



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Denver, CO 80202-1129
Phone 800-227-8917
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MAR 11 2019

Ref: 8ENF-AT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeffrey Schwarz
Carver Schwarz McNab Kamper & Forbes, LLC
1600 Stout Street, Suite 1700
Denver, Colorado 80202

Re: Notice of Violation to DCP Operating Company, LP

Dear Jeffrey Schwarz:

The U.S. Environmental Protection Agency issues the enclosed Notice of Violation to DCP Operating Company, LP (DCP) for alleged violations of section 111 of the Clean Air Act, 42 U.S.C. § 7411, and its implementing regulations at five natural gas processing plants owned and operated by DCP in Weld and Cheyenne Counties in Colorado. The five plants include the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant. The Greeley, Kersey/Mewbourn, Platteville, and Roggen Plants are located in a nonattainment area for the National Ambient Air Quality Standard for ozone.

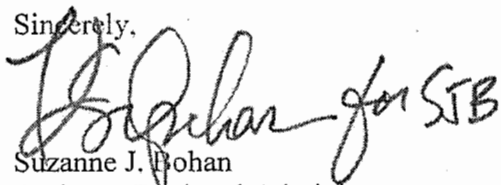
Section 113(a) of the Clean Air Act provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of section 111 of the Act, including any requirement or prohibition of any rule promulgated under section 111, the Administrator may issue an administrative compliance order, issue an administrative penalty order, or bring a civil judicial action.

We are offering DCP an opportunity to confer with the EPA about the violations alleged in the Notice of Violation. The conference will provide an opportunity to present information on the specific findings of violation and any efforts DCP has taken to comply or prevent future noncompliance.

Please contact Jessica Portmess, the enforcement attorney assigned to this matter, at (303) 312-7026 or Portmess.Jessica@epa.gov to request a conference. Any request for a conference should be made within

20 calendar days of receipt of this Notice. Any conference should be held within 45 calendar days of receipt of this Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Dohan for SIB". The signature is written in a cursive style and is positioned above the typed name.

Suzanne J. Dohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Keith Warren, NBU Environmental Manager, DCP Operating Company, LP
Shannon McMillan, Compliance and Enforcement Program Manager, Colorado Department
of Public Health and Environment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2019 MAR 12 PM 2:41

IN THE MATTER OF:)
)
DCP Operating Company, LP)
Greeley, Kersey/Mewbourn, Platteville,)
Roggen, and Ladder Creek Natural Gas)
Processing Plants, Colorado)
)
)
Proceeding Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401-7671q)
)

FILED
EPA REGION VIII
NOTICE OF VIOLATION FRK
EPA-CAA-08-2019-0005

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency alleges that DCP Operating Company, LP (formerly DCP Midstream, LP) (DCP) violated and continues to violate section 111 of the Clean Air Act (CAA), 42 U.S.C. § 7411, and implementing regulations, at five natural gas processing plants owned and operated by DCP in Weld and Cheyenne Counties in Colorado. The five plants include the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant. The Greeley, Kersey/Mewbourn, Platteville, and Roggen Plants are located in an area designated nonattainment with the National Ambient Air Quality Standards for ozone. Specifically, the EPA alleges that DCP violated and continues to violate the Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011, 40 C.F.R. part 60, subpart KKK, and the Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015, 40 C.F.R. part 60, subpart OOOO.

The issuance of this Notice of Violation does not in any way limit or preclude the EPA from pursuing additional enforcement options concerning the review referenced in this Notice of Violation. Moreover, this Notice of Violation does not preclude enforcement action for violations not specifically addressed in this Notice of Violation.

Statutory and Regulatory Authority

New Source Performance Standards

1. Section 111(b) of the CAA authorizes the Administrator of the EPA to promulgate standards of performance applicable to “new sources” within categories of sources that cause “air pollution which may reasonably be anticipated to endanger public health or welfare.” 42 U.S.C. § 7411(b).

2. A “new source” is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will apply to such source. 42 U.S.C. § 7411(a)(2).

