



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

April 12, 2017

**HAND DELIVERY**

Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: **In the Matter of KC Midstream Solutions, LLC**  
**U.S. EPA Docket No. CAA-03-2017-0103DA**

Dear Ms. Guy:

Enclosed please find the original and one copy of an Administrative Settlement Agreement and Order on Consent, along with a certificate of service.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cynthia T. Weiss".

Cynthia T. Weiss  
Senior Assistant Regional Counsel

Enclosures

cc: Lisa Bruderly, Esq.  
Michael Welsh (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 ARCH STREET  
PHILADELPHIA, PA 19103-2029

IN THE MATTER OF: )

KC Midstream Solutions, LLC )  
424 South 27<sup>th</sup> Street, Suite 304 )  
Pittsburgh, PA 15203, )

Respondent. )

Irishtown Gas Processing Plant )  
242 Sand Road )  
Lewis Run, McKean County, PA 16738, )

and )

Endeavor Gas Processing Plant )  
101 Queen Pumping Station Road )  
Tidioute, Forest County, PA 16321, )

Facilities. )

EPA Docket Number  
CAA-03-2017-0103DA

Proceeding Pursuant to  
Section 113(a)(3)(B) of the Clean  
Air Act, as amended, 42 U.S.C.  
§ 7413(a)(3)(B)

ADMINISTRATIVE  
SETTLEMENT AGREEMENT  
AND ORDER ON CONSENT

**ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT**

The parties to this Administrative Settlement Agreement and Order on Consent ("Order"), KC Midstream Solutions, LLC ("Respondent") and the United States Environmental Protection Agency ("EPA" or "the Agency"), having agreed to the entry of this Order, it is therefore Ordered, that:

**I. JURISDICTION AND GENERAL PROVISIONS**

1. This Order is issued pursuant to Section 113(a)(3)(B) of the Clean Air Act, as amended ("CAA" or "the Act"), 42 U.S.C. § 7413(a)(3)(B). Under Section 113(a)(3)(B) of the Act, the Administrator of EPA has the authority to issue orders requiring any person who is in violation of certain sections of the CAA, including Section 112(r)(1) and (7), 42 U.S.C. § 7412(r)(1) and (7), to comply with such requirements of the CAA. Under Delegation No. 7-6-A, the Administrator has delegated the authority to issue orders under Section 113(a) of the CAA within the geographical jurisdiction of EPA Region III to the Regional Administrator of EPA Region III, and under Regional Delegation No. 7-6-A, the Regional Administrator re-delegated this authority to the Director of Region III's Hazardous Site Cleanup Division. For purposes of

8. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The regulations, known as the “RMP Regulations,” require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program must be described in a risk management plan that must be submitted to EPA. The risk management plan must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.

9. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its regulations at 40 C.F.R. §§ 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit a risk management plan to EPA no later than the latter of June 21, 1999, three years after the date on which a regulated substance is first listed under 40 C.F.R. § 68.130, or the date on which a regulated substance is first present above the threshold quantity in a process.

### **III. DEFINITIONS**

10. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source” as, *inter alia*, any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur.

11. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

12. The General Duty Clause applies to any stationary source producing, processing, handling, or storing regulated substances, as defined above, or other extremely hazardous substances (“EHS”). An EHS is any chemical which may, as a result of short-term exposures because of releases to the air, cause death, injury or property damage due to their toxicity, reactivity, flammability, volatility or corrosivity. EHSs include regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), at 40 C.F.R. § 68.130, and chemicals on the list of extremely hazardous substances published under the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 *et seq.*, at 40 C.F.R. Part 355, and may include a facility’s proprietary chemicals as well.

24. Each of the Facilities receives field gas from nearby wells via gathering lines, mechanically removes naturally occurring liquids, compresses the gas, removes water, extracts natural gas liquids via a propane refrigeration process, injects the processed natural gas into an interstate gas pipeline system, and stores naturally occurring liquids in unpressurized condensate tanks for transport by truck. Produced natural gas liquids are stored in pressurized tanks for transport by truck. More detailed information about each Facility follows:

