UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

DOCKET NO.: CAA-08-2018-0011

IN THE MATTER OF:	)	
	)	
AMPLIFY ENERGY CORP.	)	**FINAL ORDER**
	)	
	)	
	)	
	)	
RESPONDENT	)	

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon filing this Consent Agreement and Final Order.

SO ORDERED THIS 17th **DAY OF** September, **2018.**

Katherine E. Hall
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 SEP 17 PM 2:27

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:	)	
	)	
Amplify Energy Corp.	)	**COMBINED COMPLAINT AND**
500 Dallas Street	)	**CONSENT AGREEMENT**
Suite 1700	)	
Houston, Texas 77002	)	**Docket No.: CAA-08-2018-0011**
	)	
Respondent	)	
	)	

A. PRELIMINARY STATEMENT

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

2. Complainant is the United States Environmental Protection Agency, Region 8 (EPA). On the EPA's behalf, Suzanne J. Bohan, Assistant Regional Administrator for the Office of Enforcement, Compliance and Environmental Justice, is delegated the authority to settle civil administrative penalty proceedings under section 113(d) of the Act.

3. Respondent is Amplify Energy Corp., a corporation organized under the laws of the State of Delaware and authorized to do business in the State of Wyoming.

4. Respondent is a "person" as defined in section 302(e) of the Act, 42 U.S.C. § 7602(e).

5. Complainant and Respondent, having agreed that settlement of this action is in the public interest, voluntarily and mutually consent to the entry of this combined complaint and consent agreement (CCCA or Agreement) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CCCA.

B. JURISDICTION

6. This CCCA is entered into under section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. part 22. The alleged violations in this CCCA are pursuant to section 113(a)(3)(A), 42 U.S.C. § 7413(a)(3)(a).

7. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one 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.

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

9. This CCCA and approval in a final order simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

10. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), authorizes the Administrator to promulgate regulations regarding the prevention and detection of accidental releases of certain regulated substances. Section 112(r)(7)(B) of the CAA, 42 U.S.C. § 7412(r)(7)(B), requires the Administrator to promulgate regulations requiring the owners or operators of stationary sources where a regulated substance is present above a threshold quantity to prepare a risk management plan (RMP) to prevent or minimize risks of accidental releases of those regulated substances. The regulations, promulgated by the EPA pursuant to CAA section 112(r)(7), are set forth in 40 C.F.R. part 68.

11. Under 40 C.F.R. § 68.3, the following definitions apply:

    (a) "Stationary source" means "any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group which are located on

one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur."

(b) "Regulated substance" means "any substance (listed pursuant to section 112(r)(3) of the CAA) in 40 C.F.R. § 68.130." Threshold quantities for the regulated substances are included in 40 C.F.R. § 68.130.

D. STIPULATED FACTS

12. Respondent is a corporation, and therefore a person, and thus subject to regulation under section 112 of the CAA, 42 U.S.C. § 7412.

13. Respondent is the owner and/or operator of a natural gas processing facility, a stationary source, located at 101 Primrose Avenue, Bairoil, Wyoming 82322 (Facility).

14. The Facility uses, handles, and/or stores more than a threshold quantity of a flammable mixture and anhydrous ammonia, both regulated substances, listed under 40 C.F.R. § 68.130.

15. Pursuant to section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), Respondent is required to prepare and implement a RMP to detect and prevent or minimize accidental releases of such substances.

16. Pursuant to 40 C.F.R. § 68.10, Respondent meets the Program 3 eligibility requirements.

17. Ammonia presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. In light of the potential hazards posed by the mishandling of anhydrous ammonia, industry trade associations have issued standards outlining the recognized and generally accepted good engineering practices (RAGAGEP) in the ammonia refrigeration industry. In collaboration with the American National Standards Institute, the International Institute of Ammonia Refrigeration (IIAR) has issued (and updates) applicable standards and guidance. These standards are consistently relied upon by refrigeration experts and are often incorporated into state building and mechanical codes.