3. A “stationary source” is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).

4. A “modification” is “any physical change in . . . a stationary source which increases the amount of any air pollutant emitted by such source.” 42 U.S.C. § 7411(a)(4).

5. In 1979, the EPA listed “Crude Oil and Natural Gas Production” as a source category that contributes significantly to air pollution and for which standards of performance would be established. 44 Fed. Reg. 49,222 (Aug. 21, 1979).

6. It is unlawful for owners and operators of any new source to operate in violation of applicable standards of performance. 42 U.S.C. § 7411(e).

Subpart KKK

7. In 1985, based on the determination that emissions from crude oil and natural gas production cause or significantly contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, the EPA promulgated “Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants” under section 111 of the CAA. 50 Fed. Reg. 26,122 (June 24, 1985).

8. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the CAA, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the CAA, 42 U.S.C. § 7411(h). These standards are set forth in 40 C.F.R. part 60, subpart KKK (subpart KKK), which includes 40 C.F.R. §§ 60.630–36.

9. Subpart KKK applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after January 20, 1984, and on or before August 23, 2011. 40 C.F.R. § 60.630.

10. A natural gas processing plant is “any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.” “Onshore” means all facilities except those located in the territorial seas or on the outer continental shelf. 40 C.F.R. § 60.631.

11. “Affected facilities” in onshore natural gas processing plants include: compressors in VOC service or in wet gas service and “[t]he group of all equipment except compressors within a process unit.” 40 C.F.R. § 60.630(a)(3).

12. A “process unit” is “equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw material and sufficient storage facilities for the products.” 40 C.F.R. § 60.631.

13. “Equipment” includes each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by subpart KKK. 40 C.F.R. § 60.631.

14. Subpart KKK incorporates certain provisions of 40 C.F.R. part 60, subpart VV, by reference. *See* 40 C.F.R. §§ 60.632(a), 60.482-1(a), (b), (d), 60-482-2 to 60.482-10. These subpart VV provisions require owners and operators of regulated facilities to monitor equipment such as pumps and valves for leaks of air pollutants, repair leaks, and fulfill recordkeeping and reporting responsibilities.

15. Owners or operators of natural gas processing plants subject to subpart KKK must monitor equipment using “Method 21,” which is a test method that includes using a calibrated meter with a probe to measure around equipment for leaks. 40 C.F.R. §§ 60.632(d), 60.485, Appendix A-7 to 40 C.F.R. Part 60. For purposes of subpart KKK, a leak is detected from pumps and valves in natural gas processing plants if the detection instrument reading is 10,000 parts-per-million (ppm) or greater. 40 C.F.R. §§ 60.482-2, 60.482-7.

16. With certain exceptions not relevant here, when an owner or operator detects a leak in equipment in gas/vapor or light liquid service at or above the applicable regulatory threshold, subpart KKK requires the owner or operator to repair the leak as soon as practicable but not later than fifteen calendar days after detection. 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2, 60.482-3, 60.482-7.

17. Owners or operators of natural gas processing plants subject to subpart KKK must submit semiannual reports to the Administrator that include the process unit identification, revisions to equipment inventory counts in the process unit if changes have occurred, the dates of process unit shutdowns which occurred within the semiannual reporting period, and, for each month during the semiannual reporting period, information on the number of leaks detected, the number leaks not repaired, and the facts regarding delay of repair for any unrepaired leaks in the process unit. 40 C.F.R. §§ 60.632(e), 60.636, 60.487(c).

Subpart OOOO

18. In 2012, the EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Production, Transmission, and Distribution” under section 111 of the CAA. 77 Fed. Reg. 49,542 (Aug. 16, 2012).¹

19. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the CAA, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the CAA, 42 U.S.C. § 7411(h). These standards are set forth in 40 C.F.R part 60, subpart OOOO (subpart OOOO), §§ 60.5360–5430.

20. Subpart OOOO applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after August 23, 2011, and on or before September 18, 2015. 40 C.F.R. § 60.5365.

