

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

FILED

Jul 15, 2025

3:16 pm

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:	
	:	
Xpress Natural Gas, LLC	:	U.S. EPA Docket No. CAA-03-2025-0090
300 Brickstone Square	:	
Suite 1005	:	Proceeding under Section 113(d) of the Clean Air
Andover, Massachusetts 01810	:	Act, 42 U.S.C. § 7413(d)
	:	
Respondent.	:	
	:	
Xpress Natural Gas, LLC	:	
3814 North Road	:	
Montrose, Pennsylvania 18801	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant" or "EPA") and Xpress Natural Gas, LLC ("Respondent") (collectively the "Parties"), 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 and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The Clean Air Act authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under the Clean Air Act ("CAA" or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the alleged violations of law set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
12. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.
13. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Respondent is a limited liability company incorporated in the State of Delaware and registered to do business in the Commonwealth of Pennsylvania. Respondent's principal place of business is located at 300 Brickstone Square, Suite 1005, Andover, Massachusetts 01810.
16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a natural gas tank filling facility located at 3814 North Road Montrose, Pennsylvania 18801 (hereinafter "the Facility").
17. Respondent constructed the Facility under Pennsylvania Department of Environmental Protection ("PADEP") Plan Approval Permit # 58-00021A issued on May 11, 2018, with an expiration date of November 7, 2018. Respondent submitted a request for extension of this Plan Approval Permit on September 3, 2020. PADEP issued a final State Only Natural Minor Operating Permit on February 18, 2022.
18. Respondent is a "person" as that term is defined in Section 302 of the CAA, 42 U.S.C. § 7602(e), and is subject to the assessment of civil penalties for the violations alleged herein.
19. Complainant is authorized by Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. This includes requirements promulgated by the EPA to address hazardous air pollutants ("HAPs") in Section 112 of the Act, 42 U.S.C. § 7412.
20. Section 112 of the Act, 42 U.S.C. § 7412, establishes a list of HAPs and directs the EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the Act, 42 U.S.C. § 7412(d), directs the EPA to establish national emissions standards for hazardous air pollutants ("NESHAPs") for sources in each category. NESHAPs established under the Act must require the maximum degree of reduction in emission of the HAPs, more commonly referred to as maximum available control technology.
21. A "stationary source" is defined as "generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 7550 of this title." 42 U.S.C. § 7602(z).

22. Hazardous air pollutant or “HAP” is defined as “any air pollutant listed in or pursuant to Section 112(b) of the Act.” 40 C.F.R. § 63.2.
23. A “major source” of HAP emissions includes a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAPs at a rate of 25 tons or more per year. 42 U.S.C. § 7412(a)(1).
24. The term “area source” is defined as “any stationary source of hazardous air pollutants that is not a major source.” 42 U.S.C. § 7412(a)(2).
25. On December 19, 2002, the EPA proposed a rule under Section 112 of the CAA establishing NESHAPs for stationary reciprocating internal combustion engines [67 Federal Register (“Fed. Reg.”) 77830]. On June 15, 2004, the EPA promulgated a rule under Section 112 of the CAA establishing NESHAPs for stationary reciprocating internal combustion engines (“RICE”). 69 Fed. Reg. 33474. This rule was effective on August 16, 2004. This rule was and is codified at 40 C.F.R. Part 63, Subpart ZZZZ, *NESHAPs for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. §§ 63.6580-63.6675 (“Subpart ZZZZ”). Subpart ZZZZ, as promulgated in 2004, applied only to certain stationary RICE at major sources. On March 5, 2009, the EPA proposed amendments to Subpart ZZZZ establishing NESHAPs for existing stationary RICE at area sources. 74 Fed. Reg. 9698. On March 3, 2010, the EPA promulgated amendments to Subpart ZZZZ establishing NESHAPs for existing stationary compression ignition RICE at area sources. 75 Fed. Reg. 9648. These amendments were effective on May 3, 2010.
26. Subpart ZZZZ regulations apply to each affected source. An “affected source” is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cells/stands. 40 C.F.R. § 63.6590(a).
27. Subpart ZZZZ regulations apply to any person who owns or operates a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand. 40 C.F.R. § 63.6585(a).
28. Pursuant to Subpart ZZZZ, 40 C.F.R. § 63.6585(a), a stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile.
29. 40 C.F.R. § 63.6590(c) requires an affected source that meets certain criteria to comply with Subpart ZZZZ by utilizing the requirements of 40 C.F.R. Part 60 Subpart JJJJ, *Standards of Performance for Stationary Spark Ignition Internal Combustion Engines*, 40 C.F.R. §§ 60.4230-60.4248 (“Subpart JJJJ”).