18. The American Petroleum Institute (API) has issued (and updates) applicable standards and guidance for petroleum, natural gas, and petrochemical equipment and operation. These standards are consistently relied upon as RAGAGEP in the oil and gas industry.

19. On April 27, 2016, an authorized representative of the EPA conducted an inspection of the Facility, with the consent of Respondent, to determine compliance with the CAA section 112(r)(7). During the inspection, the EPA representative observed alleged violations of the CAA section 112(r)(7). The alleged violations are described in Paragraphs 21-40.

20. The EPA and Respondent entered into an Administrative Compliance Order on Consent (AOC) pursuant to sections 113 and 114 of the CAA, 42 U.S.C. §§ 7413 and 7414, which became effective on September 12, 2017. The AOC summarized RMP deficiencies and potentially dangerous conditions observed by the EPA inspectors; ordered Respondent to comply with RMP requirements at the Facility; and ordered Respondent to certify and document it had corrected the RMP deficiencies outlined in the AOC. The EPA received a notification of completion from Respondent dated June 14, 2018, certifying that Respondent had corrected the RMP deficiencies outlined in the AOC.

E. ALLEGED VIOLATIONS OF LAW

21. 40 C.F.R. § 68.65(c)(1)(iii) provides that the process safety information shall include information pertaining to the technology of the process including the maximum intended inventory. Respondent did not include regulated substances within process piping in the maximum intended inventory. By not including regulated substances within the process piping in the maximum intended inventory, Respondent violated 40 C.F.R. § 68.65(c)(1)(iii).

22. 40 C.F.R. § 68.65(d)(1)(iv) provides that the process safety information shall include information pertaining to the equipment in the process including relief system design and design basis. Respondent did not provide relief system design and design basis for the ammonia system. By

failing to include relief system design and design basis for the ammonia system in the process safety information, Respondent violated 40 C.F.R. § 68.65(d)(1)(iv).

23. 40 C.F.R. § 68.65(d)(1)(vi) provides that the process safety information shall include information pertaining to the equipment in the process including design codes and standards employed. The process safety information did not contain applicable design codes and standards employed for the ammonia system. By failing to include design codes and standards employed for the ammonia system in the process safety information, Respondent violated 40 C.F.R. § 68.65(d)(1)(vi).

24. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with RAGAGEP. Ammonia pressure-relief-valve extensions above machine-room roof did not meet the height and direction of termination of discharge requirements in accordance with Section 15.5.1.3 and Section 15.5.1.5 of IIAR 2 2014, American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems. By not meeting the height and direction of termination of discharge requirements for ammonia pressure-relief-valve extensions in accordance with RAGAGEP, Respondent was unable to document that equipment complied with RAGAGEP and therefore violated 40 C.F.R. § 68.65(d)(2).

25. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with RAGAGEP. Ammonia piping was not labeled in accordance with Section 5.14.5 of IIAR 2 2014 or per Section 4.0 of Bulletin 114–Guidelines for: Identification of Ammonia Refrigeration Piping and System Components (Date: 2014). By not labeling the ammonia piping in accordance with RAGAGEP, Respondent was unable to document that equipment complied with RAGAGEP and therefore violated 40 C.F.R. § 68.65(d)(2).

26. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with RAGAGEP. Safety showers and eyewash stations within the ammonia machine room did not have a continuous water supply and there were no safety showers and eyewash

stations outside of the ammonia machine room in accordance with Section 6.7 of IIAR 2 2014. By not having a continuous water supply to safety showers and eyewash stations in the ammonia machine room and not having safety showers and eyewash stations outside the ammonia machine room in accordance with RAGAGEP, Respondent was unable to document that equipment complied with RAGAGEP and therefore violated 40 C.F.R. § 68.65(d)(2).

27. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with RAGAGEP. During the EPA inspection it was observed that the entry/exit doors in the ammonia machine room were propped open impeding the ability of the doors to be self-closing and tight fitting in accordance with Section 6.10.2 of IIAR 2 2014. By impeding the ability of entry/exit doors in the ammonia machine room to be self-closing and tight fitting in accordance with RAGAGEP, Respondent was unable to document that equipment complied with RAGAGEP and therefore violated 40 C.F.R. § 68.65(d)(2).