21. An “affected facility” in a natural gas processing plant for purposes of subpart OOOO includes “[t]he group of all equipment, except compressors, within a process unit.” 40 C.F.R. § 60.5365(f).

¹ The 2012 subpart OOOO rulemaking also amended subpart KKK to apply to affected facilities at natural gas processing plants for which construction, modification or reconstruction commenced after January 20, 1984, and on or before August 23, 2011. 77 Fed. Reg. 49,490 (August 16, 2012).

22. A natural gas processing plant is “any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.” “Onshore” means all facilities except those located in the territorial seas or on the outer continental shelf. 40 C.F.R. § 60.5430.

23. Subpart OOOO defines “process unit” as “components assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.” 40 C.F.R. § 60.5430.

24. Subpart OOOO defines “equipment” as each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by subpart OOOO. 40 C.F.R. § 60.5430.

25. Subpart OOOO incorporates certain provisions of 40 C.F.R. part 60, subpart VVa (subpart VVa) by reference. *See* 40 C.F.R. §§ 60.5400, 60.482-1a(a), (b), (d), 60.482-2a, 60.482-4a to 60.482-11a. These subpart VVa provisions require owners and operators of “affected facilities” to monitor equipment such as pumps, valves, and connectors for leaks, repair leaks, and fulfill recordkeeping, and reporting responsibilities.

26. Owners or operators of natural gas processing plants subject to subpart OOOO must use “Method 21” to monitor equipment for leaks. 40 C.F.R. §§ 60.5400(d), 60.485a, Appendix A-7 to 40 C.F.R. Part 60. For purposes of subpart OOOO, a leak is detected from pumps in natural gas processing plants if the detection instrument reading is 2,000 ppm or greater, and from valves and connectors if the detection instrument reading is 500 ppm or greater. 40 C.F.R. §§ 60.482-2a, 60.487-7a, 60.482-11a.

27. With certain exceptions not relevant here, subpart OOOO requires the following:

a. An owner or operator must monitor pumps, valves, and connectors in gas/vapor or light liquid service initially and at specified frequencies thereafter. 40 C.F.R. §§ 60.5400(a), 60.482-2a(a), 60.482-7a(a), (c), 60.482-11a(a), (b)(3). If any such equipment is found leaking at or above the applicable regulatory threshold, the owner or operator must make a first attempt at repair no later than five calendar days after each leak is detected, and in any event to repair each leak as soon as practicable, but not later than fifteen calendar days after detection. 40 C.F.R. §§ 60.5400(a), 60.5401(b), 60.482-2a, (b)(1), (c), 60.482-7a(b), (d), 60.482-11a(b)(2), (d).

b. An owner or operator must monitor valves in gas/vapor and light liquid service each month to detect leaks greater than or equal to 500 ppm. 40 C.F.R. §§ 60.5400(a), 60.482-7a.

c. An owner or operator must initially monitor all connectors in gas/vapor and light liquid service in a process unit for leaks greater than or equal to 500 ppm by the later of 12 months after the compliance date or after initial startup. 40 C.F.R. §§ 60.5400(a), 60.482-11a(a).

d. Subpart OOOO valves that an owner or operator designates as “difficult-to-monitor” are exempt from the monthly or quarterly monitoring requirements of 40 C.F.R. § 60.482-7a(a) so long as the owner or operator designates no more than 3.0 percent of the total number of valves as “difficult-to-monitor.” 40 C.F.R. §§ 60.5400(a), 60.482-7a(h)(2)(ii).

e. Subpart OOOO also requires certain recordkeeping and reporting. 40 C.F.R. §§ 60.5400(e), 60.486a, 60.487a. Owners and operators must attach a weatherproof and readily visible identification to each piece of leaking equipment and must maintain a recordkeeping system that identifies, *inter alia*, the dates of a) detection of each leak in excess of subpart OOOO leak definitions, b) attempts to repair the leaking equipment and the repair method used, and c) any process unit shutdowns while the equipment remains unrepaired. 40 C.F.R. §§ 60.486a(b), 60.486a(c). Owners and operators must also include in semiannual reports to the Administrator certain information, including the number of pumps, valves, and connectors for which leaks in excess of subpart OOOO leak definitions were detected. 40 C.F.R. § 60.487a(c).

