisdiction of the Clean Water Act, Section 404. The violations were disclosed to the federal government by QEP Energy Company.

Proposed penalty: Three proposed Consent Agreement Final Order documents have a total penalty of \$265,000.00 .

Name of Cases: Docket Nos. CWA-06-2015-2701; CWA-06-2015-2702;

CWA-06-2015-2703

Mailing address, and telephone number of Regional Hearing Clerk:

Ms. Lorena Vaughn  
Regional Hearing Clerk (6RC-HO)  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Dallas, Texas 75202-2733  
(214) 665-8021

EPA is authorized under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), to assess a civil penalty after providing the person subject to the penalty a notice of the proposed penalty and the opportunity for a hearing, and, after providing the public with notice of the proposed penalty with provision for a reasonable opportunity to comment on its issuance. Under Section 309(g), any person who without authorization discharges a pollutant to a navigable water, as those terms are defined in Section 502 of the Act, 33 U.S.C. § 1362, may be administratively assessed a civil penalty of up to \$177,500 by EPA. Class II proceedings for Section 309(g) of the Clean Water Act are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, Revocation, Termination or Suspension of Permits", 64 Fed. Reg. 40138 (July 23, 1999) ("Part 22"), including Rules related to Administrative Proceedings not Governed by § 554 of the Administrative Procedures Act, 40 CFR §§ 22.50 - 22.52 (64 Fed. Reg. 40138, 40190). The Federal Register is available at most libraries.

The procedures by which the public may participate in a Class II penalty proceeding are set forth in Part 22. Any person wishing to comment on the proposed penalty order must submit written comments to the Hearing Clerk identified above within forty (40) days after the issuance of this public notice.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of Part 22, review the complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 1445 Ross Avenue, Dallas, Texas 75202-2733, and the file will be open for public inspection during business hours. Persons wishing to receive information on the proceeding, may contact: Ms. Jeanene Peckham, Wetlands Section of the Water Quality Protection Division, U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6411.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to forty (40) days after issuance of this notice.

