



3. Respondent BTA Oil Producers, LLC (“Respondent”) is a limited liability company doing business in the State of New Mexico. 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, 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 (a)(3)(A) of the Act, 42 U.S.C. § 7413(a)(1)(B), (a)(3)(A).

6. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), on December 7, 2020, 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 New Mexico. In the NOVOC, EPA provided notice to both Respondent and the State of New Mexico that EPA found Respondent committed the alleged violations of the New Mexico State Implementation Plan (“SIP”) described in Section E of this CAFO and providing Respondent an opportunity to confer with EPA. Representatives of Respondent and EPA initially discussed the violations alleged in the NOVOC on December 17, 2020, and at various other subsequent times.

7. 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).

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

**C. GOVERNING LAW**

9. 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).

10. 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.

**a. NSPS 40 C.F.R. Part 60, Subparts OOOO and OOOOa**

11. Section 111 of the CAA, 42 U.S.C. § 7411, authorizes EPA to promulgate regulations establishing New Source Performance Standards (“NSPS”). Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that after the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

12. In 2012, pursuant to its authority under section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), to review and, if appropriate, revise the NSPS, EPA published the final rule, “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution,” found at 40 C.F.R. Part 60, Subpart OOOO (“Subpart OOOO”).

13. In 2013 and 2014, EPA made amendments to the 2012 NSPS with respect to standards for storage vessels and other changes, which are found at 40 C.F.R. Part 60, Subpart OOOOa (“Subpart OOOOa”).



14. Affected facilities that commence construction, modification, or reconstruction after August 23, 2011, and on or before September 18, 2015, are subject to the standards of Subpart OOOO. Affected facilities that commence construction, modification, or reconstruction after September 18, 2015, are subject to the standards of Subpart OOOOa.

15. Among the “affected facilities” subject to NSPS Subparts OOOO and OOOOa are “storage vessel affected facilities.” 40 C.F.R. §§ 60.5365(e), 60.5365a(e). NSPS Subparts OOOO and OOOOa specify that a “storage vessel affected facility” is a single storage vessel with the potential for VOC emissions equal to or greater than six (6) tons per year (“tpy”). 40 C.F.R. §§ 60.5365(e), 60.5365a(e).

16. NSPS Subparts OOOO and OOOOa require owners and operators, at all times, to maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. 40 C.F.R. §§ 60.5370(b), 60.5370a(b).

17. NSPS Subparts OOOO and OOOOa require each storage vessel affected facility that uses a control device to reduce emissions to connect the facility through a closed vent system and route emissions to a control device or to a process. 40 C.F.R. §§ 60.5395(e)(1), 60.5395a(b)(1).

18. Respondent’s energy extraction facilities located in the New Mexico Permian Basin and identified in Attachment A (the “Facilities”) each contain single storage vessels in the oil and natural gas production segments that have the potential for VOC emissions equal to or greater than six (6) tpy. Each of the Facilities, except for the Mesa 3H Battery, was constructed after September 18, 2015, and are therefore subject to the requirements of NSPS Subpart

OOOOa. The Mesa 3H Battery was constructed after August 23, 2011, and on or before September 18, 2015, and is therefore subject to the requirements of NSPS Subpart OOOO.

**b. New Mexico State Implementation Plan Permitting Requirements**

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

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

21. The State of New Mexico has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart GG. The New Mexico SIP includes authorization for New Mexico to regulate new stationary sources that have potential emission rates between ten (10) and twenty-five (25) types of any regulated air contaminant by requiring owners or operators to file a “Notice of Intent” with the New Mexico Environment Department (“NMED”) prior to construction of the source. 20 N.M.A.C. 0.2.73.200.

22. The New Mexico SIP requires that Notices of Intent “be filed prior to the commencement of construction” of the new stationary source and that construction “not begin prior to issuance of a written determination by [NMED] that a permit is not required.” 20 N.M.A.C. 2.73.200(A)(4).

23. The Facilities are each new stationary sources with a potential emission rate between ten (10) and twenty-five (25) types of any regulated air contaminant and the owners or

operators were therefore required to file a Notice of Intent with NMED, and obtain a written determination by NMED that permits are not required, prior to commencing construction.

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

24. At all times relevant to this proceeding, Respondent has owned and/or operated the Facilities.

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

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

27. The Facilities are all currently covered by Notices of Intent; however, Respondent had neither applied for, nor obtained, Notice of Intent coverage for the facilities known as Rojo 10-13 and Rojo 18-19/38-39 (the “Unregistered Facilities”) on September 26, 2019.

