



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 05 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jordan Pigman
Senior Safety Coordinator
Diversified Gas & Oil PLC
6917 Knoxville Highway
Oliver Springs, Tennessee 37840

Re: Diversified Gas & Oil PLC
Expedited Settlement Agreement
CAA-04-2018-8023(b)

Dear Mr. Pigman:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2018-8023(b)) involving Diversified Gas & Oil PLC. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. **The penalty payment should be made within 15 days after the receipt of the signed, approved and filed ESA.**

If you need additional information in this matter, please call Jordan Noles at (404) 562-9105.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony G. Toney".

Anthony G. Toney
Chief

Chemical Safety and Enforcement Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2018-8023(b)

This ESA is issued to: Diversified Gas & Oil PLC
6917 Knoxville Highway
Oliver Springs, Tennessee

for violating 40 CFR § 68.67, 40 CFR § 68.69, 40 CFR § 68.79 and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, EPA, Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Diversified Gas & Oil PLC (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 6917 Knoxville Highway, Oliver Springs, Tennessee, on May 31, 2018, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

It established a system to promptly address the team's findings and recommendations for the Process Hazard Analysis; assured that the recommendations were resolved in a timely manner and that the resolution is documented; documented what actions are to be taken; completed actions as soon as possible; developed a written schedule of when these actions are to be completed; communicated the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions as required by 40 CFR 68.67(e);

It reviewed the operating procedures as often as necessary to assure that they reflect current operating practice, and certified annually that the operating procedures are current and accurate as required by 40 CFR 68.69(c); and

It evaluated compliance with the provisions Subpart D, Program 3 Prevention Program at least every three years as required by 40 CFR 68.79(a).

2019 FEB - 5 AM 9:43
HEARING CLERK
USEPA, REGION 4
OFFICE OF REGIONAL
COUNSEL

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of \$3,120.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of \$3,120. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$3,120, in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA : 021030004

Account : 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Delivery Location Phone Number: 314- 425-1819

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303; and

Jordan Noles
U.S. EPA Region 4
Chemical Management and Emergency
Planning Section
61 Forsyth Street S.W.
Atlanta, Georgia 30303

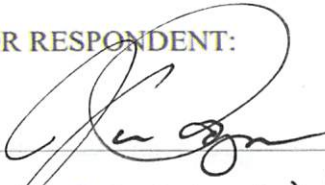
The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

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FOR RESPONDENT:



Date: 11-15-18

Name (print): JORDAN PIGMAN

Title (print): SR. SAFETY COORDINATOR
Diversified Gas & Oil PLC

FOR COMPLAINANT:



Date: 12/19/18

Beverly H. Banister
Director
Air, Pesticides and Toxics Management Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.



Date: January 28, 2019

Tanya Floyd
Regional Judicial Officer

11-12-18

JORDAN TIBBANS
Sr. SAFETY COORDINATOR

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Faint, illegible text in the lower-right quadrant.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement (ESA), in the matter of Diversified Gas & Oil PLC, CAA-04-2018-8023(b), on the parties listed below in the manner indicated:

Jordan Noles
U. S. EPA, Region 4
Air, Pesticides and Toxics
Management Division

(Via EPA's internal mail)

Lucia Mendez
U. S. EPA, Region 4
Office of Regional Counsel


(Via EPA's internal mail)

Mr. Jordan Pigman
Sr. Safety Coordinator
Diversified Gas & Oil PLC
6917 Knoxville Highway
Oliver Springs, Tennessee 37840

(Via Certified Mail -
(Return Receipt Requested)

Date:

2-5-19



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511