28. 40 C.F.R. § 68.65(d)(2) provides that the owner or operator shall document that equipment complies with RAGAGEP. Ammonia signage at ammonia machine room entry/exit doors did not have the required National Fire Protection Association 704 placards and restricted access signage in accordance with Section 6.15 of IIAR 2 2014. By failing to have required placards and signage at ammonia machine room entry/exit doors in accordance with RAGAGEP, Respondent was unable to document that equipment complied with RAGAGEP and therefore violated 40 C.F.R. § 68.65(d)(2).

29. 40 C.F.R. § 68.69(a)(3) provides that the owner or operator shall develop and implement written operating procedures that shall address the safety and health considerations specified in 40 C.F.R. § 68.69(a)(3). Respondent did not provide written operating procedures that address the safety and health considerations specified in 40 C.F.R. § 68.69(a)(3). By failing to provide written procedures addressing safety and health consideration, Respondent violated 40 C.F.R. § 68.69(a)(3).

30. 40 C.F.R. § 68.69(b) provides that operating procedures shall be readily accessible to employees who work in or maintain a process. Ammonia loading procedures were not readily accessible for the ammonia storage tank. By not having ammonia loading procedures readily accessible to employees at or nearby the ammonia storage tank, Respondent violated 40 C.F.R. § 68.69(b).

31. 40 C.F.R. § 68.69(c) provides that the owner or operator shall certify annually that these operating procedures are current and accurate. For 2015, Respondent did not certify that the operating procedures were current and accurate. By not certifying that operating procedures were current and accurate for 2015, Respondent violated 40 C.F.R. § 68.69(c).

32. 40 C.F.R. § 68.71(b) provides that refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training. According to the Facility's training spreadsheet (entitled "Online Training Record, Bairoil, 2014 & 2015"): Maintenance Foreman did not complete "NORM Awareness Training for Upstream Oil and Gas Operations" by the due date of October 7, 2015; Maintenance Foreman did not complete "Personal Protective Equipment Training for Oil and Gas Personnel" by the due date of October 7, 2015; Operations Manager did not complete "Fire Safety Training" by the due date of February 29, 2016; Lease Operator did not complete "Fire Safety Training" by the due date of February 29, 2016; Lease Operator did not complete "Hazard Communication Training for the Oil and Gas Industry" by the due date of February 29, 2016; Senior Maintenance Mechanic did not complete "Fire Safety Training" by the due date of February 29, 2016; Plant Operator did not complete "Fire Safety Training" by the due date of February 29, 2016; and Foreman did not complete "Fire Safety Training" by the due date of March 31, 2016. By not providing the refresher training by the due dates referenced above, Respondent violated 40 C.F.R. § 68.71(b).

33. 40 C.F.R. § 68.73(d)(1) provides that inspections and tests shall be performed on process equipment. External inspections, including corrosion under insulation (CUI) inspections, had not been performed on the process piping at the Facility according to Section 6.4 of API 570, Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems. By not inspecting and testing the process piping, Respondent violated 40 C.F.R. § 68.73(d)(1).

34. 40 C.F.R. § 68.73(d)(3) provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices. Internal inspections had not been performed at least every 10 years on the fractional distillation tower, the propane pressure vessels, the natural gas liquids (NGL) pressure vessels, the amine unit, and the scrubbers. Inspections on these pressure vessels had not been performed in accordance with Section 6.4 and Section 6.5 of API 510, Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration. By not meeting the inspection frequencies consistent with good engineering practices for inspecting and testing process equipment, as outlined above, Respondent violated 40 C.F.R. § 68.73(d)(3).

35. 40 C.F.R. § 68.73(d)(3) provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices. Respondent did not document hose inspection and replacement dates for the NGL loadout stations. By not documenting hose inspection and replacement dates, Respondent was unable to demonstrate that the frequency of inspections was consistent with applicable manufacturers' recommendations and good engineering practices and therefore violated 40 C.F.R. § 68.73(d)(3).