28. During September and October 2019, EPA contracted for helicopter flyovers of the Permian Basin area to assess emissions from energy extraction facilities using Optical Gas Imaging (“OGI”) technology. Flyovers of each of the Facilities were conducted on September 26, 2019.

29. On August 19, 2020, EPA sent Respondent OGI video captures showing hydrocarbon emissions process equipment at energy extraction facilities, including the Facilities at issue in this CAFO, that EPA believed to be owned or operated by Respondent. EPA asked Respondent to verify ownership and confirm whether the facilities were part of an environmental audit Respondent was conducting at the time. EPA considered information provided by Respondent to determine whether violations occurred at the facilities identified.



30. After receiving EPA's August 19, 2020 notification and video captures, Respondent filed Notice of Intent applications for both Unregistered Facilities with NMED on September 4 and 9, 2020, and obtained a written determination from by NMED that permits were not required for the Unregistered Facilities on October 2 and 9, 2020.

31. On December 7, 2020, EPA notified Respondent and NMED of violations of the New Mexico SIP.

32. On December 17, 2020, 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.

33. On January 13, 2021, Respondent provided records to EPA regarding audio, visual, and olfactory inspections ("AVO Records") conducted at the Facilities from August through November of 2019.

34. After reviewing the AVO Records, on March 3, 2021, EPA relayed to Respondent, via telephonic conference and in writing, its position concerning Respondent's compliance status with the CAA, 42 U.S.C. § 7401, *et seq.*, and the potential violations identified in the NOVOC.

#### E. ALLEGED VIOLATIONS

35. EPA has conducted a comprehensive review of information gathered from the September 26, 2019 helicopter flyovers and from Respondent. Based on this review, EPA has made the following findings:

a. By allowing tanks at the Facilities to directly release emissions to atmosphere, Respondent violated NSPS Subparts OOOO and OOOOa, 40 C.F.R. §§ 60.5370(b)

and 60.5370a(b), which require the Facilities to be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.

b. By allowing tanks at the Facilities to directly release emissions to atmosphere, Respondent violated NSPS Subparts OOOO and OOOOa, 40 C.F.R. §§ 60.5395(e)(1) and 60.5395a(b)(1), which require the Facilities' control devices to reduce emissions from the Facilities by connecting the Facilities through a closed vent system and routing emissions to a control device or to a process.

c. By failing to file Notices of Intent with NMED prior to commencement of construction of the Unregistered Facilities, and by commencing such construction prior to issuance of written determinations by NMED that permits were not required, Respondent violated 20 N.M.A.C. 2.73.200(A)(4) at both Unregistered Facilities.

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

**a. General**

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

Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty, as stated below;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to the conditions specified in this CAFO;



f. consents to any stated Permit Action<sup>1</sup>;  
g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and

h. waives its rights to appeal the Final Order included in this CAFO.

37. For the purpose of this proceeding, Respondent:

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

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

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 Act, 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 District of New Mexico;

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

---

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

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**

38. 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 violation, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$75,000 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with section 113 of the Act, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

39. Respondent agrees to:

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

On Line Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or

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

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

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

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

Contact: Natalie Pearson  
(314) 418-4087

For wire transfer, payment should be remitted to:

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

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

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

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 06-2021-3325 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 06-2021- 3325. Respondent's adherence to this request will ensure proper credit is given when penalties are received for the Region. 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:

Brandon Bammel  
U.S. EPA Region 6  
Bammel.Brandon@epa.gov

And

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

40. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to section 113(d)(5) of the Act, 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 of 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 Act, 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.

41. 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, attorneys' fees incurred by the United States for collection proceedings.

42. 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**

43. As Condition of Settlement, Respondent agrees to the following:
- a. Within thirty (30) days of the Effective Date of this Consent Order, Respondent shall inspect and evaluate all oil and water storage tanks and associated hatches, valves, gaskets, and pressure relief devices at the facilities in Attachment A to ensure there are no unauthorized emissions.
  - b. Within thirty (30) days of the Effective Date of this Consent Order, Respondent shall inspect any and all flares and vapor combustion units (“VCUs”) at the facilities in Attachment A to ensure that flares and VCUs used for the control of emissions from production are properly operated and continuously lit during all facility operating scenarios where gases are routed to the flares and VCUs.
  - c. Within ninety (90) days of the Effective Date of this Consent Order, Respondent shall review its operation and maintenance procedures for inspecting process equipment at each facility in Attachment A, and update the procedures, as necessary, to ensure that problems are timely identified and addressed to minimize emissions from process equipment. If Respondent does not have such procedures, it shall create such procedures. Respondent shall ensure that these procedures include, at a minimum, the following:
    - i. the use of a standard site inspection checklist during regular inspections that requires evaluation of the following: well pad, flares, separators, heater treaters, tank batteries, compressors, fuel skid, well heads, spill containment, solid waste and chemical storage, and miscellaneous facility-wide operations;
    - ii. a quality control program that ensures the quality, efficiency, and performance of facility maintenance activities; and



iii. appropriate and regular training for personnel implementing the operation and maintenance procedures.