Findings of Fact

28. The EPA performed onsite inspections of the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, and the Roggen Plant in 2014 and 2015.

29. As follow-up to the onsite inspections, DCP provided a copy of the leak detection and repair (LDAR) monitoring and repair record management databases for the Greeley Plant, the Kersey/Mewbourn Plant, the Roggen Plant, and the Platteville Plant on July 2, 2015, July 2, 2015, July 9, 2015, and July 10, 2015, respectively.

30. The EPA issued requests for information, under section 114 of the CAA, 42 U.S.C. § 7414, to DCP on August 31, 2016, September 29, 2016, and October 18, 2016.

31. DCP provided responses to the requests for information on November 11, 2016, January 27, 2017, April 14, 2017, August 18, 2017, and September 11, 2017.

32. DCP's responses included semiannual reports submitted under subpart KKK and a copy of the LDAR monitoring and repair record management database for the Ladder Creek plant, information on LDAR equipment added to the plants, and other records.

33. Based on its review of the LDAR information referenced in Paragraphs 29 and 32, the EPA makes the factual findings and alleges the violations described below.

34. DCP is a limited partnership formed in the State of Delaware and doing business in the State of Colorado.

35. DCP is a "person" within the meaning of section 302(e) of the CAA, 42 U.S.C. § 7602(e).

36. DCP is the "owner and operator" of the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant within the meaning of section 111(a)(5) of the CAA. 42 U.S.C. §§ 7411(a)(5).

37. The EPA has designated the following counties in Colorado as being in nonattainment with the 2008 and 2015 National Ambient Air Quality Standard (NAAQS) for ozone: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and portions of Larimer and Weld

Counties (Denver Nonattainment Area). See 77 Fed. Reg. 30,088 (May 21, 2012); 83 Fed. Reg. 25,792 (June 4, 2018).

38. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, and the Roggen Plant are located within the Denver Nonattainment Area.

39. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant are “onshore natural gas processing plants” within the meaning of subparts KKK or OOOO, as applicable. 40 C.F.R. §§ 60.631, 60.5430.

40. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant are “stationary sources” within the meaning of CAA section 111(a)(2), 42 U.S.C. § 7411(a)(2).

41. When pumps, valves, connectors, pressure release valves, or other equipment used at the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant leak, they can release VOCs into the atmosphere within the Denver Nonattainment Area.

42. VOCs form ground-level ozone by reacting with sources of oxygen molecules, *e.g.*, nitrogen oxides and carbon monoxide, in the atmosphere in the presence of sunlight. Exposure to ground-level ozone can cause lung function diminution, pulmonary inflammation, and other symptoms. Children, people with respiratory illness, the elderly, and those working or exercising outdoors have a higher risk of adverse health effects from ozone exposure.

43. Ground-level ozone is one of six criteria pollutants for which the EPA has promulgated NAAQS due to its adverse effects on human health and the environment.

Subpart KKK

44. Process units at the Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant have been subject to the requirements of subpart KKK from at least January 2010 until June 2018.

45. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant are “new sources” under subpart KKK within the meaning of section 111(a)(2) of the CAA, 42 U.S.C. § 7411(a)(2).

46. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant contain multiple “process units” within the meaning of 40 C.F.R. § 60.631.

47. The Greeley Plant, the Kersey/Mewbourn Plant, the Platteville Plant, the Roggen Plant, and the Ladder Creek Plant contain “equipment” within the meaning of 40 C.F.R. § 60.631.

48. In the Greeley Plant’s semiannual subpart KKK reports for July 1, 2010 to December 31, 2017, DCP reported the following process units at the Plant: GF, GP, and GPS.

49. According to DCP’s January 27, 2017 response to an information request, the Greeley Plant contains the following processes: inlet compression, inlet scrubbing, glycol dehydration, refrigeration (J-T processing), fractionation, product storage, product loading, and residue compression.