- a. As of October 18, 2016, Irishtown consisted of two main compressors, two refrigeration compressors, three 30,000-gallon bullet aboveground storage tanks ("ASTs" or "tanks") storing liquefied petroleum gas ("LPG"), six ASTs potentially containing condensate, water, lubricating oil, ethylene glycol and triethylene glycol (two 8,820-gallon ASTs, three 4,200-gallon ASTs and one 300-gallon AST) and one 1,000-gallon waste oil AST containing used lube oil. Respondent represents that currently there are four 8,820-gallon ASTs containing condensate, one 4,200-gallon AST containing condensate and two 300-gallon ASTs containing condensate.
- b. As of October 19, 2016, Endeavor consisted of one main compressor, one refrigeration compressor, one 30,000-gallon bullet AST storing LPG, one 2,100-gallon fiberglass reinforced plastic ("FRP") AST containing condensate, and one 300-gallon tote containing condensate. Respondent represents that since the inspection, the 2,100-gallon FRP AST has been replaced with a 2,100-gallon steel AST, and the 300-gallon tote has been replaced with a 252-gallon AST.

25. On September 11, 2015, EPA sent Catalyst Energy, Inc., the parent of Respondent, a request for information pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, and Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9604(e). Catalyst Energy, Inc. submitted written responses to the information request on November 11, 2015 and February 29, 2016, and emailed additional responsive information to EPA. On January 5, 2016, EPA sent Catalyst Energy, Inc. a request for information pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, and Section 308 of the Clean Water Act, 33 U.S.C. § 1318. Catalyst Energy, Inc. submitted a response to this information request on January 29, 2016, and later emailed additional responsive information to EPA.

26. On June 23, 2016, Catalyst Energy, Inc. emailed risk management plans on behalf of Respondent for each of the Facilities to an EPA Risk Management Coordinator, in further response to the September 11, 2015 information request. On August 23, 2016, Catalyst Energy, Inc., on behalf of Respondent, submitted the initial risk management plans for each Facility to EPA electronically via RMP\* eSubmit, and on October 3, 2016, Catalyst Energy, Inc. resubmitted the risk management plans for both Facilities to EPA.

- a. Respondent had not adequately compiled process safety information, with the exception of one incomplete block flow diagram, as required by 40 C.F.R. § 68.65.
- b. Respondent had not conducted a process hazard analysis, as required by 40 C.F.R. § 68.67;
- c. Respondent had not prepared written operating procedures, as required by 40 C.F.R. § 68.69;
- d. Respondent had not provided adequate training to its operators, as required by 40 C.F.R. § 68.71;
- e. Respondent had not adequately complied with mechanical integrity requirements, as required by 40 C.F.R. § 68.73;
- f. Respondent had not adequately complied with management of change requirements, as required by 40 C.F.R. § 68.75;
- g. Respondent had not adequately conducted a pre-startup review, as required by 40 C.F.R. § 68.77;
- h. Respondent had not conducted any compliance audits, as required by 40 C.F.R. § 68.79;
- i. Respondent had not implemented a formal employee participation program, as required by 40 C.F.R. § 68.83;
- j. Respondent did not issue written hot work permits, as required by 40 C.F.R. § 68.85; and
- k. Respondent had not adequately complied with safety and training obligations regarding contractors, as required by 40 C.F.R. § 68.87.

33. EPA inspectors also determined that Respondent had not adequately coordinated with the local emergency responders for the Irishtown Facility in compliance with the emergency response provisions of 40 C.F.R. Part 68, Subpart E, applicable to Program 3 facilities.

34. The RMP Regulations require owners and operators to comply with process safety information requirements at 40 C.F.R. § 68.65(d)(1)(vi) and (d)(2), *i.e.* to compile process safety information pertaining to design codes and standards relevant to the equipment and to document that the equipment in the process complies with “recognized and generally accepted good engineering practices.” EPA identified a number of issues that it considered to be

liquids shall be equipped with venting devices or with listed flame arresters.” NFPA 30, § 21.4.3.9. EPA inspectors observed that the condensate tanks lacked conservation vents or flame arrestors.

*Inadequate Emergency Venting for Condensate Tanks*

- e. Industry standard NFPA 30 also requires emergency venting for vessels containing flammable liquids so as to address the hazards posed by storage of flammable liquids. NFPA 30 states, “Every aboveground storage tank shall have emergency relief venting in the form of construction or a device or devices that will relieve excessive internal pressure caused by an exposure fire.” NFPA 30, § 22.7.1.1. Acceptable emergency venting can take the form of a self-closing manway cover, a manway cover provided with long bolts that permit the cover to lift under internal pressure or additional or larger relief valve or valves to meet the required emergency relief venting capacity. NFPA 30, § 22.7.3. EPA inspectors observed that the 4,200-gallon condensate tanks had four 2-inch venting pipes and no additional larger relief valves. Respondent represents that each of these tanks also had a manway cover. Respondent represents that the 8,820-gallon tank had a thief hatch and vent pipes. The thief hatch and vent pipes may not provide adequate emergency venting capacity.

