

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

FILED

2019 SEP 16 PM 3:30

EXPEDITED SETTLEMENT AGREEMENT (ESA)

Docket No: CAA 06-2019-3360

This complaint is issued to: **Energy Transfer Corp. - La Grange Acquisitions LLC, Jackson Gas Plant**
At: **676 County Road 260, Ganado, Texas 77962**
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 Energy Transfer Corp.-La Grange Acquisitions LLC, Jackson 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).

From June 25-26, 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 below:

1) 40 C.F.R. § 68.85(b) - "The permit shall document that the fire prevention and protection requirements in 29 CFR 1910.252(a) have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed. The permit shall be kept on file until completion of the hot work operations.

On January 4, 2017, Energy Transfer Corp., - La Grange Acquisitions LLC, Jackson Gas Plant failed to identify a hazard and properly implement a hot work permit procedure to ensure that fire blankets were available while a third-party contractor was performing welding. This caused a pin hole leak in a sensing pressure line, resulting in a fire. This is a violation of 40 C.F.R. § 68.85(b).

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. 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 \$600 in payment of the full penalty amount to the following address:

*In the Matter of Energy Transfer Corp.,-La
Grange Acquisitions LLC, Jackson Gas Plant
Docket No. ESA 06-2019-3360*

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 left corner of this ESA.). This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:

Carlos Flores
Enforcement Officer
Chemical Accident Enforcement Section (ECDAC)
U.S. Environmental Protection Agency, Region 6
1201 Elm St. Suite 500
Dallas, Texas 75270

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 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. 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.

In the Matter of Energy Transfer
Corp.,-La Grange Acquisitions LLC,
Jackson Gas Plant
Docket No. ESA 06-2019-3360

SIGNATURE BY RESPONDENT:

Signature: 

Date: 8-6-2019

Name (print): Larry D Gray

Title (print): Sr. Manager

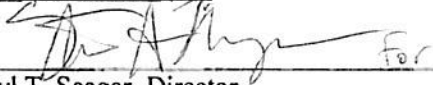
Cost of Corrective Actions: 0

Respondent's Brief Description of Complying Action: _____

Trained personnel on using fire blankets as a barrier. The Hot Work Permits already had to use barriers as necessary.

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

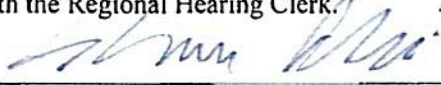
SIGNATURE BY EPA:



Date: 9/11/19

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.



Date: 9/16/19

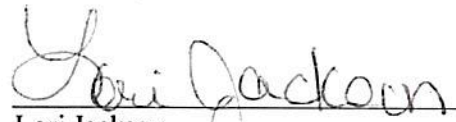
Thomas Rucki
Regional Judicial Officer

*In the Matter of Energy Transfer
Corp., -La Grange Acquisitions LLC,
Jackson Gas Plant
Docket No. CAA 06-2019-3360*

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of Sept., 2019, the original of the foregoing Final Order of The 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 75270-2102, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. Larry Gray
Plant Manager
Energy Transfer Corporation
La Grange Acquisitions LLC
Jackson Gas Plant
676 County Road 260
Ganado, TX 77962


Lori Jackson
Office of Regional Counsel
US EPA - Region 6

R6 REV.