50. In the Kersey/Mewbourn Plant's semiannual subpart KKK report for July 1, 2010 to December 31, 2010, DCP reported the following process units at the Plant: APLANT, BPLANT, COMP, INLET, PLANT, and PRODST.

51. In the Kersey/Mewbourn Plant's semiannual subpart KKK reports for January 1, 2015 to June 30, 2015, DCP reported the following process units at the Plant: AMINE/GLYCOL, CRYO, DEHY, INLET COMPRESSOR, INLET TURBINE, NGL, NORTH INLET, PROPANE, and TANK FARM.

52. In a letter addressed to the EPA dated October 17, 2017, entitled "Startup Notification for New Source Performance Standards 40 CFR 60.7," (October 2017 Notification) DCP stated it had modified the INCMPSN process unit during third quarter 2015 and the NORINLET process unit in fourth quarter 2013 at the Kersey/Mewbourn Plant, and had triggered subpart OOOO at each of these process units.

53. In the Platteville Plant's semiannual subpart KKK reports for January 1, 2013 to December 31, 2017, DCP reported the following process units at the Plant: COMPRESSOR, INLET, NGL, PLANT, and TANK FARM.

54. According to DCP's January 27, 2017 response to an information request, the Platteville Plant contains the following processes: inlet, compression, cold separator, propane refrigeration, stabilizer, dehydration, residue compression, and flare.

55. In the Roggen Plant's semiannual subpart KKK reports for July 1, 2010 to June 30, 2017, DCP reported the following process units at the Plant: AMINE/GLYCOL, RC, RP, RR, and RTF.

56. According to DCP's January 27, 2017 response to an information request, the Roggen Plant contains the following processes: inlet, compression, amine, dehydration 1 and 2, cryo, product storage and transfer, and outlet compression.

57. In the October 2017 Notification, DCP stated it had modified the RC process unit during second quarter 2013, the RP process unit during first quarter 2015, and the RTF process unit during first quarter 2015 at the Roggen Plant, and had triggered subpart OOOO at the each of these process units.

58. In the Roggen Plant's semiannual subpart KKK report dated January 23, 2018 for the period July 1, 2017 to December 31, 2017, DCP included the Amine/Glycol, RC, RP, RR, and RTF process units, and a newly-included Refrigeration process unit.

59. In the Roggen Plant's initial semiannual subpart OOOO report for the period September 1, 2017 to December 31, 2017,² DCP included the following process units: Flare, High Pressure, Low Pressure, Petrofac, Randall, Russell, Stabilizer, and Tank Farm.

60. In the Roggen Plant's semiannual subpart KKK report dated July 25, 2018 for the period January 1, 2018 to June 30, 2018, DCP included the Amine/Glycol and Refrigeration process units, and did not include the RC, RP, RR, and RTF process units included on previous semiannual subpart KKK reports.

² This report was erroneously dated January 23, 2017.

61. In the Roggen Plant's semiannual subpart OOOO report dated July 25, 2018 for the period January 1, 2018 to June 30, 2018, DCP included the Flare, High Pressure, Low Pressure, Petrofac, Randall, Russell, Stabilizer, and Tank Farm process units and indicated the Amine/Glycol and Refrigeration process units were subject to subpart OOOO. DCP did not include the RC, RP, RR, and RTF process units, which were included on previous semiannual subpart KKK or subpart OOOO reports.

62. In the Ladder Creek Plant's semiannual subpart KKK reports for January 1, 2013 to December 31, 2017, DCP reported the following process units at the Plant: Ladder Creek and CVS.

63. According to DCP's April 14, 2017 response to an information request, the Ladder Creek Plant contains the following processes: gas treating, dehydration, compression, chilling, storage, cold box, and product handling.

Subpart OOOO

64. At the Greeley Plant, DCP undertook an installation project that involved adding LDAR equipment in the following periods and DCP-defined process units or process unit(s) within the following areas:³

- a. October 2013, GP process unit;
- b. March 2015, GP process unit;
- c. May 2015, GP process unit;
- d. June 2015, GP process unit;
- e. August 2014, GPS process unit;
- f. April 2015, GPS process unit.