*Lack of Secondary Containment for Condensate Tanks*

- f. NFPA 30 provides that tanks containing flammable liquids should be provided with a means to prevent accidental releases of liquids. Flammable vapors arising from accidental releases may ignite and pose threats to nearby storage tanks, as well as surrounding areas. The Facility had aboveground storage tanks containing Class I, Class II or Class IIIA flammable or combustible liquids, namely the 4,200-gallon and an 8,820-gallon AST located in the northwest section of the property west of LPG Tank #3. Industry standard NFPA 30 includes the following provisions addressing the storage of flammable and combustible liquids: “Every tank that contains a Class I, Class II, or Class IIIA liquid shall be provided with means to prevent an accidental release of liquid from endangering important facilities and adjoining property or from reaching waterways.” NFPA 30, § 22.11. EPA inspectors observed limited means for controlling spills from the tanks, such as an earthen dike that appeared to be insufficiently sized.

*Compressor Building –Electrical Classification and Ventilation*

- g. Industry standard American Petroleum Institute Recommended Practice 500, *Recommended Practice for Classification of Locations for Electrical*

- l. Manufacturers routinely recommend replacing transfer hoses every five years. EPA inspectors observed that transfer hoses at the Irishtown Facility did not appear to have been replaced since the startup of operations.

Fire Safety Analysis and Fire Protection

- m. Section 10.3 of API 2510 provides for fire water systems for LPG storage facilities unless a safety analysis shows this protection is unnecessary or impractical. Except for remote facilities, which require no protection, Section 10.7.1 of API 2510 provides for fireproofing for LPG vessels if portable equipment is the only means of applying fire water. The American Petroleum Institute Standard 2510A, *Fire-Protection Considerations for the Design and Construction of Liquefied Petroleum Gas (LPG) Storage Facilities* (2<sup>nd</sup> Ed., December 1996) (“API 2510A”) addresses “the design, operation, and maintenance of LPG storage facilities from the standpoints of prevention and control of releases, fire protection design, and fire-control measures . . . . [S]ince it supplements API Standard 2510 and provides the basis for many of the requirements stated in that standard, [API 2510A] must be used in conjunction with API Standard 2510.” API 2510A, § 1.1.1. EPA inspectors observed that Respondent had not conducted a safety analysis pursuant to API 2510 and API 2510A at the Irishtown Facility to evaluate the need for fire protection.

**Endeavor Facility**

35. EPA’s inspection revealed the following instances in which it has determined that storage at the Endeavor Facility is inconsistent with the level of protection provided by safety standards contained in the API 2510, API 2510A, NFPA 30, API 510 and API RP 576:

Insufficient Distance between LPG Tanks and Other Equipment

- a. EPA inspectors observed that the distances between the pressurized LPG tanks and other equipment, tanks, process vessels, loading racks, and pumps were less than the distances provided for in industry standards. LPG Tank #1 was located 42 feet from an unloading hose pipe connection, 30 feet from the compressor, and 25 feet from the boiler and primary plant skid. According to API 2510, the LPG tank should be located at least 50 feet from this type of equipment. API 2510, § 5.1.2.465. In addition, LPG Tank #1 was located less than 20 feet from process vessels that store flammable liquids, namely the 2,100-gallon AST and a 300-gallon tote containing condensate. According to API 2510, the LPG tanks should be located at least 100 feet from a non-pressurized flammable storage tank. API 2510, § 5.1.2.3. The unloading racks appeared to be less than 50 feet from the LPG tanks. According to API

36. The RMP Regulations require that stationary sources, whether categorized as a Program 2 or Program 3 facility, comply with emergency response requirements of the RMP Regulations in 40 C.F.R. Part 68, Subpart E. To qualify as a Program 1 facility, “[e]mergency response procedures [must] have been coordinated between the stationary source and local emergency planning and response organizations.” 40 C.F.R. § 68.10(b)(3). For Program 2 and 3 facilities, if the owner or operator has not coordinated its response with the local fire department, in lieu of doing so, the owner or operator must develop and implement an emergency response program for the purpose of protecting public health and the environment. The requirements of such an emergency response program are set forth in 40 C.F.R. § 68.95. During the inspection, Respondent was unable to present any documentation that it had coordinated its emergency response with the local fire department or that, in lieu of such coordination, it had developed its own emergency response program for the Endeavor Facility.

