UNITED STATES ENVIRONMENTAL PROTECTION AGENCY **REGION III 1650 ARCH STREET** PHILADELPHIA, PA 19103-2029 016 SSP 14 AM II: 38

EXPEDITED PENALTY ACTION AND CONSENT AGREEMENT **DOCKET NO. CAA-03-2016-0169**

RESPONDENT

MarkWest Liberty Midstream & Resources, LLC 4600 J. Barry Court, Suite 500 Canonsburg, PA 15342

FACILITY

MarkWest Houston Gas Plant 800 Western Ave Washington, PA 15301

On November 19, 2015 an authorized representative of the EPA conducted an inspection of the subject facility to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act (the Act or CAA). EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations, as more fully alleged in the attached RISK MANAGEMENT PROGRAM, INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), which is hereby incorporated by reference.

The parties enter into this Expedited Penalty Action and Consent Agreement ("Consent Agreement") to settle the civil violation set forth above for a penalty of \$2,000. This Consent Agreement commences and concludes this action pursuant to Sections 22.13(b), and 22.18(b)(2), and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. §22.13(b), and 22.18(b)(2), and (3). This Consent Agreement is being entered into by the United States Environmental Protection Agency, Region 3 (EPA), by its duly delegated official, the Director, Hazardous Site Cleanup Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. §7413(a)(3) and (d).

The settlement is subject to the following terms and conditions.

The Respondent consents to the assessment of the penalty stated above. The settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the seriousness of the violation and the other factors provided in CAA Section 113(e)(1) and EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program dated June 20, 2012. The Respondent certifies that it has corrected the violation set forth in the Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet. The Respondent also certifies that, since its last Risk Management Plan update required pursuant to 40 C.F.R. §68.190, it has not done either of the following: (a) introduced a new regulated substance at the facility in an amount greater than its threshold quantity; or (b) introduced a new process which uses a regulated substance in an amount greater than its threshold quantity. Further, the Respondent agrees that it shall, within 15 calendar days of receipt of an executed copy of this Consent Agreement, make payment of \$2,000 in one of the following forms: 1) Electronic Funds Transfer (EFT), 2) Automated Clearinghouse, 3) Pay.Gov, or 4) a cashier's check or certified check payable to the "US Environmental Protection Agency", with the Docket Number, located at the top right-hand corner of the Consent Agreement, and "Chemical Accident Prevention Provisions - 112(r)" referenced on the check.

1) Payment of the penalty amount by EFT to:

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

Beneficiary: Environmental Protection Agency

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The payment made pursuant to this Consent Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), and, therefore, Respondent shall not claim it as a tax deductible expenditure for purposes of federal, state or local law. This Consent Agreement resolves only the civil claims for the specific violation alleged in the attached Risk Management Program, Inspection Findings, Alleged Violations and Proposed Penalty Sheet. Furthermore, EPA reserves the right to commence an action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement, following its filing with the Regional Hearing Clerk.

Respondent neither admits nor denies the allegations set forth in the attached Risk Management Program, Inspection Findings, Alleged Violations and Proposed Penalty Sheet, but admits that jurisdiction has been established for this Penalty Action. Also, upon EPA final approval of the Consent Agreement, Respondent expressly waives its right to contest the allegations, to a hearing under Section 113(d)(2)(A) of the Act, 42 U.S.C. §7413(d)(2)(A), and to appeal this Order under Section 113 (d)(4) of the Act, 42 U.S.C. §7413(d)(4). Moreover, in entering into this Consent Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Consent Agreement.

ACCEPT THE PROPOSED PENALTY

1/we consent to the proposed penalty.

DECLINE THE PROPOSED PENALTY

□ I/we decline the proposed penalty. If you choose to decline this proposed penalty, check the box. You may be subject to formal enforcement action and, in that event, will have an opportunity to a hearing related to any subsequent penalty assessment.

COST OF COMPLIANCE
Respondent certifies that it has expended to correct the alleged violation and to come into compliance.

EFFECTIVE DATE

This Consent Agreement will be effective upon filing.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this

Signature Date: 6-25-16

Name and Title (print) VP EHIS AND OPERATION SUPPORT SURVINES

Consent Agreement and to legally bind the party whom he or she represents to this Consent Agreement.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 ARCH STREET PHILADELPHIA, PA 19103-2029

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2) Payment of the penalty amount by Automated Clearinghouse (ACH) to EPA can be made through the US Treasury using the following information:

US Treasury REX/Cashlink ACH Receiver

ABA: 051036706

Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22 - checking

Physical location of US Treasury Facility:

5700 Rivertech Court Riverdale, MD 20737

3) Payments made through Pay.gov:

- a) Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:
- a) You DO NOT need a user name and password or account.
- b) Enter SFO 1.1 in the form search box on the top left side of the screen.
- c) Open the form and follow the on-screen instructions.
- d) Select your type of payment from the "Type of Payment" drop down menu.
- e) Based on your selection, the corresponding line will open and no longer be shaded gray.
- f) Enter the docket number, invoice number or other corresponding information into the field.
- 4) Payment of the penalty amount by regular US Postal Service shall be sent via <u>certified mail</u> to:

U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, MO 63197-9000 4) Payment of the penalty amount by <u>overnight</u> mail (FedEx or other non-US Postal Service express mail) shall be sent to:

U.S. Bank 1005 Convention Plaza Mail Station SL-MO-C2GL St. Louis, MO 63101

Within 24 hours of payment of the EPA Penalty, Respondent shall also send proof of payment to:

Kevin Daniel RMP Coordinator U.S. EPA, Region III (3HS61) 1650 Arch Street Philadelphia, PA 19103-2029 daniel.kevin@epa.gov Lydia Guy Regional Hearing Clerk U.S. EPA, Region III (3RC00) 1650 Arch Street Philadelphia, PA 19103-2029 guy.lydia@epa.gov

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified

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SEP 1 2 2016

SIGNATURE BY COMPLAINANT:

Karen Melvin, Director

Hazardous Site Cleanup Division

FINAL ORDER

Date:

Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. §7413(d)(1), and in accordance with the Consolidated Rules of Practice, 40 C.F.R. Part 22, and having relied upon the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based on a consideration of the factors set forth in CAA Section §7413(e)(1) and EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program dated June 20, 2012.

THEREFORE, the foregoing Consent Agreement is hereby approved and incorporated by reference into the Final Order. The Respondent is ORDERED to pay the civil penalty as set forth in the Consent Agreement.

Joseph J. Lisa

Regional Judicial Officer

_ Date: Sept. 14 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

1650 Arch Street Philadelphia, Pennsylvania 19103-2029

In the Matter of:) EPA Docket No.:			
MarkWest Liberty Midstream & F	Resources, LLC) CAA-03-2016-0169			
4600 J. Barry Court, Suite 500)			
Canonsburg, PA 15342)				
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Respondent,)	720	~	
) Proceedings under Section	30	2016	407*2
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Complainant's, the United States Environmental Protection Agency's, Expedited Penalty Action and Consent Agreement ("Consent Agreement") with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement, were sent to:

Via certified mail, return receipt requested

Leanne Meyers, VP, Environmental, Safety, Pipeline Integrity and Operations Support Services MarkWest Liberty Midstream & Resources, LLC 4600 J. Barry Court, Suite 500 Canonsburg, PA 15342

9/14/16 Date

Kevin Daniel (3HS61)