65. At the Kersey/Mewbourn Plant, DCP undertook an installation project that involved adding LDAR equipment in the following periods and DCP-defined process units or process unit(s) within the following areas:

- a. October 2013, AMINEGLY process unit;
- b. October 2013, CRYO process unit;
- c. September 2014, CRYO process unit;
- d. October 2013, NGL process unit;
- e. October 2013, NORINLET process unit;
- f. March 2014, NORINLET process unit;
- g. October 2013, PROPANE process unit;
- h. Third quarter 2015, INCMPSN process unit.

66. At the Roggen Plant, DCP undertook an installation project that involved adding LDAR equipment in the following periods and DCP-defined process units or process unit(s) within the following areas:

- a. April 2013, RC process unit;
- b. January 2015, RC process unit;

³ Paragraphs 64–66 refer to DCP's characterization of process units at the time of the projects listed ("DCP-defined").

- c. October 2012, RP process unit;
- d. March 2015, RP process unit;
- e. September 2014, RTF process unit;
- f. First quarter 2015, RTF process unit.

67. The equipment installation projects listed in Paragraphs 64–66 for the Greeley Plant, the Kersey/Mewbourn Plant, and the Roggen Plant each constituted a “modification.” *See* 42 U.S.C. § 7411(a)(4); 40 C.F.R. §§ 60.14, 60.5365(f)(1).

68. The equipment installation projects listed in Paragraphs 64–66 for the Greeley Plant, the Kersey/Mewbourn Plant, and the Roggen Plant subjected DCP to the requirements of subpart OOOO with respect to these DCP-defined process units since at least the next month following the installation project. *See* 40 C.F.R. § 60.5370(a).

69. The Greeley Plant, the Kersey/Mewbourn Plant, and the Roggen Plant contain “new sources” under subpart OOOO within the meaning of section 111(a)(2) of the CAA, 42 U.S.C. § 7411(a)(2).

70. The Greeley Plant, the Kersey/Mewbourn Plant, and the Roggen Plant contain multiple “process units” within the meaning of 40 C.F.R. § 60.5430.

71. The Greeley Plant, the Kersey/Mewbourn Plant, and the Roggen Plant contain “equipment” within the meaning of 40 C.F.R. § 60.5430.

Alleged Violations

72. At the following Plants, the EPA alleges DCP violated the following requirements between the approximate dates and in the approximate number of instances included in the table below:

Para-graph	Alleged Violation and Regulatory Authority	Greeley	Kersey/ Mewbourn	Platteville	Roggen	Ladder Creek
a	DCP failed to make a first attempt at repair within five days of identifying a leak, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.482-2a, 60.482-4a to 60.482-11a, as applicable.		4 instances, from December 12, 2011 to June 13, 2012.	1 instance, on October 24, 2011.	1 instance, on November 19, 2012.	1 instance, on October 23, 2012.