37. On January 10, 2017, a fire occurred in the compressor building at the Endeavor Facility, resulting in an evacuation in a four-mile area around the Endeavor Facility.

38. As a limited liability company, Respondent KC Midstream Solutions, LLC is, and at times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and an owner and operator of the Facilities.

39. Respondent KC Midstream Solutions, LLC is the owner and operator of a “stationary source,” as the term is defined at 40 C.F.R. § 68.3.

40. The total quantity of the LPG at each of the Facilities is counted when determining whether more than a threshold quantity of a listed substance is present in a process, pursuant to 40 C.F.R. § 68.115(b)(2). The total quantity of LPG at each of the Facilities is as follows:

- a. Irishtown: 3 bullet tanks @ 30,000 gallons = 90,000 gallons = 381,000 lbs
- b. Endeavor: 1 bullet tank @ 30,000 gallons = 127,000 lbs

41. The threshold quantity for a mixture of flammable substances containing the regulated substance propane at a concentration greater than one percent is 10,000 pounds, pursuant to 40 C.F.R. § 68.115(b)(2) and 68.130, Table 3.

42. EPA has determined that more than a threshold quantity of a regulated substance is present in a process, namely natural gas processing, at each of the Facilities.

43. Each of the Facilities constitutes a stationary source and a natural gas processing plant, as the terms are defined at 40 C.F.R. § 68.3.

46. Respondent is subject to the requirements of Section 112(r) of the CAA, 40 U.S.C. § 7412(r), and 40 C.F.R. Part 68, at each of the Facilities because Respondent is an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.

#### **V. EPA'S FINDINGS OF VIOLATION**

47. EPA's investigation indicates that Respondent violated the requirements of 40 C.F.R. Part 68 to fully implement a risk management program for the Irishtown Facility. Respondent failed to timely submit a risk management plan, in violation of 40 C.F.R. § 68.150(a), failed to implement every element of the Program 3 Prevention Program requirements in RMP Regulations, in violation of 40 C.F.R. Part 68, Subpart D, or to coordinate emergency planning, in violation of 40 C.F.R. Part 68, Subpart E.

48. EPA's investigation indicates that Respondent violated the requirements of 40 C.F.R. Part 68 to fully implement a risk management program for the Endeavor Facility. Respondent failed to timely submit a risk management plan, in violation of 40 C.F.R. § 68.150(a), or to coordinate emergency planning in accordance with 40 C.F.R. § 68.10(b)(3). In addition, Respondent violated the requirements of the General Duty Clause by failing to assess the hazards posed by flammable hazardous substances or to fully design and maintain the Endeavor Facility to prevent the accidental release of hazardous substances, in violation of 42 U.S.C. § 7412(r)(1).

#### **VI. ORDER**

49. EPA hereby issues this Order to Respondent under the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), to address violations alleged in Section IV, EPA's Findings of Fact and Conclusions of Law, and Section V, EPA's Findings of Violation.

50. Respondent shall comply with the following requirements (the "Work"):

- a. Within thirty (30) days of the effective date of this Order, identify a person, subject to acceptance by EPA, competent to undertake the Work specified herein;
- b. Within forty-five (45) days of receipt of EPA's written acceptance of the person competent to undertake the Work, Respondent shall submit to EPA for approval a plan and schedule ("Work Plan and Schedule") for the implementation of the following tasks, which shall comply with the RMP Regulations, and shall be consistent with the safety protection provided by current industry standards:

Report, for EPA approval, within sixty (60) days of receiving the Notice of Work Deficiencies.

51. Unless otherwise required by the terms of this Order, any notice, report, plan, certification, data presentation or other document submitted by Respondent under or pursuant to this Order which discusses, describes, demonstrates or supports any finding or makes any representation concerning the Respondent's compliance or non-compliance with any requirement(s) of this Order shall be signed by a responsible official of the Respondent and include the following certification.

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

The term "responsible official" means: (i) the president, secretary or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The responsible official of a partnership or sole proprietorship means the general partners or the proprietor, respectively.

52. Respondent shall provide EPA and its representatives, including contractors, with access to both Facilities for the purpose of assessing Respondent's compliance with this Order and with the CAA. Respondent shall also provide EPA and its representatives, including contractors, with access to all records relating to Respondent's implementation of this Order. Nothing herein limits EPA's information-gathering or access authority under the CAA.

