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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 6 DALLAS, TEXAS 21 OCT -6 PM 3:49 REGIONAL HEARING CLERK EPA REGION VI

IN THE MATTER OF: (
CHISHOLM ENERGY OPERATING, LLC (
FORT WORTH, TEXAS (
RESPONDENT (
DOCKET NO. CAA-06-2021-3355

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the "CAA" or "Act"), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 (the "EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. Respondent Chisholm Energy Operating, LLC ("Respondent") is a limited liability company doing business in the State of New Mexico. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the Act, 42 U.S.C. § 7413(a)(1)(B).

6. EPA and the United States Department of Justice jointly determined that this matter, although it involves a penalty assessment above \$390,092 and/or alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. §7413(a)(1), on December 17, 2020, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (“NOVOC”) and provided a copy of the NOVOC to the State of New Mexico. In the NOVOC, EPA provided notice to both Respondent and the State of New Mexico that EPA found Respondent committed the alleged violations of the New Mexico State Implementation Plan (“SIP”) described in Section E of this CAFO and provided Respondent an opportunity to confer with EPA. Representatives of Respondent and EPA discussed the violations alleged in the NOVOC on January 14, 2021, and on various other subsequent occasions.

8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

10. The CAA is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

11. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs.

12. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain air pollutants. Section 109(b) of the CAA, 42 U.S.C. § 7409(b), provides that the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

13. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS, and to submit it to the Administrator of EPA for approval.

14. The State of New Mexico has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart GG. The New Mexico SIP includes authorization for New Mexico to require any person constructing a stationary source which has a potential emission rate greater

than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a NAAQS or New Mexico Ambient Air Quality Standard to obtain a construction permit from the New Mexico Environment Department (“NMED”). 20.2.72.200.A.1 NMAC.

15. The New Mexico SIP requires all sources subject to Part 72 to file applications for construction permits prior to the commencement of the construction, modification or installation, and no construction, modification or installation shall begin prior to issuance of the permit, regardless of the anticipated commencement date. 20.2.72.200.E NMAC.

16. The New Mexico SIP authorizes NMED to issue one or more general construction permits that each cover numerous similar sources that are generally homogenous in terms of operations, processes, and emissions and that are subject to the same or substantially similar requirements. Such permits may be issued after notice under Subsections A and B of 20.2.72.206 NMAC and a public hearing with opportunity for public participation under Subsection C of 20.2.72.206 NMAC. 20.2.72.220.A.1 NMAC.

17. Each general construction permit issued pursuant to the New Mexico SIP shall describe which sources may qualify to register under the permit. 20.2.72.220.A.2.(a) NMAC.

18. The New Mexico SIP authorizes the owner or operator of a source who is required to obtain a permit pursuant to Part 72 and who qualifies to register under a general construction permit to either apply to NMED to register under the terms of a general construction permit or apply for a construction permit under 20.2.72.200 NMAC. 20.2.72.220.C.1 NMAC.

19. Pursuant to the New Mexico SIP, if construction of a source is commenced prior to the receipt of NMED’s written approval of registration under a general construction permit, the source shall be subject to an enforcement action for construction without a permit. 20.2.72.220.C.6.(a) NMAC.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

20. At all times relevant to this proceeding, Respondent has owned and/or operated the oil and natural gas production facilities listed in Attachment A, which are located in the New Mexico Permian Basin (the “Facilities”).

21. Respondent is the owner and/or operator of the Facilities within the meaning of 40 C.F.R. § 51.100(f).

22. At all times relevant to this proceeding, Respondent owned and/or operated units that emit Volatile Organic Compounds (“VOCs”) at the Facilities, which produce oil and gas.

23. During September and October 2019, EPA contracted for helicopter flyovers of the Permian Basin area to assess emissions from energy extraction facilities using Optical Gas Imaging (“OGI”) technology. Flyovers of the Facilities were conducted on September 23 and 24, 2019.

24. On August 19, 2020, EPA sent Respondent OGI video captures showing hydrocarbon emissions from process equipment at energy extraction facilities, including the Facilities at issue in this CAFO, that EPA believed to be owned or operated by Respondent. EPA asked Respondent to verify ownership, provide current site-specific information, and take any necessary corrective action to address unauthorized hydrocarbon emissions at each facility. EPA considered information provided by Respondent to determine whether violations occurred at the facilities identified.

25. On September 3, 2020, Respondent provided permit documentation for each of the Facilities, which indicated that while Respondent had submitted permit applications to register each Facility under NMED’s General Construction Permit for Oil and Gas Facilities (“GCP-Oil & Gas”) prior to EPA’s helicopter flyovers, NMED had not yet approved the

Facilities' registrations under the GCP-Oil & Gas at the time of EPA's flyovers of the Facilities on September 23 - 24, 2019.

26. NMED approved the Facilities' registrations under the GCP-Oil & Gas after EPA's flyovers, on October 16, 2019 and October 23, 2019.

27. On December 17, 2020, EPA sent Respondent and NMED the NOVOC, notifying them of alleged violations of the New Mexico SIP.

28. On January 14, 2021, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

E. ALLEGED VIOLATIONS

29. EPA has conducted a comprehensive review of information gathered from the helicopter flyovers conducted September 10, 2019, through October 3, 2019, and from Respondent. Based on this review, EPA has made the following findings:

- a. Respondent violated 20.2.72.200.E NMAC, which requires all sources subject to Part 72 to file applications for permits "prior to the commencement of the construction, modification or installation. Regardless of the anticipated commencement date, no construction, modification or installation shall begin prior to issuance of the permit."
- b. Respondent violated 20.2.72.220.C(6)(a) NMAC by commencing construction of a source without a permit, in violation of 20.2.72.220.C(6)(a), which subjects sources to an enforcement action if "[c]onstruction of a source is commenced prior to the receipt of the Department's written approval of registration under a general construction permit."

