



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

FILED

20 FEB 20 PM 2: 14

REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2020-3507

This complaint is issued to: Beaver Gas Plant

**At: Clear Lake Road NS 153 EW 19, Beaver Oklahoma
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 Beaver Gas Plant (Respondent) located in Beaver, Oklahoma, 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 October 22, 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 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. § 68.79(d) "Compliance Audits" The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

Respondent violated 40 C.F.R. § 68.79(d) by failing to document that deficiencies had been promptly corrected from the recommendations of the compliance audit conducted on February 6-7, 2018.

- 2) 40 C.F.R. § 68.195(b) "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.

Respondent violated 40 C.F.R. § 68.195(b) by failing to update their RMP within one month to correct the emergency contact name and information after a change in the designated emergency contact.

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 \$ **1,300.00**. 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 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 \$ 1,300.00 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.

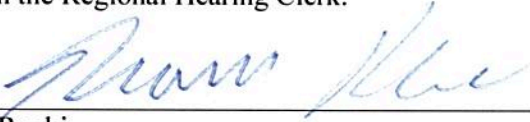
SIGNATURE BY EPA:



Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Date: 2-11-2020

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



Thomas Rucki
Regional Judicial Officer

Date: 2-20-2020

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 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 of 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 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: Dallis Pletcher

Date: 2-4-2020

Name (print): Dallis Pletcher

Title (print) PSM Specialist

Cost of Corrective Actions: \$219,500

Respondent's Brief Description of Complying Action: 1) Target due date is 6-30-2020


2) Updated the emergency contact information on the RMP

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

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February 2020, the original of the foregoing Final Order of 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, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. Dallis Pletcher
Energy Transfer
Beaver Gas Plant
6900 I-40W, Suite 260
Amarillo, TX 79106



Paralegal
Office of Regional Counsel
US EPA - Region 6