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2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division,

EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. Magellan Pipeline Terminals, L.P. ("Magellan" or "Respondent") a subsidiary of ONEOK, Inc., is a limited partnership 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) and Section 113(a)(3)(A) of the Act, 42 U.S.C. § 7413(a)(1)(B) and 42 U.S.C. § 7413(a)(3)(A).

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 March 7, 2024, 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 violations of Title 40 of the Code of Federal Regulations ("C.F.R") Part 60 Subpart XX: Standards of Performance for Bulk Gasoline Terminals; and Title 40 C.F.R Part 63 Subpart BBBBBB: the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. EPA also alleges the Facility is in violation of the requirements and prohibitions of Texas's federally-approved SIP and Title V Permit 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 pollutants. Section

109(b) of the CAA, 42 U.S.C. § 7409(b), provides the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

a. Clean Air Act Section 111 and New Source Performance Standards

13. Section 111 (b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires EPA to publish and periodically revise a list of categories of stationary sources, including those categories that, in EPA's judgement, cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

14. Once a category is included on the list, Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires EPA to promulgate a federal standard of performance for new sources within the category, also known as a New Source Performance Standard ("NSPS"). Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of an NSPS after the effective date of the NSPS applicable to such source. The NSPS rules are located in Part 60 of Title 40 of the Code of Federal Regulations.

b. 40 C.F.R. Part 60, Subpart XX – Standards of Performance for Bulk Gasoline Terminals

15. NSPS Subpart XX applies to the affected facility which is "the total of all the loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks." 40 C.F.R. § 60.500(a).

16. 40 C.F.R. § 60.501 establishes definitions of terms for purposes of NSPS Subpart XX.

17. 40 C.F.R. § 60.502(j) requires that in "[e]ach calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or

vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded, and the source of the leak repaired within 15 calendar days after it is detected.”

18. 40 C.F.R. § 60.505(c) requires that “[a] record of each monthly leak inspection required under § 60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information: (1) Date of inspection. (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak). (3) Leak determination method. (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days). (5) Inspector name and signature.”

c. Clean Air Act Section 112 and National Emission Standards for Hazardous Air Pollutants

19. Section 112 of the Act requires EPA to identify categories and subcategories of major sources and area sources of hazardous air pollutants (“HAPs”), and to establish emission standards requiring the maximum degree of reduction in emissions of HAPs that EPA determines is achievable through the application of measures, processes, methods, systems or techniques including, but not limited to, the enclosure of systems or processes to eliminate emissions, and design, equipment, work practice, or other operational standards. 42 U.S.C. §§ 7412(c)(1)-(2), (d)(1)-(2).

d. 40 C.F.R. Part 63, Subpart BBBBBB – National Emissions Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

20. NESHAP Subpart BBBBBB “establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from area source gasoline distribution bulk terminals, bulk plants, and pipeline facilities. This subpart also establishes

requirements to demonstrate compliance with the emission limitations and management practices.” 40 C.F.R. § 63.11080.

21. Pursuant to 40 C.F.R. § 63.11081, “[t]he affected source to which this subpart applies is each area source bulk gasoline terminal, pipeline breakout station, pipeline pumping station, and bulk gasoline plant identified in paragraphs (a)(1) through (4) of this section.”

22. 40 C.F.R. § 63.11100 establishes definitions of terms for purposes of NESHAP Subpart BBBBBB.

23. 40 C.F.R. § 63.11085(a) requires that each owner or operator of an affected source, “must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.”

24. 40 C.F.R. § 63.11089(a) requires that “[e]ach owner or operator of a bulk gasoline terminal, bulk plant, pipeline breakout station, or pipeline pumping station subject to the provisions of this subpart shall perform a monthly leak inspection of all equipment in gasoline service, as defined in § 63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable.”

25. 40 C.F.R. § 63.11089(b) requires that “A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.”

26. 40 C.F.R. § 63.11089(c) requires that “each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be

made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.”