30. 40 C.F.R. § 60.4243(a)(2)(iii), requires that “[a]n owner or operator of a stationary SI internal combustion engine greater than 500 HP . . . must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.”
31. 40 C.F.R. § 60.8(b)(3) allows for the EPA Administrator to approve the use of an alternative method for performance tests. This alternative method is typically referred to as an alternate monitoring plan (“AMP”).
32. In February 2017, Respondent began operating two model year 2015 1680 brake horsepower rich burn natural gas fueled spark ignition internal combustion engines, Engines 101 and 102, (hereinafter, “Subject Engines”) at the Facility.
33. Pursuant to 40 C.F.R. § 60.4243(a)(2)(iii), initial performance testing of the Subject Engines was due by February 2018 in accordance with 40 C.F.R. §§ 60.4243(a)(2)(iii) and 60.4244.
34. Due to the nature of the Facility’s operations, Respondent indicated that it could not follow the standard performance test provisions outlined at 40 C.F.R. § 60.4244.
35. With no technically feasible testing program under Subpart JJJ for the Subject Engines, Respondent worked with the EPA and PADEP between 2019 and 2023 to develop an AMP representative of the operation of the Subject Engines.
36. Respondent conducted several performance tests pursuant to an AMP approved by the EPA on November 29, 2019 (“2019 AMP”).
37. After several attempted performance tests, Respondent determined that the 2019 AMP was not a suitable AMP for its Subject Engines.
38. On September 8, 2023, Respondent submitted a new proposed AMP for the testing of the Subject Engines for the EPA’s approval, which the EPA approved on November 8, 2023 (hereinafter “2023 AMP”).
39. On November 14, 2023, the parties entered into an Administrative Order on Consent (hereinafter “Order”) pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(3). The Order required Respondent to submit a testing protocol to the EPA in accordance with the 2023 AMP, conduct testing in accordance with the approved protocol, and to submit a final performance test report. The Order also contained additional monitoring and reporting requirements.
40. On June 12-13, 2024, Respondent conducted performance tests on the Subject Engines.

41. On August 9, 2024, Respondent submitted to the EPA a Source Test Report for the performance testing conducted on June 12-13, 2024.
42. On November 12, 2024, the EPA issued a determination stating the Respondent had complied with the performance test requirements in 40 C.F.R. §§ 60.4243(a)(2)(iii) and 60.4244, as well as the requirements of the November 14, 2023 Order.
43. The November 14, 2023 Order was terminated on November 14, 2024.

Count I

Failure to Conduct Performance Tests in Violation of 40 C.F.R. § 60.4243

44. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
45. 40 C.F.R. § 63.6590(c) requires that “[a]n affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of . . . 40 CFR part 60 subpart JJJJ, for spark ignition engines,” including “[a] new or reconstructed stationary RICE located at an area source.”
46. 40 C.F.R. § 60.4243(a)(2)(iii) requires that “an owner or operator of a stationary SI internal combustion engine greater than 500 HP . . . must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.”
47. Pursuant to 40 C.F.R. § 60.4243(a)(2)(iii), Respondent was required to complete a performance test on each subject engine at the Facility within one year of the startup date, which was February 2017, making the performance test due by February 2018.
48. Based on the information available to the EPA, Respondent failed to complete an initial performance test by February 2018.
49. Based on the information available to the EPA, Respondent failed to conduct a subsequent performance test by February 2021.
50. From at least February 2021 to June 12, 2024, Respondent violated 40 C.F.R. 60.4243(a)(2)(iii) and Section 112 of the Act, 42 U.S.C. § 7412, by failing to conduct a subsequent performance test after operating 8,760 hours or three (3) years, from the due date of the initial performance test.

51. In failing to comply with 40 C.F.R. § 60.4243(a)(2)(iii), Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, and is subject to the assessment of penalties under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

CIVIL PENALTY

52. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Ninety-Two Thousand Five Hundred dollars (\$92,500)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
53. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in at Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (October 25, 1991), which reflects the statutory penalty criteria and factors set forth at Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.
54. Respondent agrees to pay a civil penalty in the amount of \$92,500 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
55. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Any checks should be made payable to "Treasurer, United States of America."
56. When making a payment, Respondent shall:
- Identify every payment with Respondent's name and the docket number of this Consent Agreement, CAA-03-2025-0090; and
 - Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Hannah Leone
Assistant Regional Counsel
Leone.Hannah@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

57. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts
- a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
 - c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.
58. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.
59. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
60. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
61. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
62. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Leone.Hannah@epa.gov (for Complainant), and MWineke@babstcalland.com (for Respondents).
63. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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 sub-paragraph, shall further:
 - i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 70; and
 - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

64. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order

does not contain any confidential business information or personally identifiable information from Respondent.

65. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
66. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

67. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

68. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder and

any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

69. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

70. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

71. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: XPRESS NATURAL GAS, LLC

Date: June 24, 2025

By: *Seth Berry*
Seth Berry
Chief Administrative Officer

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[*Digital Signature and Date*]
Andrea Bain, Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Hannah Leone
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jul 15, 2025

3:17 pm

U.S. EPA REGION 3
HEARING CLERK

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Suite 1005 : Proceeding under Section 113(d) of the Clean
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Respondent. :
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Xpress Natural Gas, LLC :
3814 North Road :
Montrose, Pennsylvania 18801 :
: :
Facility. :

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Xpress Natural Gas, LLC, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to [Sections 22.13(b) and 22.18(b)(2) and (3)]. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (October 25, 1991), and the statutory factors set forth in Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1).

NOW, THEREFORE, PURSUANT TO Section 113(d) the CAA, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***NINETY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$92,500)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not

in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: _____
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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	:
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3814 North Road	:
Montrose, Pennsylvania 18801	:
	:
Facility.	:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Seth Berry, Chief Administrative Officer
Xpress Natural Gas, LLC
300 Brickstone Square
Suite 1005
Andover, Massachusetts 01810
Sberry@xng.com

Michael Winek, Esq.
Babst Calland
Two Gateway Center
603 Stanwix Street
6th Floor
Pittsburgh, PA 15222
MWinek@babstcalland.com

Hannah Leone, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
Leone.Hannah@epa.gov

Alex Everhart
Environmental Scientist
U.S. EPA, Region 3
Everhart.Alex@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3