53. Respondent shall preserve all non-identical documents and information relating to the activities carried out pursuant to this Order for five (5) years after completion of the Work required by this Order. At the end of the 5-year period, Respondents shall notify EPA at least thirty (30) Days before any such document or information is destroyed that such documents and information are available for inspection. Upon request, Respondents shall provide EPA with the originals or copies of such documents and information.

54. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent

58. Information required to be submitted to EPA under this Order must be sent to:

Michael Welsh, P.E., Risk Management Program Coordinator  
Oil and Prevention Branch (3HS61)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
(215) 814-3285  
Email: [welsh.mike@epa.gov](mailto:welsh.mike@epa.gov)

Copies shall be sent to:

Cynthia T. Weiss, Esq.  
Office of Regional Counsel (3RC42)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
(215) 814-2659  
Email: [weiss.cynthia@epa.gov](mailto:weiss.cynthia@epa.gov)

#### **IX. EFFECT OF ORDER**

59. The compliance measures ordered herein in Paragraph 50, above, address the violations alleged in Section IV, EPA's Findings of Fact and Conclusions of Law, and Section V, EPA's Findings of Violation. As set forth in Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), nothing in this Order shall prevent EPA from assessing any penalties, or otherwise affect or limit the United States' authority to enforce other provisions of the CAA, or affect any person's obligations to comply with any Section of the CAA, or with any regulation, term or condition of any permit, or applicable implementation plan promulgated, issued or approved under the CAA. Further, nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against the Respondent or any third parties with regard to any of the Facilities pursuant to any federal or state law, regulation or permit condition. Nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against the Respondent for Respondent's failure to comply with any of the requirements of this Order.

60. EPA and Respondent agree that neither this Order, including EPA's Findings of Fact and Conclusions of Law and EPA's Findings of Violation in Sections IV and V, respectively, nor the actions undertaken by Respondent hereunder shall constitute or be construed as an admission of liability by Respondent for any purpose. Respondent does not admit, and retains the right to controvert in any proceeding other than proceedings to implement or enforce this Order, the validity of EPA's Findings of Fact and Conclusions of Law, or EPA's Findings of Violation contained in Sections IV and V, respectively.

67. Any reports, plans, specifications, schedules, or other submissions required by this Order are, upon approval by EPA, incorporated into this Order. Any non-compliance with such EPA-approved reports, plans, specifications, schedules, or other submissions shall be considered non-compliance with the requirements of this Order.

68. No informal advice, guidance, suggestions or comments by EPA regarding reports, plans, specifications, schedules, or other submissions by the Respondent or the requirements of this Order will be construed as relieving the Respondent of its obligation to obtain formal approval when required by this Order, and to comply with the requirements of this Order unless formally modified.

69. This Order may be modified or amended in a writing executed by the Director of the Hazardous Site Cleanup Division and Respondent. Such modifications or amendments shall be effective on the date they are fully executed by Respondent and the Director of the Hazardous Site Cleanup Division or such other date as set by the Director of the Hazardous Site Cleanup Division. Minor modifications to the Order (including brief extensions of the Work deadlines outlined in Paragraph 50), the Work Plan and/or Schedule may be approved by EPA's assigned Risk Management Coordinator.

## **XII. FAILURE TO PERFORM**

70. In the event of an inability or anticipated inability on the part of the Respondent to perform any of the actions required by this Order in the time and manner required herein, the Respondent shall notify EPA orally within twenty-four (24) hours of such failure or inability (or, if the failure occurs on a Friday or Saturday, Sunday, or legal holiday, no later than the following business day) and in writing as soon as possible, but in no event more than three (3) days after such action was due. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Respondent to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such notification shall not relieve Respondent of any obligation of this Order. Respondent shall take all reasonable actions to prevent and minimize any delay.

71. Failure by Respondent to carry out any requirement of this Order in accordance with the terms and conditions specified herein may result in the initiation of an enforcement action against Respondent to require Respondent to perform such actions, in addition to any other relief that may be available to EPA pursuant to applicable law. Respondent reserves all rights, claims and defenses to respond to any enforcement by EPA pursuant to this paragraph or under any authority, except that Respondent shall not contest EPA's authority to enforce this Order, as set forth in Paragraph 61, above.

72. Nothing in this Section XII or any other provision of this Order shall be construed so as to limit any powers EPA may have under the CAA or any other law or regulation, nor shall

KC Midstream Solutions, LLC

Docket No. CAA-03-2017-0103DA

FOR KC MIDSTREAM SOLUTIONS, LLC

  
\_\_\_\_\_  
Mr. Paul Ryan Rodgers  
President

Date: 4/3/2017



