



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 ARCH STREET

PHILADELPHIA, PA 19103-2029

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REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:)

National Fuel Gas Supply Corporation)
6363 Main Street)
Williamsville, NY 14221,)

and)

Van Hampton Gas & Oil Company, Inc.)
R.D. #4)
Route 36 South)
P.O. Box 329)
Pleasantville, Pennsylvania 16341,)

Respondents.)

Van Compressor Station)
8570 U.S. Route 322)
Van, Pennsylvania 16319,)

Facility.)

EPA Docket Number
CAA-03-2015-0196

Proceeding Under Sections
112(r) and 113 of the Clean Air
Act, 42 U.S.C. §§ 7412(r) and
7413, 40 C.F.R. § 22.13(b) and
22.18(b)

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA" or the "Agency") by Section 113 of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413, and under the authority of 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 Administrator has delegated these authorities to the Regional Administrator, who has, in turn, delegated them to the Director, Hazardous Site Cleanup Division ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b) and 22.18(b), and having consented to entry of this CA/FO, agree to comply with the terms of this CA/FO.

I. JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. § 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondents admit to the jurisdictional allegations in this Consent Agreement and agree not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.
4. With the exception of Paragraph 3, above, for purposes of this proceeding, Respondents neither admit nor deny factual allegations or Conclusions of Law set forth in this Consent Agreement, but expressly waive their rights to contest said allegations or Conclusions of Law.

FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 112(r)(7) OF THE CLEAN AIR ACT

5. Respondent, National Fuel Gas Supply Corporation ("NFGSC"), is a Pennsylvania corporation, with its principal place of business located at 6363 Main Street, Williamsville, NY 14221.
6. Respondent, Van Hampton Gas & Oil Company, Inc. ("Van Hampton"), is a corporation incorporated in the Commonwealth of Pennsylvania, with its principal place of business located at 15566 Tionesta Rd, Pleasantville, PA 16341.
7. Respondent NFGSC owned a facility located at 8570 U.S. Route 322, Van, PA ("the Facility") from the time of its construction in 1998 through some time in 2014, at which time NFGSC's ownership interest in the Facility was transferred to Van Hampton.
8. Respondent Van Hampton has been the operator of the Facility since its construction in 1998.
9. The Facility receives field gas from nearby wells, mechanically removes liquids, compresses the gas, removes water, extracts natural gas liquids via a propane refrigeration process, then injects the processed natural gas into an interstate gas pipeline system. The extracted natural gas liquids, also known as liquefied petroleum gas ("LPG"), are stored at the Facility in one 30,000-gallon pressurized aboveground bullet storage tank.

10. NFGSC submitted an initial risk management plan (“RMP”) for the Facility to EPA on June 23, 1999. NFGSC made subsequent resubmissions on June 23, 2004, August 4, 2005 and July 30, 2010. In each of its RMPs for the Facility NFGSC acknowledged that its operations at the Facility comprised a Program Level 3 process under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68.

11. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

12. Section 112(r) to the CAA, 42 U.S.C. § 7412(r), requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances from certain stationary sources. CAA Section 112(r)(3) and (5), 42 U.S.C. § 7412(r)(3) and (5), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, that will be subject to the accident prevention regulations mandated by Section 112(r)(7), 42 U.S.C. § 7412(r)(7). Specifically, CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements to be undertaken by the owner or operator of a stationary source at which these listed regulated substances are present at more than a threshold quantity in a process. The list of regulated substances and threshold levels can be found in 40 C.F.R. § 68.130.

13. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions (“the Regulations”), 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The Regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program is described in an RMP that must be submitted to EPA. The RMP must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.

14. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and the Regulations at 40 C.F.R. § 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit an RMP to EPA no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

15. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 112(r) of the CAA that occurs before January 30, 1997. Section 113(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996 and implemented by 40 C.F.R. Part 19, Adjustments to Civil Monetary Penalties for Inflation, authorizes EPA to

commence an administrative action to assess civil penalties of not more than \$37,500 per day for each violation of Section 112(r) of the CAA that occurs after January 12, 2009.

