



3. APR Operating LLC (“APR” or “Respondent”) is a limited liability company doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

**B. JURISDICTION**

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the Act, 42 U.S.C. § 7413(a)(1)(B).

6. EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), on July 20, 2021, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (the “NOVOC”) and provided a copy of the NOVOC to the State of Texas. In the NOVOC, EPA provided notice to both Respondent and the State of Texas that EPA found Respondent committed the alleged violations of the Texas State Implementation Plan (“SIP”) described in Section E of this CAFO and provided Respondent an opportunity to confer with EPA.

8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

### **C. GOVERNING LAW**

10. The Act is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

11. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs and federally-enforceable permits.

12. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain air pollutants. Section 109(b) of the CAA, 42 U.S.C. § 7409(b), provides that the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

13. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS, and to submit it to the Administrator of EPA for approval.

14. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a permit

by rule (“PBR”) program, which can be found at 30 Tex. Admin. Code Chapter 106 – Permits by Rule. *See* 40 C.F.R. § 52.2270(c).

15. Subchapter O of Chapter 106 of the Texas Administrative Code regulates permitting by rule for oil and gas facilities that produce more than a de minimis level of emissions. *See* 30 Tex. Admin. Code §§ 106.4(a) and 106.351-59. Additional regulations applicable to such facilities are also located in Subchapters A and V of Chapter 106 of the Texas Administrative Code. The permit by rule program includes the following requirements relevant to this CAFO:

a. “The emissions from the facility shall comply with all rules and regulations of the [Texas Commission on Environmental Quality] and with the intent of the Texas Clean Air Act (TCAA), including protection of health and property of the public, and all emissions control equipment shall be maintained in good condition and operated properly during operation of the facility.” 30 Tex. Admin. Code § 106.4(c).

b. “All representations with regard to construction plans, operating procedures, and maximum emission rates in any certified registration under this section become conditions upon which the facility permitted by rule shall be constructed and operated.” 30 Tex. Admin. Code § 106.6(b).

c. “It shall be unlawful for any person to vary from such representation if the change will cause a change in the method of control of emissions, the character of the emissions, or will result in an increase in the discharge of the various emissions, unless the certified registration is first revised.” 30 Tex. Admin. Code § 106.6(c).

d. 30 Tex. Admin. Code § 106.352(l) applies “to new and modified facilities” and provides that “[a]ny oil or gas production facility, carbon dioxide

separation facility, or oil or gas pipeline facility consisting of one or more tanks, separators, dehydration units, free water knockouts, gunbarrels, heater treaters, natural gas liquid recovery units, or gas sweetening and other gas conditioning facilities . . . are permitted by rule” for “those facilities named which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids found in geologic formations beneath the earth’s surface.”

e. 30 Tex. Admin. Code § 106.352(l)(1) requires flares to “meet the requirements of § 106.492.”

f. 30 Tex. Admin. Code § 106.492(1)(A) requires flares to be “equipped with a flare tip designed to provide good mixing with air, flame stability, and a tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1,000 British thermal units per cubic foot (Btu/ft<sup>3</sup>) or a tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1,000 Btu/ft<sup>3</sup> .”

g. .... 30 Tex. Admin. Code § 106.492(l)(B) states that flares “shall be equipped with a continuously burning pilot or other automatic ignition system that assures gas ignition .....

16. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a program for standard permits, which can be found at 30 Tex. Admin. Code Chapter 116, Subchapter F – Standard Permits. *See* 40 C.F.R. § 52.2270(c).

17. Non-rule Standard Permits must comply with applicable requirements under Subchapter F of Chapter 116 of the Texas Administrative Code, which regulates standard permits for air pollution control projects that reduce or maintain authorized emission rates for

existing facilities. *See* 30 Tex. Admin. Code § 116.601 – 116.615. Pursuant to 30 Tex. Admin. Code § 116.601(a)(2), the State of Texas issued the Air Quality Standard Permit for Oil and Gas Handling and Production Facilities (“TCEQ Non-Rule Standard Permit for Oil and Gas Facilities”), which includes the following requirements relevant to this CAFO:

a. “All facilities which have the potential to emit air contaminants must be maintained in good working order and operated properly during facility operations.” TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(1).

b. All process equipment and storage facilities individually must meet the requirements of BACT listed in Table 10, and any combination of process equipment and storage facilities with an uncontrolled potential to emit equal to or greater than 25 tons per year of VOC are required to capture and route emissions to a control device with a minimum design control efficiency of at least 95%. TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(5) and (m) Table 10.

c. All seals and gaskets in VOC or H<sub>2</sub>S service must be “installed, checked, and properly maintained to prevent leaking” and tank hatches must “remain closed . . . except for sampling, gauging, loading, unloading, or planned maintenance activities.” TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(6)(A) and (D).

#### **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

18. At all times relevant to this CAFO, Respondent owned and/or operated the oil and natural gas production facilities listed in Appendix A, which are located in the Texas Permian Basin (the “Facilities”).

19. Respondent was the owner and/or operator of the Facilities within the meaning of 40 C.F.R. § 51.100(f).

20. At all times relevant to this proceeding, Respondent owned and/or operated units that emit Volatile Organic Compounds (“VOCs”) at the Facilities, which produce oil and gas.