36. 40 C.F.R. § 68.75(a) provides that the owner or operator shall establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to stationary sources that affect a covered process. A management of change (MOC) was not completed before the Facility increased capacity in October of 2015

(Compressor #6 was changed from standby status to full-time status in order to realize the increased capacity). By not completing an MOC prior to increasing capacity in October of 2015, Respondent violated 40 C.F.R. § 68.75(a).

37. 40 C.F.R. § 68.75(d) provides that if an MOC results in a change in the process safety information, such information shall be updated accordingly. Process safety information includes electrical classification documentation. Respondent provided electrical classification documentation which did not accurately reflected the current state of the Facility. By not updating the electrical classification documentation when changes to the covered processes were previously made at the Facility, Respondent violated 40 C.F.R. § 68.75(d).

38. 40 C.F.R. § 68.79(a) provides that the owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed. Respondent completed compliance audits on November 13, 2009, and on October 29, 2013. This exceeds the three-year requirement. By not evaluating compliance at least every three years with 40 C.F.R part 68, Respondent violated 40 C.F.R. § 68.79(a).

39. 40 C.F.R. § 68.95(a)(2) provides that the owner or operator shall develop and implement an emergency response program which shall include procedures for the use of emergency response equipment and for its inspection, testing, and maintenance. Inspections had not been performed on the Facility's Type A suits per RAGAGEP. By not inspecting the emergency response Type A suits, Respondent violated 40 C.F.R. § 68.95(a)(2).

40. 40 C.F.R. § 68.190(b)(5) provides that the owner or operator of a stationary source shall revise and update the Risk Management Plan (RMP) submitted within six months of a change that requires a revised Process Hazard Analysis (PHA) or hazard review. When the Facility increased capacity in 2015, a PHA was conducted by Respondent. However, the online RMP at the time of the EPA inspection was not updated and contained incorrect information including

owner/operator, parent company, points of contact, and potentially offsite consequence analysis information. By not updating the RMP within six months of the 2015 capacity increase at the Facility, Respondent violated 40 C.F.R. § 68.190(b)(5).

F. TERMS OF CONSENT AGREEMENT

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

(a) admits that the EPA has jurisdiction over the subject matter alleged in this Agreement;

(b) neither admits nor denies the alleged violations of law stated above;

(c) consents to the assessment of a civil penalty;

(d) consents to the issuance of any specified compliance or corrective action order;

(e) consents to the conditions specified in this CCCA;

(f) waives any right to contest the alleged violations of law set forth in section E of this CCCA; and,

(g) waives its rights to appeal the Final Order which approves this CCCA.

42. For the purpose of this proceeding, Respondent:

(a) certifies that it has corrected the alleged violations listed in section E of this CCCA and is currently in compliance with 40 C.F.R. part 68 at the Facility;

(b) agrees that this CCCA states a claim upon which relief may be granted against Respondent;

(c) acknowledges that this CCCA constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

(d) 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 CCCA, including any right of judicial review under section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);

(e) consents to personal jurisdiction in any action to enforce this CCCA in the United States District Court for the District of Wyoming or other venue, at the discretion of the case team; and

(f) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with this CCCA and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

G. CIVIL PENALTY

43. Section 113(d)(1)(B) of the Act, 42 U.S.C. § 7413(d)(1)(B), and 40 C.F.R. part 19 authorize the assessment of a civil penalty per day of violation for each violation of the implementing regulations associated with the "Prevention of Accidental Releases" requirements of 42 U.S.C. § 7412(r). Pursuant to sections 113(d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria and the applicable penalty policy, the EPA has determined that it is fair and proper to assess the civil penalty stated in Paragraph 44 for the violations alleged in this matter.

44. **Penalty Payment:** Respondent agrees to:

(a) pay the civil penalty of one hundred and eighty-eight thousand, and ninety-one dollars ($188,091) within 30 calendar days of the Effective Date of this Agreement.