27. 40 C.F.R. § 63.11094(e) requires that “[e]ach owner or operator of an affected source subject to equipment leak inspections under § 63.11089 shall record in the log book for each leak that is detected the information specified in paragraphs (e)(1) through (7) of this section. (1) The equipment type and identification number. (2) The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell). (3) The date the leak was detected and the date of each attempt to repair the leak. (4) Repair methods applied in each attempt to repair the leak. (5) “Repair delayed” and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak. (6) The expected date of successful repair of the leak if the leak is not repaired within 15 days. (7) The date of successful repair of the leak.”

e. Title V Operating Permit Requirements

28. Section 502 of the CAA, 42 U.S.C. § 7661a establishes requirements for specified sources to obtain operating permits (“Title V Operating Permits”) and sets forth the minimum elements for such permits.

29. The CAA Title V operating permit program is implemented and administered by the States. Accordingly, Section 502 of the CAA requires each State to develop and submit for EPA approval a permit program meeting the requirements of Subchapter V of the CAA. 42 U.S.C. § 7661a.

30. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and the implementing regulations at 40 C.F.R. § 70.7(b) provide that, after the effective date of the state Title V permit program, no person may violate any requirement of a Title V permit or operate a source subject to a Title V permit except in compliance with a Title V permit.

31. EPA promulgated interim approval of the Texas Title V program on June 25, 1996. See 61 Fed. Reg. 32,693. EPA promulgated full approval of the Texas Title V program on November 30, 2001. See 66 Fed. Reg. 63,318, and 40 C.F.R. Part 70, Appendix A.

f. Texas State Implementation Plan

32. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such “criteria” pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (“NAAQS”) requisite to protect the public health and welfare.

33. Under Section 107(d) of the CAA, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an “attainment” area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a “nonattainment” area with respect to such pollutant.

34. Section 110(a) of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator of EPA a plan that provides for implementation, maintenance, and

enforcement, for each promulgated NAAQS, in each air quality control region (or portion thereof). Each such plan (i.e., SIP), must include enforceable emission limitations and other control measures as well as a permit program to regulate the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved. Section 110(a)(2)(A) and (C) of the CAA, 42 U.S.C. §§ 7410(a)(2)(A) and (C). The SIP must also provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and, upon request, make such data available to EPA. Section 110(a)(2)(B) of the CAA, 42 U.S.C. § 7410(a)(2)(B).

35. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart SS.

36. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. §§ 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.

37. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, the State of Texas adopted regulations that comprise the SIP for Texas (the "Texas SIP"). The Texas SIP regulations as approved by EPA are set forth in 40 C.F.R § 52.2270(c). The Texas SIP incorporates provisions from Title 30, Environmental Quality, of the Texas Administrative Code ("TAC"), including the State of Texas's New Source Review ("NSR") permitting programs for both major and minor sources.

38. The requirements for emissions inventory reporting located at 30 TAC § 101.10 are incorporated into the Texas SIP. 30 TAC § 101.10(d)(1) requires the attestation that the information contained in the emission inventory reports is true and accurate. 30 TAC

§ 101.10(e) includes the reporting requirements for emissions inventory reports. The emissions inventory reports shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by TCEQ.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

39. Respondent owns and/or operates the petroleum storage and distribution terminal, located at 4200 Singleton Blvd., Dallas County, Dallas, Texas 75212 (the "Facility").

40. Respondent is the owner and/or operator of the Facility within the meaning of the Act, Section 111(a)(5), 42 U.S.C. § 7411(a)(5), 40 C.F.R. § 60.2, and/or 40 C.F.R. § 51.100(f), and 112(a)(9), 42 U.S.C. 7412(a)(9), and 40 C.F.R. 63.2.

41. On July 27, 2021, EPA Inspectors conducted an announced on-site inspection of the Facility ("EPA Inspection") and followed up with a virtual closing conference on August 6, 2021. EPA issued a final inspection report on October 5, 2021.

42. Between August 2021 and September 2024, EPA requested, and Respondent submitted, additional documentation; EPA also met with Respondent on multiple occasions during this period. EPA bases the violations on the on-site inspection and subsequent review of documents provided by the Facility during and after the inspection.

43. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violations alleged herein. On March 7, 2024, 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).

44. On March 27, 2024, 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.

E. ALLEGED VIOLATIONS

45. EPA inspectors conducted a comprehensive inspection of the Facility while on-site on July 27, 2021, and followed up with a virtual closing conference on August 6, 2021. The Facility also provided documentation to EPA during and after the inspection, and EPA bases the violations in this CAFO on the on-site inspection and subsequent review of documents provided by the Facility during and after the inspection.

46. Based on this review, EPA alleges the following violations for the Facility:

- a. Respondent violated 30 TAC § 101.10(d)(1) and 30 TAC § 101.10(e) by failing to report accurate emissions for NO_x and CO for the VCU in reporting year 2020.
- b. Respondent violated 40 C.F.R. § 60.505(c) by failing to record the required information for each monthly leak inspection required by 40 C.F.R. § 60.502(j).
- c. Respondent violated 40 C.F.R § 63.11094(e) by failing to record the required information for equipment leak inspections under 40 C.F.R § 63.11089 in a monthly leak inspection log.

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

a. General

47. 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. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.
- d. consents to the assessment of a civil penalty, as stated below;
- e. consents to the issuance of any specified compliance or corrective action order¹;
- f. consents to the conditions specified in this CAFO;
- g. consents to any stated Permit Action;
- h. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
- i. waives its rights to appeal the Final Order included in this CAFO.

48. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, subparagraphs (e) and (g) are not applicable to this particular case.

- 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 Northern 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 this Facility, 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

49. 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 \$112,000 (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.

50. 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) U.S. Postal Service mail; (2) non-U.S. Postal Service shipping (e.g., FedEx); (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment.

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

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

For U.S. Postal Service mail sent certified and/or with return receipt service, or if using (non-U.S. Postal Service shipping provider, *e.g.*, FedEx), payment should be remitted to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

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-06-2025-3311 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-06-2025-3311. 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:

Sarah Frey
U.S. EPA Region 6
frey.sarah@epa.gov

And

Region 6 Hearing Clerk
U.S. EPA Region 6
vaughn.lorena@epa.gov

51. 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.

52. 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.

53. 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. Conditions of Settlement

54. Prior to the Effective Date of this CAFO, Respondent confirmed that corrections to the 2020 annual emission inventory were submitted to TCEQ on October 14, 2021.

55. Within 90 days of the Effective Date of this CAFO, Respondent shall review its procedures for submitting annual emissions inventories to TCEQ under the Texas SIP requirements and update the procedures as necessary to ensure future accurate emissions reporting. If Respondent does not have such procedures, it shall create such procedures.

56. Within 30 days of the Effective Date of this CAFO, Respondent shall conduct a survey to identify all components in gasoline service at the Facility. The survey shall identify each individual component type (valve, connector, pump, etc.), the location of the component, and if the component is located on a specific piece of equipment (i.e. flange on gasoline storage tank).

57. Within 45 days of the Effective Date of this CAFO, Respondent shall incorporate a list, summary description, or diagram of all equipment in gasoline service at the Facility developed as a result of the survey conducted pursuant to Paragraph 56 into the log book required by 40 C.F.R. § 63.11089.

58. Within 45 days of the effective date of this CAFO, Respondent shall update its "Loading Rack and Facility Leak Inspection and Repair Log" to include all required elements of 40 C.F.R. Part 63, Subpart BBBBBB and 40 C.F.R. Part 60, Subpart XX. Additionally, delay of repair of equipment will be allowed for equipment that is isolated and that does not remain in gasoline service. The date on which isolated equipment is repaired shall also be included in the log.