16. The Regulations at 40 C.F.R. § 68.3 define “stationary source,” in part, as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

17. The Regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, listed in 40 C.F.R. § 68.130, Tables 1-4, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

18. The Regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA in 40 C.F.R. § 68.130.

19. The Regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

20. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

21. On April 17, 2012, EPA conducted an inspection of the Facility to determine whether Respondents were in compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68. At the time of the April 17, 2012 inspection, Respondents had present at the Facility one 30,000-gallon bullet tank containing LPG.

22. LPG is a flammable mixture (Chemical Abstract Service No. 00-11-11) with a flammability rating of 4. LPG consists of various constituents, including pentane, propane, ethane, isopentane, butane and isobutane, all of which are regulated substances listed in 40 CFR § 68.130, Table 3. The 2010 RMP for the Facility states that each of these constituents is present at the Facility, and that 147,879 pounds of a flammable mixture (LPG) was stored at the Facility.

23. During the inspection EPA inspectors observed a 500-gallon waste oil tank that appeared to be connected to equipment in the compressor building. EPA did not observe adequate normal and emergency venting on the waste oil tank.

24. During the inspection EPA inspectors observed that there appeared to be inadequate ventilation and no Lower Flammability Limit (“LFL”) detectors in the compressor

building. Respondent NFGSC subsequently provided EPA with a list of electrical equipment at the Facility; however, the list did not include the classification for all of the equipment.

25. Documentation provided by the Respondents did not confirm that the Facility had adequately coordinated with local response agencies in the planning of effective fire control measures.

26. The Chemical Accident Prevention Provisions require the owner or operator to comply with process safety information requirements at 40 C.F.R. § 68.65(d)(1)(vi) and (d)(2), *i.e.*, to compile process safety information pertaining to design codes and standards relevant to the equipment and to document that the equipment in the process complies with recognized and generally accepted good engineering practices.

27. “Design codes and standards” and “recognized and generally accepted good engineering practices,” for purposes of 40 C.F.R. § 68.65, include, as applicable to the Facility, the following:

a. The National Fire Protection Association 30: Flammable and Combustible Liquids Code (“NFPA 30”) provides safeguards to reduce the hazards associated with the storage, handling, and use of flammable and combustible liquids.

b. NFPA 70: National Electrical Code (“NFPA 70”) sets forth standards for safe design, installation, and inspection of electrical equipment, including documentation thereof, to protect people and property from electrical hazards. Specifically, Article 500 of NFPA 70 is intended to be applied where there may be a risk of ignition due to the presence of flammable gases, flammable liquid-produced vapors, or combustible liquid-produced vapors, mixed with air, under normal atmospheric conditions.

c. American Petroleum Institute (“API”) 500: Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, 2nd Edition, November 1997, Reaffirmed: November 2002 (“API RP 500”), provides guidelines for classifying locations Class I, Division 1 and Class I, Division 2 at petroleum facilities for the selection and installation of electrical equipment. Specifically, API RP 500 provides that locations within petroleum facilities shall be classified according to whether they are adequately ventilated, and that electrical equipment shall be installed in such facilities in accordance with such classification.

28. The Chemical Accident Prevention Provisions at 40 C.F.R. § 68.90(b)(2) requires the owner or operator to coordinate responses to accidental releases of regulated substances with local responders.

29. EPA’s investigation indicated that Respondents violated the requirements of 40 C.F.R. Part 68 to fully implement a Program 3 risk management program for the Facility because Respondents failed to compile design codes and standards pertaining to the equipment in the process, in accordance with 40 C.F.R. § 68.65(d)(1)(vi), or to document that the Facility’s equipment complies with recognized and generally accepted good engineering practices, in

accordance with 40 C.F.R. § 68.65(d)(2). EPA's investigation also indicated that Respondents failed to fully coordinate emergency response actions with local response agencies in accordance with 40 C.F.R. § 68.90(b)(2), as follows:

- a. Inadequate emergency venting of the waste oil tank, which failed to comply with NFPA 30;
- b. Lack of documentation that designates the hazardous classification areas around the tanks and process equipment as required by NFPA 70 and API RP 500; and
- c. Inadequate coordination with local response agencies in the planning of effective fire control measures in accordance with NFPA 30 and as required by 40 C.F.R. § 68.90(b)(2).