Paragraph	Alleged Violation and Regulatory Authority	Greeley	Kersey/ Mewbourn	Platteville	Roggen	Ladder Creek
b	DCP failed to repair leaks within fifteen days of identification, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.635, 60.636, 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.5421, 60.5422, 60.482-2a, 60.482-4a to 60.482-11a, 60.486a, and 60.487a, as applicable.	68 instances, from July 27, 2011 to April 11, 2013.	120 instances, from September 7, 2011 to June 28, 2014.	41 instances, from November 3, 2011 to April 20, 2013.	100 instances, from July 29, 2011 to February 20, 2013.	
c	DCP failed to repair leaks within fifteen days of identification, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.482-2a, 60.482-4a to 60.482-11a, as applicable, because of one of the following reasons: <ul style="list-style-type: none"> • The equipment was repaired at the next process unit shutdown, but using a repair type that was technically feasible without a process unit shutdown; • The equipment was repaired before or after, but not during, the next reported process unit shutdown; • The equipment was repaired, but no process unit shutdown was reported; • The equipment was not repaired during the next reported process unit shutdown; or <ul style="list-style-type: none"> • Repair of the equipment was attempted at next process unit shutdown, but the attempt was ineffective, so the leak was not corrected. 	95 instances, from 3rd Quarter 2011 to 1st Quarter 2013.	173 instances, from 3rd Quarter 2011 to 3rd Quarter 2013.			
d	DCP failed to repair leaks within fifteen days of identification, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.482-2a, 60.482-4a to 60.482-11a, as applicable, because DCP used the justification "waiting on parts" to delay repair of the equipment beyond 15 days.	3 instances, from March 25, 2011 to October 18, 2013.	2 instances, from October 7, 2010 to December 5, 2011.	1 instance, on October 25, 2011 to June 22, 2012.	8 instances, from July 27, 2010 to June 9, 2014.	
e	DCP failed to repair leaks within fifteen days of identification, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.482-2a, 60.482-4a to 60.482-11a, as applicable, because DCP delayed repair of the equipment beyond fifteen days when the equipment was technically feasible to repair without a process unit shutdown.	31 instances, from April 11, 2010 to June 19, 2016.	8 instances, from August 23, 2011 to June 9, 2015.	6 instances, from October 29, 2010 to May 22, 2015.	24 instances, from January 19, 2011 to February 15, 2016.	1 instance, on July 12, 2014.
f	DCP failed to monitor equipment at the required monthly, quarterly, or other frequency, in violation of 40 C.F.R. §§ 60.632(a), 60.633(b), 60.482-2 to 60.482-10, 60.5400, 60.5401(b), 60.482-2a, 60.482-4a to 60.482-11a, as applicable.	264 instances, from October 11, 2011 to March 1, 2015.	914 instances, from October 11, 2011 to June 30, 2012.	228 instances, from October 11, 2011 to December 31, 2012.	689 instances, from October 11, 2011 to May 1, 2014.	
g	DCP failed to timely identify applicability of subpart OOOO to DCP-	<ul style="list-style-type: none"> • GP process unit, October 	<ul style="list-style-type: none"> • AMINEGLY process unit, 		<ul style="list-style-type: none"> • RC process unit, April 2013: 1060 	

Para-graph	Alleged Violation and Regulatory Authority	Greeley	Kersey/ Mewbourn	Platteville	Roggen	Ladder Creek
	defined process units or process unit(s) within the following areas, in the following Plants and in the indicated periods, resulting in missed monitoring, missed repairs, missed recordkeeping, and missed reporting for the stated number of pieces of equipment, in violation of 40 C.F.R. §§ 60.5400, 60.5421, and 60.5422.	<p>2013: 2618 components affected.</p> <ul style="list-style-type: none"> • GP process unit, March 2015: 3015 components affected. • GP process unit, May 2015: 3457 components affected. • GP process unit, June 2015: 3692 components affected. • GPS process unit, August 2014: 2356 components affected. • GPS process unit, April 2015: 2532 components affected. 	<p>October 2013: 2055 components affected.</p> <ul style="list-style-type: none"> • CRYO process unit, October 2013: 1817 components affected. • CRYO process unit, September 2014: 1840 components affected. • NGL process unit, October 2013: 3804 components affected. • NORINLET process unit, October 2013: 1683 components affected. • NORINLET process unit, March 2014: 1634 components affected. • INCMPSN process unit, third quarter 2015: 4857 components affected. <p>PROPANE process unit, October 2013: 1864 components affected.</p>		<p>components affected</p> <ul style="list-style-type: none"> • RC process unit, January 2015: 1233 components affected. • RP process unit, October 2012: 6411 components affected. • RP process unit, March 2015: 6805 components affected • RTF process unit, September 2014: 2424 components affected. • RTF process unit, first quarter 2015: 2424 components affected. 	
h	DCP failed to monitor valves quarterly because it designated more than 3.0 percent of the valves in a process unit as "difficult-to-monitor," resulting in the listed number of missed inspections, in violation of 40 C.F.R. §§ 60.632(a) and 60.482-7(h)(2).			45 instances, from October 11, 2011 to October 10, 2016.		
i	DCP failed to monitor "difficult-to-monitor" valves annually, resulting approximately in the listed number of missed inspections, in violation of 40 C.F.R. §§ 60.632(a) and 60.482-7(h)(3).				15 instances, from January 1, 2014 to December 31, 2014.	
j	DCP failed to operate pressure relief devices and other designated equipment with no detectable emissions, in violation of 40 C.F.R. §§ 60.632(a), 60.482-2 to 60.482-7, as applicable.			7 instances, from October 29, 2010 to October 3, 2012.		51 instances, from August 28, 2012 to August 3, 2016.

