



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

FILED

2019 OCT -7 PM 2:16

REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2019-3507 (REVISED)

**This complaint is issued to: Delhi NGL Plant
At: 481 Highway 609, Delhi, Louisiana
for violating Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered by the United States Environmental Protection Agency (EPA), Region 6, by its delegated official, the Director, Enforcement and Compliance Assurance Division, and by Delhi NGL 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 May 08, 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.

- 1) 40 C.F.R. § 68.69(c) "Operating Procedures" - States that the operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.

The Respondent violated 40 C.F.R. § 68.69(c) by failing to provide documentation certifying that the facility 2017 operating procedures were current and accurate. The facility provided their 2018 certification for operating procedures.

SETTLEMENT

In consideration of the factors set forth in Section 113 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 **\$1,200.00**. 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 **\$1,200.00** 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

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 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. § 22.41. 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 Clean Air Act. 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and The Respondent signing below. By signing below, the Respondent waives any objections to the 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: Randy J. Robichaux

Date: 09/09/19

Name (print): Randy J. Robichaux

Title (print) VP-Environment, Health, & Safety

Cost of Corrective Actions: \$ 1500

19 SEP 17 AM 8:20
EPA REGIONAL HEARING CLERK
EPA REGIONAL HEARING CLERK

Respondent's Brief Description of Complying Action(s): The response
can be found on the attached document.

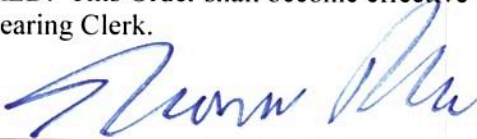
SIGNATURE BY EPA:



Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Date: 10/4/19

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: 10/7/19

In the matter of Delhi NGL Plant

Docket No. CAA 06-2019-3507

Complying Actions:

Citation 40 CFR 68.69 (c) "Operating Procedure" – States that the operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.

Denbury self-reported this issue by addressing as a deficiency in a previous audit. By not having completed the annual certification for 2017 Denbury failed to have the two most recent annual operating procedure certifications. To resolve this, the 2019 annual certification was completed. The Delhi facility has the 2018 and 2019 annual operating procedure certifications complete.

Regards,



Jeremy Little

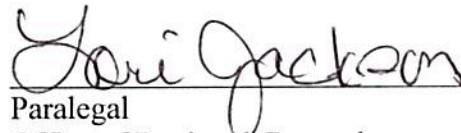
HSE Program Manager

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of Oct, 2019, 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. Jeremy Little
HSE Program Manager
Delhi NGL Plant
5320 Legacy Drive
Plano, TX 75204

7009 2820 0001 8284 2849


Paralegal
Office of Regional Counsel
US EPA - Region 6