30. On September 30, 2013, EPA and Respondents entered into an Administrative Settlement Agreement and Order on Consent, EPA Docket No. CAA-03-2013-0169 ("Order"), pursuant to the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B). The Order required the Respondents to undertake actions at the Facility in accord with relevant "design codes and standards" and "recognized and generally accepted good engineering practices." In addition, the Order required Respondents to coordinate emergency response actions with local response agencies.

31. By letter dated November 25, 2014, EPA notified the Respondents that they had completed the Work required by the Order and that the Order was terminated.

**CONCLUSIONS OF LAW RELATED TO THE VIOLATION OF SECTION 112(r)(7) OF
THE CLEAN AIR ACT**

32. The findings of fact contained in Paragraphs 5 through 30 of this CA/FO are incorporated by reference herein as though fully set forth at length.

33. As a corporation, Respondent NFGSC is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the owner of the Facility.

34. As a corporation, Respondent Van Hampton is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the operator of the Facility.

35. The constituents of the LPG at the Facility, propane, pentane, ethane, isopentane, butane and isobutene, are "regulated substances" for purposes of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), because they are listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130.

36. Pursuant to 40 C.F.R. § 68.115(b)(2), if the concentration of a regulated substance is one percent or greater in a flammable mixture, then the total weight of the mixture shall be

treated as the regulated substance when determining whether more than a threshold quantity of a listed substance is present in a process.

37. The threshold quantity for a mixture of flammable substances containing the regulated substances propane, pentane, ethane, isopentane, butane or isobutane at a concentration greater than one percent is 10,000 pounds, pursuant to 40 C.F.R. § 68.115(b)(2) and 68.130, Table 3.

38. EPA's investigation has determined that more than a threshold quantity of a regulated substance is present in a process at the Facility.

39. The Facility constitutes a "natural gas processing plant," and is a "stationary source," as those terms are defined at 40 C.F.R. § 68.3.

40. Respondents are subject to the requirements of Section 112(r)(7) of the CAA, 40 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, at the Facility, because at all times relevant to this matter, each Respondent was either the owner and/or operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

41. The Facility is a Program 3 Facility under the Chemical Accident Prevention Provisions, in accordance with 40 C.F.R. § 68.10(d).

42. At the time of EPA's inspection, Respondents had failed to comply with the process safety information requirements at 40 C.F.R. § 68.65(d)(1)(vi) and (d)(2) at the Facility, i.e., to compile process safety information pertaining to design codes and standards relevant to the equipment and to document that the equipment in the process complies with recognized and generally accepted good engineering practices. In addition, Respondents failed to fully coordinate emergency response actions with local response agencies in accordance with 40 C.F.R. § 68.90(b)(2).

SETTLEMENT

43. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondents consent to the assessment of a civil penalty for the violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), as set forth above, in the amount of \$17,762.

44. Respondents consent to the issuance of this Consent Agreement, and consent for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph.

PAYMENT TERMS

45. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondents shall pay the civil penalty of \$17,762, no later than thirty (30) days after the effective date of the Final

Order (the “final due date”) by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondents shall reference Respondents’ names and addresses, and the Docket Number of this action, *i.e.*, CAA-03-2015-0196;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell, 513-487-2044

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 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

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
 ABA = 051036706
 Account No.: 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 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV
 Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

46. Respondents shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Lydia Guy
 Regional Hearing Clerk (3RC00)
 U.S. EPA, Region III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029
 guy.lydia@epa.gov

Charles B. Howland
 Senior Assistant Regional Counsel (3RC42)
 U.S. EPA, Region III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029
 howland.charles@epa.gov

47. The CAA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

48. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondents' failure to make timely payment by the final due date or to comply with the conditions of this CA/FO shall result in the assessment of late payment charges, including interest beyond that required by this CA/FO, penalties and/or administrative costs of

handling delinquent debts.

49. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

50. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix B of EPA's *Resource Management Directives – Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

51. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

52. Failure of Respondents to pay the penalty assessed by the Final Order in full by the final due date may subject Respondents to a civil action to collect the assessed penalties, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

53. By entering into this CA/FO, Respondents do not admit any liability for the civil claims alleged herein.

54. For purposes of this proceeding, Respondents expressly waive their rights to hearing and to appeal the Final Order pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

55. By signing this Consent Agreement, Respondent Van Hampton certifies that, to the best of its knowledge, the Facility is in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.


56. The provisions of this CA/FO shall be binding upon each Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of each Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind said Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

57. This CA/FO does not constitute a waiver, suspension or modification of the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or any regulations promulgated thereunder.

58. This CA/FO is a complete and final settlement of all civil and administrative claims and causes of action set forth in this CA/FO for alleged violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

59. Each party to this action shall bear its own costs and attorney's fees.

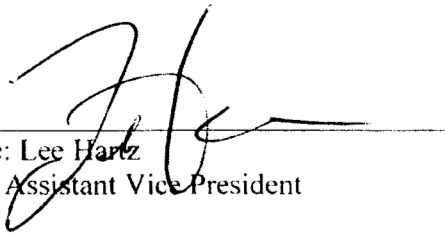
FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



Cecil A. Rodrigues, Director
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency, Region III

AUG 18 2015
Date: _____

FOR NATIONAL FUEL GAS SUPPLY CORPORATION



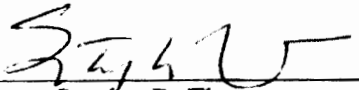
Name: Lee Hartz
Title: Assistant Vice President

Date: 7-20-15 MHE

Van Compressor Station

Docket No. CAA-03-2015-0196

FOR VAN HAMPTON GAS & OIL COMPANY, INC.



Name: Stanley R. Thompson
Title: President

Date: 7-16-15



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029**

IN THE MATTER OF:)

National Fuel Gas Supply Corporation)
6363 Main Street)
Williamsville, NY 14221,)

EPA Docket Number
CAA-03-2015-0196

and)

Van Hampton Gas & Oil Company, Inc.)
R.D. #4)
Route 36 South)
P.O. Box 329)
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Respondents.)

Proceeding Under Sections
112(r) and 113 of the Clean Air
Act, 42 U.S.C. §§ 7412(r) and
7413, 40 C.F.R. § 22.13(b) and
22.18(b)

Van Compressor Station)
8570 U.S. Route 322)
Van, Pennsylvania 16319,)

Facility.)

FINAL ORDER

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondents National Fuel Gas Supply Corporation and Van Hampton Gas & Oil Company, Inc. (“Respondents”), 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 references to Sections 22.1(a)(2), 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 on the representations of the parties in the attached Consent Agreement, the penalty agreed to herein is based upon consideration of, *inter alia*, EPA's Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68 (June 2012), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondents pay a civil penalty of SEVENTEEN THOUSAND SEVEN HUNDRED AND SIXTY TWO DOLLARS (\$17,762), plus any applicable interest, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Aug. 20, 2015



Joseph J. Lisa
Regional Judicial Officer/Presiding Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029

National Fuel Gas Supply Corporation)
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Williamsville, NY 14221,) CAA-03-2013-0196
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CERTIFICATE OF SERVICE

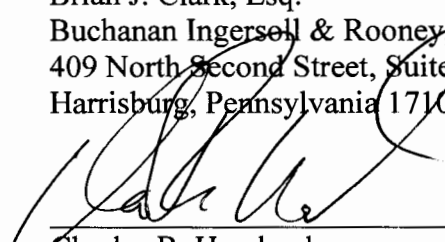
I hereby certify that I filed the original and one copy of the foregoing Consent Agreement and Final Order ("CAFO") in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that a true and correct copy of the CAFO was sent via overnight mail to:

Joseph E. Altomare, Esq.
PO Box 373
700 Rockwood Drive
Titusville, PA 16354

Brian J. Clark, Esq.
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, Pennsylvania 17101-1357

Date:

9/21/15



Charles B. Howland
Senior Assistant Regional Counsel