(b) pay the EPA Penalty using any method, or combination of methods, provided on the website: https://www.epa.gov/financial/makepayment, and identifying each and every payment with the Docket No. of this CCCA. Within 24 hours of payment of the EPA Penalty, send proof of payment to Steven A. Ramirez at U.S. Environmental Protection Agency (8ENF-AT-TP), 1595 Wynkoop St, Denver, Colorado 80202-1129 or to ramirez.stevena@epa.gov ("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 the EPA requirements, in the amount due, and identified with the Docket No. of this CCCA).

45. **Collection of Unpaid Civil Penalty:** Pursuant to section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), if Respondent fails to pay the civil penalty referenced in Paragraph 44 in full, it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid within 30 calendar days of the effective date of this CCCA. In that event, interest will accrue from the effective date of this CCCA at the "underpayment rate" established pursuant to 26 U.S.C. § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys' fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review. There are other actions the EPA may take if respondent fails to timely pay: refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33; collect the 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; suspend or revoke Respondent's licenses or other privileges; or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

H. ADDITIONAL PROVISIONS

46. The terms, conditions, and compliance requirements of this CCCA may not be modified or amended except upon the written agreement of both parties, and approval of the RJO.

47. The provisions of this CCCA shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

48. By signing this CCCA, Respondent acknowledges that this CCCA will be available to the public and agrees that this CCCA does not contain any confidential business information or personally identifiable information.

49. By signing this CCCA, 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 CCCA and has the legal capacity to bind the party he or she represents to this CCCA.

50. By signing this CCCA, both parties agree that each party's obligations under this CCCA and the EPA's compromise of statutory maximum penalties constitute sufficient consideration for the other party's obligations.

51. By signing this CCCA, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such 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.

I. EFFECT OF CCCA

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

53. Penalties paid pursuant to this CCCA shall not be deductible for purposes of federal taxes.

54. This CCCA 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 with the exception of the AOC issued on September 12, 2017.

55. Any violation of this CCCA may result in a civil judicial action for an injunction or civil penalties 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) and inflationary adjustments as provided in 40 C.F.R. § 19.4. The EPA may use any information submitted under this CCCA in an administrative, civil judicial, or criminal action.

56. Nothing in this CCCA 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 the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

57. Nothing herein shall be construed to limit the power of the 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.

58. The EPA reserves the right to revoke this CCCA and settlement penalty if and to the extent that the EPA finds, after signing this Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and, as a consequence of any such materially false or inaccurate information, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

59. This CCCA in no way relieves Respondent or its employees of any criminal liability, and the EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

60. Except as qualified by Paragraph 45, each party shall bear its own costs and fees in this proceeding including attorneys' fees. Respondent specifically waives any right to recover such costs from the EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

J. EFFECTIVE DATE

61. Respondent and Complainant agree to issuance of a final order. Upon filing, the EPA will transmit a copy of the filed CCCA to the Respondent. This CCCA and subsequently issued Final Order shall become effective after execution of the Final Order by the RJO on the date of filing with the Regional Hearing Clerk.

The foregoing Combined Complaint and Consent Agreement In the Matter of Amplify Energy Corp., is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Signature _____ Date 9/11/2018

Printed Name: ERIC M. WILLIS

Title: VP + GENERAL COUNSEL

Address: 500 DALLAS ST. SUITE 1700 HOUSTON TX 77002

Respondent's Federal Tax Identification Number: 82-1326219

FOR COMPLAINANT:

9/13/18
DATE

Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT and FINAL ORDER** in the matter of **AMPLIFY ENERGY CORP.; DOCKET NO.: CAA-08-2018-0011** was filed with the Regional Hearing Clerk on September 17, 2018.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Marc Weiner, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on September 17, 2018, to:

Respondent

Eric Willis, Vice President and General Counsel
Amplify Energy Corp.
500 Dallas Street, Suite 1700
Houston, Texas 77022

And emailed to:

Jessica Chalifoux
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

September 17, 2018

Melissa Haniewicz
Regional Hearing Clerk