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

General

30. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the issuance of any specified compliance or corrective action order;¹
- e. consents to the conditions specified in this CAFO;
- f. consents to any stated permit action;
- g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
- h. waives its rights to appeal the Final Order included in this CAFO.

31. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, Subparagraph "d." and "f." are not applicable to this particular case.

- c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
- d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Texas;
- e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and
- f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to these Facilities, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

Penalty Assessment and Collection

32. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration

of the size of the business, the economic impact of the penalty on the business, the Respondent's full compliance history and good faith efforts to comply, the duration of the violations, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of One Hundred Sixty Two Thousand Three Hundred Eighty Five Dollars (\$162,385) (the "EPA Penalty"). The EPA Penalty has been determined in accordance with the Section 113 of the Act, 42 U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

33. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO, and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving US currency; or (5) Online Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center

P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, *e.g.* FedEx), payment should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact – Jesse White (301) 887-6548

For Online Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number 06-2021-3355 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent’s name and address, the case name, and docket number 06-2021-3355. Respondent’s adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Aimee Boss, Enforcement Officer
U.S. EPA Region 6
Boss.Aimee@epa.gov

And

Lorena Vaughn, Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

34. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).
 - b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under Subparagraph “a.” of this Paragraph.

35. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), including, but not limited to, attorneys’ fees incurred by the United States for collection proceedings.

36. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate

United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

- b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
- c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

Conditions of Settlement

- 37. As Conditions of Settlement, Respondent agrees to the following:
 - a. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall inspect and evaluate all oil and water storage tanks and associated hatches, valves, gaskets, and pressure relief devices at the Facilities to ensure there are no unauthorized emissions.
 - b. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall inspect any and all flares at the Facilities to ensure that flares used for the

control of emissions from production are properly operated and continuously lit during all facility operating scenarios where gases are routed to the flares.

- c. Within ninety (90) days of the Effective Date of this CAFO, Respondent shall review its operation and maintenance procedures for inspecting process equipment at each of the Facilities, and update the procedures, as necessary, to ensure that problems are timely identified and addressed to minimize emissions from process equipment. If Respondent does not have such procedures, it shall create such procedures. Respondent shall ensure that these procedures include, at a minimum, the following:
 1. the use of a standard site inspection checklist during regular inspections that requires evaluation of the following: well pad, flares, separators, heater treaters, tank batteries, compressors, fuel skid, well heads, spill containment, solid waste and chemical storage, and miscellaneous facility-wide operations;
 2. a quality control program that ensures the quality, efficiency, and performance of facility maintenance activities; and
 3. appropriate and regular training for personnel implementing the operation and maintenance procedures.
- d. Within ninety (90) days from the review discussed in Subparagraph "c." above, Respondent shall send a letter (the "Letter Report") to EPA detailing:
 1. the equipment that was inspected under Subparagraph "a." and "b." above at each facility in Attachment A, the method of inspection, and any actions taken, or improvements made to ensure or improve compliance; and

2. any updates that were made to the operation and maintenance procedures for the Facilities in Attachment A to ensure that problems are timely identified and addressed to minimize emissions from process equipment.

The Letter Report shall be emailed to:

Aimee Boss
U.S. EPA Region 6
Boss.Aimee@epa.gov

Upon receipt of the Letter Report, EPA shall have ninety (90) days to respond with questions or disagreement that the Conditions of Settlement have been satisfied.

38. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraph 37 are completed (the "Tolling Period") shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the "Tolled Claims"). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

39. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 38, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facilities. Simultaneously with such notice, Respondent shall provide written notice of such

transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

40. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information.

41. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

42. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

43. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: Tripathi.Arati@epa.gov

To Respondent: BGrandstaff@chisholmenergy.com

44. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 35,

each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

45. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

46. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraph 37 (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraph 37, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

47. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

48. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

49. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

50. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$102,638 per day of violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in

Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

51. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

52. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

53. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph 37 is restitution, remediation, or required to come into compliance with the law.

H. EFFECTIVE DATE

54. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of Chisholm Energy Operating, LLC, Docket No. 06-2021-3355, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: _____

**Brad
Grandstaff**
Digitally signed by Brad
Grandstaff
Date: 2021.09.29
13:15:28 -05'00'

Brad Grandstaff
Vice President, Operations
Chisholm Energy Holdings, LLC
801 Cherry St Suite 1200 Unit 20
Fort Worth TX, 76102

FOR COMPLAINANT:

**STEPHEN
GILREIN**
Digitally signed by STEPHEN GILREIN
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
email=STEPHEN.GILREIN,
c=US, serial=19200300, 1.1=66001003651794
Date: 2021.10.06 08:18:05 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

Attachment A

**Chisholm Energy Operating, LLC
Docket No. CAA-06-2021-3355**

Site Identity	NMED API Number	Permit Number
Cottonwood 29 32 Federal Com WCA 009H	30-015-44919	8499
Cottonwood 28 33 Federal Com 2B S 007H	30-015-44650	8500
Black River 3 10 Federal Com WCA 002H	30-015-44969	8494

CERTIFICATE OF SERVICE

I hereby certify that on the date in the electronic signature below, an electronic copy of the foregoing Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

EMAIL - READ RECEIPT REQUESTED

Brad Grandstaff
Vice President, Operations
Chisholm Energy Holdings, LLC
801 Cherry St Suite 1200 Unit 20
Fort Worth TX, 76102
BGrandstaff@chisholmenergy.com

U.S. EPA, Region 6
Dallas, Texas