



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

April 7, 2020

Mr. Jon Springer
Process Safety Foreman
Brasada Gas Plant
1201 Lake Robbins Drive
The Woodlands, TX 77380
Jon_Springer@oxy.com

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings
and Proposed Penalty
In the Matter of Brasada Gas Plant
Docket No. CAA 06-2020-3506

Dear Mr. Springer:

Enclosed is a copy of a fully executed Expedited Settlement Agreement (ESA) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Brasada Gas Plant located in Cotulla, Texas. As provided in the ESA, the Brasada Gas Plant should have already certified that the violation(s) have been corrected, provided a brief description of complying action(s), and paid the civil penalty of \$ 600.00. The EPA requests that you immediately confirm receipt of this e-mail and the attached ESA by a response e-mail.

If you have any questions relating to this ESA, please contact Elizabeth Rogers of my staff at (214) 665-6708 or via e-mail at rogers.elizabeth@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Cheryl T. Seager".

Digitally signed by CHERYL
SEAGER
Date: 2020.04.06 15:47:18 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure(s)

Ecc: Michael De La Cruz, Manager
Air Enforcement Section
Enforcement Division, Office of Compliance & Enforcement
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087
Michael.DeLacruz@tceq.texas.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TX 75270

JAN 23 2020

CERTIFIED MAIL: RETURN RECEIPT REQUESTED: 7014 0150 0000 2404 8312

Mr. Jon Springer
Process Safety Foreman
Brasada Gas Plant
1201 Lake Robbins Drive
The Woodlands, TX 77380

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings and Proposed Penalty
In the Matter of Brasada Gas Plant, Cotulla, Texas
Docket No. CAA **06-2020-3506**

Dear Mr. Springer:

The United States Environmental Protection Agency (EPA) has authority under Section 113 of the Clean Air Act (the CAA or the Act) to pursue civil penalties for violations of the Section 112(r) Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. Enclosed is an ESA that addresses RMP violations discovered at the Brasada Gas Plant (Respondent) located at 513 Cochina Ranch Road, Cotulla, Texas 78014, as documented in the enclosed RMP Inspection Findings.

The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Order, and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22 (2002).

The ESA contains a discounted, non-negotiable penalty amount of \$ **600.00**, which is lower than the amount that would be derived from EPA's Combined Enforcement Policy for Section 112(r) of the Act. You may resolve the cited violations by mailing a check for the penalty, certifying the violation(s) have been corrected, providing a brief description of complying action(s) and returning the signed original ESA within 30 days of your receipt of this letter.

EPA, at its discretion, may grant one 30-day extension for cause upon request. If you do not pay the penalty and return the ESA within 30 days of receipt, the ESA will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations which can result in penalties up to \$47,357 per day per violation. EPA will treat any response to the ESA, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

Upon execution of the document, EPA will take no further civil penalty action against you for the violations cited in the ESA.

You are required in the ESA to certify that you have corrected the violation(s), provided a brief description of complying action(s), and paid the penalty. The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer, United States of America", with the Docket Number of the ESA on the check. The Docket Number is located at the top of the ESA.

Payment of the penalty amount shall be sent via certified mail to:

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

Or

For wire transfer, the payment should be remitted to:

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

Field Tag 4200 of the Fed-wire message should read "D 68010727 Environmental Protection Agency" with a phone number of (412) 234-4381.

The signed original ESA with a copy of the certified check shall be sent via 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, TX 75270-2102

When signing the ESA, please indicate, in the appropriate space, the cost of all actions taken to correct the alleged violations.

By terms of the ESA, and upon EPA's receipt of the signed ESA, you waive your opportunity for a hearing pursuant to Section 113 of the CAA.

If you have any questions relating to this ESA, please contact Elizabeth Rogers at (214) 665-6708 or by e-mail at rogers.elizabeth@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Thompson".

Steve Thompson
Chief
Air Enforcement Branch

Enclosure (2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TX 75270

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2020-3506

**This complaint is issued to: Brasada Gas Plant (Anadarko/Western Gas Partners LP)
At: 513 Cochina Ranch Road, Cotulla, Texas 78014
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 delegated official, the Director, Enforcement and Compliance Assurance Division, and by the Brasada 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 November 19, 2019, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility to determine compliance with the Risk Management Program (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. § 68.33(a) "Defining offsite impacts-environment" The owner or operator shall list in the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in § 68.22(a) of this part.

The Respondent violated 40 C.F.R. § 68.33(a) by failing to identify the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint for analyses of offsite consequences.

SETTLEMENT

In consideration of the 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 \$ 600.00. This settlement is subject to the following terms and conditions:

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”) or by wire transfer in the amount of \$ 600.00 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

Or

For wire transfer, the payment should be remitted to:

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

Field Tag 4200 of the Fed-wire message should read “D 68010727 Environmental Protection Agency” with a phone number of (412) 234-4381.

The DOCKET NUMBER OF THIS ESA must be included on the certified check. (The DOCKET NUMBER is located at the top of this ESA). **The original Settlement Agreement and a copy of the certified check or wire transfer must be sent by 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 75270-2101

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 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 ESA 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 C.F.R. § 22.14. Upon signing and returning this Settlement Agreement to EPA, 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. By signing below, 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: *Sylvia M. White*

Date: 3/24/20

Name (print): SYLVIA M. WHITE

Title (print) STAFF DOT REPRESENTATIVE

Cost of Corrective Actions: \$10,000

Respondent's Brief Description of Complying Action: was corrected the
alleged violation by reusing the potential
impact radius map for the Brasada Gas
Plant to more accurately depict where
occupied structures are located in proximity to
the vicinity.

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

SIGNATURE BY EPA:



Digitally signed by CHERYL
SEAGER
Date: 2020.04.06 15:46:09 -05'00'

April 6, 2020
Date: _____

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

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

Rucki, Thomas

Digitally signed by Rucki, Thomas
DN: cn=Rucki, Thomas,
email=Rucki.Thomas@epa.gov
Date: 2020.04.07 09:33:06 -05'00'

4/7/2020
Date: _____

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order of Clean Air Act, Section 112(r) Expedited Settlement Agreement was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

rogers.elizabeth@epa.gov

Copy via Email to Respondent:

jon_springer@oxy.com

sylvia.white@westernmidstream.com

Dated this 7th day of April, 2020.

ELIZABETH
ROGERS

Signed

Digitally signed by ELIZABETH ROGERS
DN: c=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=ELIZABETH ROGERS,
0.9.2342.19200300.100.1.1=#68001003655414
Date: 2020.04.07 14:39:20 -05'00'