d. Within ninety (90) days from the review discussed in sub-paragraph "c." above, Respondent shall send a letter (the "Letter Report") to EPA detailing:

i. the equipment that was inspected under sub-paragraph "a." and "b." above at each facility in Attachment A, the method of inspection, and any actions taken, or improvements made to ensure or improve compliance; and

ii. any updates that were made to the operation and maintenance procedures for the facilities in Attachment A to ensure that problems are timely identified and addressed to minimize emissions from process equipment.

The Letter Report shall be emailed to:

Brandon Bammel  
U.S. EPA Region 6  
Bammel.Brandon@epa.gov

44. Upon receipt of the Letter Report, EPA shall have ninety (90) days to respond with questions or disagreement that the Conditions of Settlement have been satisfied.

45. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraph 43 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.

46. 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 45 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.

47. 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.

48. 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.

49. 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.

50. Respondent specifically waives its right to seek reimbursement of its costs and attorneys' fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 41

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

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

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

52. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraph 43 of this CAFO (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraph 43, 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.

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

54. 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.

55. 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.

56. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$37,500 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.

57. 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.

58. 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

59. 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.

The foregoing Consent Agreement In the Matter of BTA Oil Producers, LLC, Docket No. 06-2021-3325, is Hereby Stipulated, Agreed, and Approved for Entry.

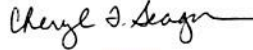
FOR RESPONDENT:

Date: 4-15-21



Rick D. Davis, Jr.  
Rick D. Davis, Jr.  
General Counsel  
BTA Oil Producers, LLC

FOR COMPLAINANT:



Digitally signed by CHERYL SEAGER  
DN: c=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=CHERYL SEAGER,  
0.9.2342.19200300.100.1.1=68001003651793  
Date: 2021.04.16 09:38:44 -0500

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

**Attachment A**

**BTA Oil Producers, LLC - Docket No. 06-2021-3325**

Site Identity	LAT	LONG	NMED AIRS No.	Permit Number	Permit Date	Application Type	NSPS 0000 or 0000a Applicability	Flyover Date	Flyover Video ID
Mesa 3H Battery	32.065472	-103.63694	350251123	7097	10/12/2016	NOI	NSPS 0000	9/26/19	G3m226
Mesa 8105 JV-P 9H and 11H Battery	32.065605	-103.628719	35-025-1275	7427	9/5/2017	NOI	NSPS 0000a	9/26/19	G3m225
Rojo Com B 7811 JV-P 1H Battery	32.122483	-103.562957	35-025-1209	7320	4/10/2017	NOI	NSPS 0000a	9/26/19	G3m222
Rojo 14-17	32.110452	-103.556506	350251703	8453	9/10/2019	NOI	NSPS 0000a	9/26/19	G3m221
Rojo 18-19/38-39	32.089479	-103.56688	350251925	8939	10/2/2020	NOI	NSPS 0000a	9/26/19	G3m217
Rojo 10-13	32.108385	-103.553035	350251931	8947	10/9/2020	NOI	NSPS 0000a	9/26/19	G3m220



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

---

IN THE MATTER OF:

BTA OIL PRODUCERS, LLC  
Midland, Texas

RESPONDENT

(  
(  
(  
(  
(  
(  
(  
(  
(  
(  
(  
(

DOCKET NO. 06-2021-3325

---

**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.

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

Rucki, Thomas

Digitally signed by Rucki, Thomas  
DN: cn=Rucki, Thomas,  
email=Rucki.Thomas@epa.gov  
Date: 2021.04.19 10:29:19 -05'00'

---

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

CERTIFICATE OF SERVICE

I hereby certify that on the date in the electronic signature below, an electronic copy of the foregoing 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 a true and correct copy was delivered to the following individual by the method indicated below:

EMAIL - READ RECEIPT REQUESTED

Rick D. Davis, Jr.  
BTA Oil Producers, LLC  
104 South Pecos  
Midland, Texas 79701  
RDavis@btaoil.com

Stopper, Nathan

Digitally signed by Stopper,  
Nathan  
Date: 2021.04.19 12:31:48 -05'00'

U.S. EPA, Region 6  
Dallas, Texas