59. Within 180 days of the Effective Date of this CAFO, Respondent shall review operation and maintenance procedures for inspecting the vapor collection system, the vapor processing system, each loading rack handling gasoline, and all equipment in gasoline service, as defined in 40 C.F.R. § 63.11100, ("Bulk Gasoline Terminal Components") to ensure that unauthorized emissions are timely identified and addressed to minimize emissions from such equipment. The operation and maintenance procedures, at a minimum, shall include written Standard Operating Procedures ("SOPs") for the following:

- a. Conducting inspections of Bulk Gasoline Terminal Components at the Facility.
- b. Preventative Maintenance. SOPs shall include maintenance, inspection, and replacement schedules for equipment related to Bulk Gasoline Terminal Components that are subject to wear and tear.
- c. Quality Control and Training. SOPs shall establish a quality control program that ensures the quality and performance of facility maintenance activities; and appropriate and regular training for personnel implementing the operation and maintenance procedures. The SOP shall include a procedure by which Respondent evaluates compliance with operation and maintenance procedures on a regular basis.
- d. Recordkeeping and Reporting. SOPs shall establish and implement requirements for documenting compliance with operation and maintenance procedures, including recordkeeping of the date of inspection/maintenance activities, the performance of any corrective actions, and all training conducted. SOP shall

establish periodic review of the "Loading Rack and Facility Leak Inspection and Repair Log".

e. Documentation Protocol. SOPs shall establish document generation and retention protocols, personnel roles and responsibilities, safety protocols, and work order systems to ensure problems are timely identified and addressed.

60. EPA reserves the right to pursue enforcement of any violations identified as a result of Paragraphs 54 through 60 ("Conditions of Settlement").

d. Additional Terms of Settlement

61. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 54 through 60 of this CAFO are completed (the "Tolling Period") shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the "Tolled Claims"). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

62. 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. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 61 of this CAFO, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide

written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

63. 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).

64. 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.

65. 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.

66. 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:	batts.santana@epa.gov
To Respondent:	danny.scroggins@oneok.com

67. 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 52

of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

68. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:

i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order per Section H of this CAFO; and

ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

69. 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 in Sections D and E above.

70. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraphs 54 through 60 of this CAFO (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraphs 54 through 60, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is

achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

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

72. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of paragraphs 54 through 60, are considered restitution, remediation, or required to come into compliance with the law.

73. 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.

74. 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.

75. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 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.

76. 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. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the Clean Air Act, 42 U.S.C. § 7401, et seq., or with any other provisions of federal, state, or local laws, regulations, or permits.

77. 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

78. 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.

Magellan Pipeline Terminals, L.P.
Docket No. CAA-06-2025-3311

The foregoing Consent Agreement In the Matter of Magellan Pipeline Terminals, L.P., a subsidiary of ONEOK, Inc., Docket No. CAA-06-2025-3311, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

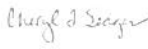
Date: July 27, 2025


Terri Hollomon
Air Compliance Manager
Magellan Pipeline Terminals, L.P.,
a subsidiary of ONEOK, Inc.
100 W. Fifth Street
Tulsa, OK 74103-4298



FOR COMPLAINANT:

Date: August 4, 2025


Digitally signed by CHERYL SEAGER
Date: 2025.08.04 10:19:14 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF

Magellan Pipeline Terminals, L.P.,
a subsidiary of ONEOK, Inc.
Dallas, Texas

RESPONDENT

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REGIONAL HEARING CLERK
EPA REGION 6

DOCKET NO. CAA-06-2025-3311

A. 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.

Magellan Pipeline Terminals, L.P., a subsidiary of ONEOK, Inc, 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.

Dated _____

**THOMAS
RUCKI** Digitally signed by
THOMAS RUCKI
Date: 2025.08.06
12:15:44 -04'00'

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:

Copy via Email to Complainant - DELIVERY RECEIPT REQUESTED

batts.santana@epa.gov

Copy via Email to Respondent - DELIVERY RECEIPT REQUESTED

terri.hollomon@oneok.com
Terri Hollomon
Air Compliance Manager
Magellan Pipeline Terminals, L.P.,
a subsidiary of ONEOK, Inc.
100 W. Fifth Street
Tulsa, OK 74103-4298

danny.scroggins@oneok.com
Danny Scroggins
Legal Counsel
100 W. Fifth Street
Tulsa, OK 74103-4298



Office of Regional Counsel
U.S. EPA, Region 6
Dallas, Texas