



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

FILED

21 JUN 14 AM 10:00

REGIONAL HEARING CLERK  
EPA REGION VI

### EXPEDITED SETTLEMENT AGREEMENT (ESA)

**DOCKET NO: CAA 06-2021-3342**

**This ESA is issued to: Yellow Rose Gas Plant (Amarillo Rattler LLC)**

**At: 3909 State Highway 349N, Tarzan, Texas 79783  
for violating Section 112(r)(7) of the Clean Air Act.**

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division and Yellow Rose Gas Plant (Respondent) have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's policies<sup>1</sup> are appropriate for administrative penalty action.

#### **ALLEGED VIOLATIONS**

On February 23, 2021 thru March 9, 2021, an authorized representative of the EPA conducted a Virtual Partial Compliance Evaluation (VPCE) of Respondent's facility, located in Tarzan, Texas to determine compliance with the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The EPA found that Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

- 1) 40 C.F.R. § 68.195(b) Required Corrections

"The owner or operator of a stationary source for which a RMP was submitted shall correct the RMP as follows: Emergency contact information – Beginning June 21, 2004, within one month of any change in the emergency contact information required under § 68.160(b)(6), the owner or operator shall submit a correction of that information."

#### **SETTLEMENT**

In consideration of the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the criteria set forth in the EPA's policies<sup>1</sup>, and upon consideration of the entire record, EPA and Respondent enter into this ESA in order to settle the violations, described above, for the total penalty amount of **\$800.00**.

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<sup>1</sup> "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68" (2004); and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

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 CAA, 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 statement to the United States Government, that Respondent has corrected the violation listed above and has paid the full penalty of **\$800.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

The Docket Number of this ESA is **CAA-06-2021-3342** and must be included on the payment. **The signed ESA and a copy of the payment must be sent by email to: [rogers.elizabeth@epa.gov](mailto:rogers.elizabeth@epa.gov)**

Full payment of the ESA penalty shall only resolve Respondent's civil liability for the violation alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to the EPA Region 6 at the above e-mail address in correct form by Respondent within 30 days of the date of the receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violation identified in this ESA.


This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: [rogers.elizabeth@epa.gov](mailto:rogers.elizabeth@epa.gov)

To Respondent: [dlipp@cutlassenergy.com](mailto:dlipp@cutlassenergy.com)

**SIGNATURE BY RESPONDENT:**

Signature: 

Date: 6.7.21

Name (print): David Lipp

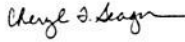
Title (print) EVP

Cost of Corrective Actions: \$200.00

Respondent's Brief Description of Complying Action: On March 8, 2021, the RMP emergency contact information was updated using the EPA Central Data Exchange (CDX) electronic reporting system. A copy of the correction is provided as an attachment to this ESA.

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  
DN: cn=U.S. Government,  
ou=Environmental Protection Agency,  
cn=CHERYL SEAGER,  
o=U.S. EPA, ou=Region 6, email=cheryl.seager@epa.gov,  
c=US  
Date: 2021.06.10 13:25:05 -0500

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Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U. S. EPA, Region 6

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

**THOMAS  
RUCKI**

Digitally signed by THOMAS RUCKI  
DN: cn=U.S. Government,  
ou=Environmental Protection Agency,  
cn=THOMAS RUCKI,  
o=U.S. EPA, ou=Region 6, email=thomas.rucki@epa.gov,  
c=US  
Date: 2021.06.14 09:56:56 -0500

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Thomas Rucki  
Regional Judicial Officer

## CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, 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 EPA:

[rogers.elizabeth@epa.gov](mailto:rogers.elizabeth@epa.gov)

Copy via Email to Respondent:

[dlipp@cutlassenergy.com](mailto:dlipp@cutlassenergy.com)

Mr. David Lipp  
Amarillo Rattler LLC  
Yellow Rose Gas Plant  
2103 Citywest Blvd.  
Building 4, Suite 700  
Houston, TX 77042

**ELIZABETH  
ROGERS**

Digitally signed by ELIZABETH ROGERS  
DN: cn=U.S. Government,  
ou=Environmental Protection Agency,  
o=ELIZABETH ROGERS,  
c=U.S.A., email=ELIZABETH.ROGERS@epa.gov,  
Date: 2021.06.10 15:59:48 -0500

United States Environmental Protection Agency,  
Region 6