



UNITED STATES ENVIRONMENTAL PROTECTION

AGENCY

REGION 6

1201 Elm Street, Suite 500  
DALLAS, TEXAS 75270-2101

FILED  
2019 OCT -7 PH 2:16

REGIONAL HEARING CLERK  
EPA REGION VI

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO: CAA 06-2019-3505**

**This complaint is issued to: Lincoln Parish Gas Plant  
At: 400 Elliot Road, Arcadia, Louisiana  
for violating 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 6, by its duly delegated official, the Director, Enforcement and Compliance Assurance Division, and by Lincoln Parish Gas Plant (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the United States Department of Justice have jointly determined that EPA may pursue this type of case as an administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

On May 06, 2019, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act 42 U.S.C. § 7412(r). EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act 42 U.S.C. § 7412(r) by failing to comply with the regulations as noted:

1) 40 C.F.R. § 68.79(d) "Compliance Audit" States that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected.

Based on information provided, the facility failed to document that all deficiencies had been corrected from its January 2018, compliance audit.

**SETTLEMENT**

In consideration of factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), including Respondent's size of business, its full compliance history, its good faith effort 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, described above for the total penalty amount of \$ 300.00. This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, 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. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$ 300.00 in payment of the full penalty amount to the following address:

U. S. Environmental Protection  
Agency Fines and Penalties  
Cincinnati Finance Center  
P. O. Box 979077  
St. Louis, MO 63197-9000

The DOCKET NUMBER OF THIS ESA must be included on the certified check. (The DOCKET NUMBER is located at the top of this ESA.). **This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:**

Elizabeth Rogers  
RMP Enforcement Officer  
Enforcement and Compliance Assurance Division (ECDAC)  
U. S. Environmental Protection Agency  
Region 6 1201 Elm Street, Suite 500  
Dallas, Texas 75202-2101

Respondent's full payment of the penalty as provided in this Settlement Agreement shall resolve Respondent's liability for Federal civil penalties for the violations and facts alleged above. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Clean Air Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 30 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon filing with the Regional Hearing Clerk.

**SIGNATURE BY RESPONDENT:**

Signature: Todd McKee  
Name (print): Todd McKee  
Title (print): Director of Operations  
Cost of Corrective Actions: \$55,900.00

Date: 9/15/19

19 SEP 17 AM 8:20  
EPA REGION 6 OFFICE  
DALLAS, TX

Respondent's Brief Description of Complying Action: See Next Page

---

---

---

---

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

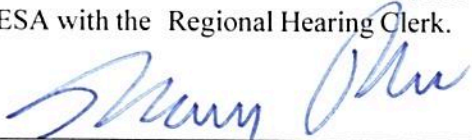
**SIGNATURE BY EPA:**



Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Date: 10/31/19

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and ESA with the Regional Hearing Clerk.



Thomas Rucki  
Regional Judicial Officer

Date: 10/7/19

**Respondent's Brief Description of Complying Action:** Energy Transfer (ET) acquired the Lincoln Gas Plant from PennTex in June 2017. The 3-year PSM and RMP compliance audit was conducted on January 23, 2018, which is the basis for the EPA's ESA. Per the compliance audit Recommendation, ET elected to have another Building Siting Study (AKA Facility Siting Study) performed to evaluate the risks associated with the Facility's Control Room (i.e., Building). ET promptly contracted a third party (ABS Consulting) to conduct the study. The study was completed in August 2019 and all action items resulting from the study have been completed. The ABS Consulting Facility Siting Study and ET action item tracking sheets were submitted to the EPA to demonstrate the Finding has been mitigated.

**Finding (January 23, 2018)**

**PHA-01** §1910.119(e)(5) & §68.67(7)(e)  
*The facility had a building siting conducted in September 2015 which has open recommendations that have not been addressed.*

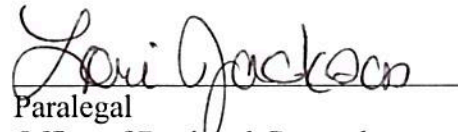
**Recommendation**

**PHA-01** *The building siting report conducted in September 2015 should be addressed as promptly as possible. The facility should either address recommendations generated or have another study conducted to conduct an analysis to further analyze the original study.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of Oct, 2019, the original of the foregoing Final Order of Clean Air Act, Section 112(r) Expedited Settlement Agreement was hand delivered to the Regional Hearing Clerk, U. S. EPA, Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. Todd McKee  
Director of Operations  
Lincoln Parish Gas Plant  
8111 Westchester Drive  
Dallas, TX 75225

  
Paralegal  
Office of Regional Counsel  
US EPA - Region 6