Para-graph	Alleged Violation and Regulatory Authority	Greeley	Kersey/ Mewbourn	Platteville	Roggen	Ladder Creek
k	DCP failed to correctly identify Plant process units and report the process unit identification; revisions to equipment inventory counts in the process unit; the dates of process unit shutdowns which occurred within the semiannual reporting period; and, for each month during the semiannual reporting period, information by process unit on the number of leaks detected, the number leaks not repaired, and the facts regarding delay of repair for any unrepaired leaks in the process unit; in its semiannual reports, in violation of 40 C.F.R. §§60.632(e), 60.636, 60.487(c), 60.5400, 60.5401, 60.5422, 60.487a(b), and 60.487a(c), as applicable.	From July 1, 2010 to December 31, 2017, for one or more process units in the inlet compression, inlet scrubbing, glycol dehydration, refrigeration (J-T processing), fractionation, product storage, product loading, and residue compression processes.	From July 1, 2010 to December 31, 2010, for one or more process units in the AMINE/ GLYCOL, CRYO, DEHY, INLET COMPRESSOR, INLET TURBINE, NGL, NORTH INLET, PROPANE, AND TANK FARM processes.	From January 1, 2013 to December 31, 2017, for one or more process units in the inlet, compression, cold separator, propane refrigeration, stabilizer, dehydration, residue compression, and flare processes.	From July 1, 2010 to June 30, 2017, for one or more process units in the Flare, High Pressure, Low Pressure, Petrofac, Randall, Russell, Stabilizer, Tank Farm, Amine/ Glycol and Refrigeration processes.	From July 1, 2011 to December 31, 2017, for one or more process units in the gas treating, dehydration, compression, chilling, storage, cold box, and product handling processes.

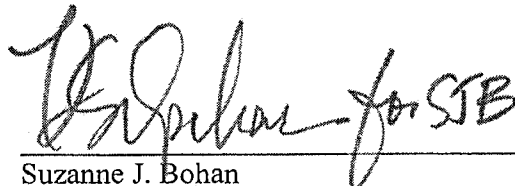
73. Each of the alleged violations listed above is a violation of section 111 of the Act, 42 U.S.C. § 7411(e).

Enforcement Authority

74. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement or prohibition of sections 111 and 112 of the CAA, 42 U.S.C. §§ 7411, 7412, including a requirement or prohibition of any rule promulgated under sections 111 and 112 of the CAA, the Administrator may issue an administrative penalty order under section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to section 113(b) for injunctive relief and civil penalties.

3/11/2019

 Date



 Suzanne J. Bohan
 Assistant Regional Administrator
 Office of Enforcement, Compliance and
 Environmental Justice

CERTIFICATE OF MAILING

I, Linda White, certify that I sent a Notice of Violation, No. CAA-08-2019-0005, by Certified Mail, Return Receipt Requested, to:

Jeffrey Schwarz
Carver Schwarz McNab Kamper &
Forbes, LLC
1600 Stout Street, Suite 1700
Denver, Colorado 80202

Keith Warren
DCP Operating Company, LP
3026 4th Avenue
Greeley, Colorado 80631

On the 12 day of March 2019



Linda White
Legal Secretary
8ENF-L

CERTIFIED MAIL RECEIPT NUMBER:

J. Schwarz - 7012 2210-0000-5373-6782
K. Warren - 7012-2210-0000-5373-6997