21. The Facilities are subject to the State of Texas’s Permits by Rule program for oil and gas facilities under Subchapter O of Chapter 106 of the Texas Administrative Code.

22. The Facilities are subject to the State of Texas’s Standard Permits program under Subchapter F of Chapter 116 of the Texas Administrative Code.

23. The Texas Commission on Environmental Quality (“TCEQ”) issued air permits to the Respondent, listed in Appendix A, under the SIP-approved Permits by Rule or Non-Rule Standard Permit program. The permits cover various emission units at the Facilities, including process equipment, tanks, and flares.

24. Respondent was required to operate in compliance with certain provisions of the Texas SIP and Respondent was required by the Facilities’ permits identified in Appendix A to control the emission of waste gas stream from the Facilities.

25. EPA contracted helicopter flyovers of the Permian Basin between August 25, 2020, and October 15, 2020, to assess energy extraction facility emissions using Optical Gas Imaging (“OGI”) technology.

26. Flyovers of the Facilities at issue in this CAFO were conducted on September 2, 3, and 9, 2020. Appendix A identifies EPA’s observations at each Facility.

27. On December 11, 2020, EPA sent Respondent OGI video captures showing potentially unauthorized hydrocarbon emissions from process equipment and vapor recovery systems at the Facilities. EPA asked Respondent to verify ownership, provide current site-specific permit information, and take any necessary corrective action to address unauthorized

hydrocarbon emissions at each facility. EPA considered information provided by Respondent to determine whether violations occurred at the facilities.

28. On January 22, 2021, Respondent provided information to EPA that it had taken certain corrective action measures at the Facilities listed in Appendix A to address the compliance issues observed during the flyovers.

a. Dublin State Unit. On January 11, 2021, APR repaired the flare onsite and conducted a leak detection survey using OGI to confirm the flare was properly operating and continuously lit.

b. Smither Oatman 47 6 Central Tank Battery. On January 8, 2021, APR identified and repaired the tank hatch leak. On January 11, 2021, APR conducted a leak detection survey using OGI to confirm no detectable leaks at the tank battery.

c. Penner Central Tank Battery. On October 12, 2020, APR repaired the tank hatch leak onsite and conducted a leak detection survey using OGI to confirm no detectable leaks at the tank battery. APR made additional repairs onsite on December 28, 2020.

d. Cosmo Compressor Station and Penner Compressor Station. On September 7, 2020, APR identified that the regulator set-point was too high, causing gas to vent to the atmosphere, and reset the regulator set-point the same day. On October 13, 2020, APR conducted a leak detection survey using OGI to confirm no detectable leaks at the compressor station.

e. Wise West 7 3 Central Tank Battery. On January 6, 2021, APR identified and repaired the unlit flare. On January 11, 2021, APR conducted a leak detection survey using OGI to confirm the flare was properly operating and continuously lit.



29. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violations alleged herein. On July 20, 2021, EPA sent Respondent the NOVOC and provided a copy to the State of Texas, in accordance with Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

30. On August 12, 2021, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

31. On February 28, 2022, Respondent sold all the Facilities identified in the NOVOC.

32. On September 1, 2022, Respondent submitted the following additional documentation to EPA to confirm that Respondent is no longer the owner or operator of the Facilities, and that all associated permits are no longer issued to Respondent:

- a. Confirmation from TCEQ regarding the change in ownership of the Facilities and cancellation of Permit #157903 for the Wise West 7 3 Central Tank Battery.
- b. The re-issued TCEQ air permit records for the Facilities dated August 18, 2022.

#### **E. ALLEGED VIOLATIONS**

33. EPA has conducted a comprehensive review of the facility-specific information gathered based upon observations made from the OGI video captures, facility permitted operations, and information provided by Respondent. Based on this review, EPA alleges the following violations for the Facilities:

- a. Respondent violated 30 Tex. Admin. Code § 106.4(c) by failing to maintain the Facilities' emissions control equipment in good condition and properly operate such equipment.
- b. Respondent violated 30 Tex. Admin. Code § 106.6(b) by failing to operate equipment consistent with operating procedures in the Facilities' certified registrations.
- c. Respondent violated 30 Tex. Admin. Code § 106.6(c) by varying from representations in the Facilities' certified registrations regarding emissions at the Facilities.
- d. Respondent violated 30 Tex. Admin. Code § 106.352(l)(1) by failing to comply with the requirements of 30 Tex. Admin. Code § 106.492.
- e. Respondent violated 30 Tex. Admin. Code § 106.492(l)(A) by failing to equip certain facilities with a flare tip designed to provide good mixing with air, flame stability, and a tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1,000 British thermal units per cubic foot (Btu/ft<sup>3</sup>) or a tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1,000 Btu/ft<sup>3</sup>.
- f. Respondent violated 30 Tex. Admin. Code § 106.492(l)(B) by failing to equip certain facilities with a continuously burning pilot or automatic ignition system that assures gas ignition.
- g. Respondent violated TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(1) by failing to ensure that facilities that have the potential to emit air contaminants are maintained in good working order and are operating properly during facility operations.

h. Respondent violated TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(5) by failing to ensure that emissions from tanks are captured and routed to a control device with a minimum design control efficiency as specified in Table 10.

i. Respondent violated TCEQ Non-Rule Standard Permit for Oil and Gas Facilities (e)(6) by not properly maintaining seals and gaskets to prevent leaking and not ensuring that tank hatches remain closed except during sampling, gauging, loading, unloading, or planned maintenance activities.

