



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

January 25, 2021

Mr. Tony Hines
Sr. Vice President of Operations
Rock Creek Plant/IACX Rock Creek LLC
370 17th Street, Suite 2500
Denver, CO 80202
tonyhines@iacx.com

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings
and Proposed Penalty
In the Matter of Rock Creek Plant – DCP Midstream, LP
Docket No. CAA 06-2020-3420

Dear Mr. Hines:

Enclosed is a copy of a fully executed Expedited Settlement Agreement (ESA) issued by the United States Environmental Protection Agency (EPA), Region 6 concerning the Rock Creek Plant located in Borger, Texas. As provided in the ESA, the Rock Creek Plant should have already certified that the violation(s) have been corrected, provided a brief description of complying action(s), and paid the civil penalty of \$ 2,000.00. The EPA requests that you immediately confirm receipt of this e-mail and the attached ESA by a response e-mail.

If you have any questions relating to this ESA, please contact Elizabeth Rogers of my staff at (214) 665-6708 or via e-mail at rogers.elizabeth@epa.gov.

Sincerely,

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: 2021.01.25 10:40:32 -0600

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure(s)

Ecc:
Michael De La Cruz, Manager
Air Enforcement Section
Enforcement Division, Office of Compliance & Enforcement
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087
Michael.delacruz@tceq.texas.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 600
DALLAS, TEXAS 75270

October 2, 2020

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2020-3420

This ESA is issued to: Rock Creek Plant/IACX Rock Creek LLC

At: 1000 W. 10th Street, Borger, Texas 79007

for violating Section 112(r)(7) of the Clean Air Act

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and Rock Creek Plant/IACX Rock Creek LLC (Respondent) have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's policies¹ are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On January 6, 2020, EPA Risk Management Program (RMP) Reporting Center sent a request for information to the Respondent's facility located in Borger, Texas, for failure to update their RMP with the EPA. Facilities subject to the RMP regulations are required to submit an updated RMP at least once every five years. Our records indicate that the update for your facility is now overdue (past anniversary due date of December 12, 2019). EPA has determined that you are in violation of the RMP regulations promulgated at 40 C.F.R. § 68.190 under Section 112(r) of the CAA. Specifically, the Respondent failed to submit an updated RMP within five years of the date of submittal of its previous RMP. The EPA found that the Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

- 1) 40 C.F.R. § 68.190(a), (b)(1) "Updates" – The owner or operator shall review and update the RMP as specified in paragraph (b) of this section and submit it in the method and format to the central point specified by EPA as of the date of submission. (b) The owner or operator of a stationary source shall revise and update the RMP submitted under 40 C.F.R. § 68.150. (1) At least once every five years from the date of its initial submission or most recent update required by paragraphs (b)(2) through (b)(7) of this section, whichever is later.

¹ "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68" (2004); and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the criteria set forth in the EPA's policies¹, and upon consideration of the entire record, EPA and Respondent enter into this ESA in order to settle the violations, described above, for the total penalty amount of **\$2,000.00**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that Respondent has corrected the violation listed above and has paid the full penalty of **\$2,000.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

The Docket Number of this ESA is **CAA-06-2020-3420** and must be included on the payment. **The signed ESA and a copy of the payment must be sent by email to: rogers.elizabeth@epa.gov**

Full payment of the ESA penalty shall only resolve Respondent's civil liability for the violations alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to the EPA Region 6 at the above e-mail address in correct form by Respondent within 30 days of the date of the receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: rogers.elizabeth@epa.gov

To Respondent: tonyhines@iacx.com

SIGNATURE BY RESPONDENT:

Signature: 

Date: 12/15/2020

Name (print): Tony Hines

Title (print): Senior Vice President of Operations

Cost of Corrective Actions: Approx. \$11,000

Respondent's Brief Description of Complying Action:

In response to EPA Docket CAA-06-2020-3420, IACX completed a full resubmission of the Rock Creek Plant

(EPA Facility Identifier 100000012522) Risk Management Plan. This included updates to the Registration, Worst

Case and Alternative Release Scenarios (Flammables only), Prevention Program element details and Executive

Summary. The resubmission was certified in the RMP*eSubmit database on December 7, 2020 by Mr. Tony Hines.

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

SIGNATURE BY EPA:

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: cn=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=CHERYL SEAGER,
0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.01.08 12:07:16 -0600

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

Thomas Rucki

1/19/2021

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to EPA:

rogers.elizabeth@epa.gov

Copy via Email to Respondent:

italvarado@dcpmidstream.com

**ELIZABETH
ROGERS**

Digitally signed by ELIZABETH ROGERS
DN: cn=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=ELIZABETH ROGERS,
0.9.2342.19200300.100.1.1-68001003655414
Date: 2021.01.08 14:12:43 -0500

**Elizabeth Rogers
United States Environmental Protection Agency,
Region 6**