**F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT**

**a. General**

34. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty, as stated below;
- d. consents to the issuance of any specified compliance or corrective action order<sup>1</sup>;
- e. consents to the conditions specified in this CAFO;
- f. consents to any stated Permit Action;
- g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and

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<sup>1</sup> Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, subparagraphs (d) and (f) are not applicable to this particular case.

- h. waives its rights to appeal the Final Order included in this CAFO.
35. For the purpose of this proceeding, Respondent:
- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
  - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;
  - c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
  - d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Texas;
  - e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and
  - f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to these Facilities, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should

have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

**b. Penalty Assessment and Collection**

36. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violations, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$234,000.00 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

37. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO; and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment.

For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

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

For overnight mail (non-U.S. Postal Service, *e.g.*, FedEx), payment should be remitted to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
(314) 418-4087

For wire transfer, payment should be remitted to:

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

Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as "remittance express" or "REX"):

U.S. Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jesse White  
(301) 887-6548

For Online Payment:

<https://www.pay.gov/paygov/>  
Enter sfo 1.1 in search field

Open form and complete required fields.

PLEASE NOTE: The docket number CAA-06-2022-3377 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2022-3377. Respondent's adherence to this request will ensure proper credit is given when penalties are received for region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Aimee Boss  
U.S. EPA Region 6  
Boss.Aimee@epa.gov

And

Region 6 Hearing Clerk  
U.S. EPA Region 6  
Vaughn.Lorena@epa.gov

38. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).
  - b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph (a) of this Paragraph.

39. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including, but not limited to, attorney's fees incurred by the United States for collection proceedings.

40. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

**c. Additional Terms of Settlement**

41. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.



42. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. *See* 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

43. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

44. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

45. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: Roland.alexandrea@epa.gov

To Respondent: dwest@admiralpermian.com

46. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 39 of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

**G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER**

47. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

48. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

49. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

50. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

51. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$109,024 per day of violation, or both, as provided in section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

52. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

53. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

**H. EFFECTIVE DATE**

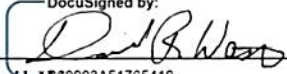
54. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

APR Operating LLC  
Docket No. CAA-06-2022-3377

The foregoing Consent Agreement In the Matter of APR Operating LLC, Docket No. CAA-06-2022-3377, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: \_\_\_\_\_  
9/15/2022

DocuSigned by:  
  
\_\_\_\_\_  
Denzil West  
Chief Executive Officer  
APR Operating LLC

FOR COMPLAINANT:

  
Digitally signed by CHERYL  
SEAGER  
Date: 2022.09.16 13:24:42  
-05'00'  
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Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

FILED

22 SEP 19 AM 9:30

REGIONAL HEARING CLERK  
EPA REGION VI

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

IN THE MATTER OF:

APR Operating LLC  
Midland, Texas

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DOCKET NO. CAA-06-2022-3377

RESPONDENT

**FINAL ORDER**

Pursuant to section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

APR Operating LLC is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

THOMAS  
RUCKI

Digitally signed by THOMAS RUCKI  
DN: c=US, o=U.S. Government,  
ou=Environmental Protection Agency,  
cn=THOMAS RUCKI  
D.9.2342.19200300.100.1.1+68001003655804  
Date: 2022.09.19 08:50:18 -0400

Thomas Rucki  
Regional Judicial Officer  
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 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:

EMAIL - READ RECEIPT REQUESTED

dwest@admiralpermian.com  
mestes@admiralpermian.com

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U.S. EPA, Region 6  
Dallas, Texas

## APPENDIX A

APR Operating LLC  
CAA-06-2022-3377

## Facilities

Site Identity	TCEQ Regulated Entity No.	Permit Number	Application Type	Flyover Date	Flyover Video ID	EPA Team Observations of Flyover Video Capture
Dublin State Unit 6H Central Tank Battery	RN110608627	154989	PBR	9/2/2020	931	Improperly Operating Flare
Smither Oatman 47 6 Central Tank Battery	RN109934885	149590	PBR	9/2/2020	932	Tank Hatch Leak on SW corner of TB
Penner Central Tank Battery	RN110762044	156639	PBR	9/3/2020	937	Tank Hatch Leak
Penner Compressor Station	RN110826864	157899	Non-Rule STDPMT	9/3/2020	938	Tank Hatch Leak
Cosmo Compressor Station	RN110826856	157898	Non-Rule STDPMT	9/3/2020	940 & 941	Tank Hatch Leaks
Wise West 7 3 Central Tank Battery	RN109934877	148368	Non-Rule STDPMT	9/9/2020	965	Unlit Flare