



REGION 8

DENVER, CO 80202

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Jul 15, 2024

4:01 pm

**U.S. EPA REGION 8
HEARING CLERK**

July 15, 2024

VIA EMAIL ONLY
READ RECEIPT REQUESTED

Mathew Oliver
Environmental Manager
EOG Resources, Inc.- Denver Division
mathew_oliver@eogresources.com

Re: Notice of Violation to EOG Resources Inc. CAA-08-2024-0007

Dear Mr. Oliver:

The U.S. Environmental Protection Agency is issuing EOG Resources, Inc (EOG) the enclosed Notice of Violation (NOV) and offering an opportunity to confer regarding alleged violations of the Clean Air Act (the Act) and its implementing regulations.

Specifically, the EPA alleges that EOG has violated or is violating:

1. The Federal Implementation Plan for Oil and Natural Gas Production Facilities, Fort Berthold Indian Reservation (Mandan, Hidatsa and Arikara Nation), North Dakota (Fort Berthold FIP), 40 C.F.R. §§ 49.4161-4168;
2. Part C of Title I of the Act, 42 U.S.C. §§ 7470-92, and its implementing regulations for the Prevention of Significant Deterioration (PSD), at 40 C.F.R. § 52.21;
3. The Standards of Performance for Stationary Spark Ignition Internal Combustion Engines under 40 C.F.R. Part 60, Subpart JJJJ;
4. The Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After September 18, 2015 under 40 C.F.R. Part 60, Subpart OOOOa;
5. The National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities under 40 C.F.R. Part 63, Subpart HH;
6. The National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines under 40 C.F.R. Part 63, Subpart ZZZZ; and
7. Section 502(b) of the Act, 42 U.S.C. §§ 7661-7661f, and its implementing regulations for Federal Operating Permits (Title V Permits), at 40 C.F.R. Part 71.

Re: *Notice of Violation to EOG Resources Inc.*

If EOG is interested in a conference with the EPA to discuss the alleged violations, please have your counsel call or email Kai Hill, Assistant Regional Counsel for EPA Region 8, at (303) 312-6856 or hill.kai@epa.gov, within 30 days of receipt of this NOV.

Sincerely,

Suzanne J. Bohan, Director
Enforcement & Compliance Assurance Division

Enclosure:

Notice of Violation

cc (w/Encl.):

Chairman Mark Fox, MHA Nation

Lisa Lonefight, Senior Science Advisor, MHA Nation Edmund Baker, Director,
MHA Environmental Programs

Carson Hood, Director, MHA Energy

Kenny Lyson, Deputy Director, MHA Energy Sal Beston, Compliance Manager,
MHA Energy

Mathew Oliver, Environmental Manager, EOG Resources, Inc

Mark Smith, EOG Resources, Inc

Eddie Lewis, Norton Rose Fulbright US LLP

FILED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

Jul 15, 2024

4:02 pm

**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF:)
)
EOG Resources, Inc)
600 17th Street, Suite 1000N)
Denver, Colorado 80202)
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_____)

NOTICE OF VIOLATION
EPA Docket No. CAA-08-2024-0007
Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401-7671q

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) alleges EOG Resources, Inc. (EOG) has violated or is violating the Clean Air Act (the Act), specifically: the Federal Implementation Plan for Oil and Natural Gas Production Facilities, Fort Berthold Indian Reservation (Mandan, Hidatsa and Arikara Nation), North Dakota (Fort Berthold FIP), 40 C.F.R. §§ 49.4161-4168; Part C of Title I of the Act, 42 U.S.C. §§ 7470-92, and its implementing regulations for the Prevention of Significant Deterioration (PSD), at 40 C.F.R. § 52.21; the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines under 40 C.F.R. Part 60, Subpart JJJJ; the Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After September 18, 2015 under 40 C.F.R. Part 60, Subpart OOOOa; the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities under 40 C.F.R. Part 63, Subpart HH; the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines under 40 C.F.R. Part 63, Subpart ZZZZ; and Section 502(b) of the Act, 42 U.S.C. §§ 7661-7661f, and its implementing regulations for Federal Operating Permits (Title V Permits), at 40 C.F.R. Part 71.

STATUTORY AND REGULATORY BACKGROUND

1. The Act’s purpose is “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).
2. Section 108 of the Act, 42 U.S.C. § 7408, directs the EPA to identify pollutants that “may reasonably be anticipated to endanger public health or welfare” and to issue

air quality criteria based on the “latest scientific knowledge” about the effects of the pollutants on public health and the environment. These pollutants are known as “criteria pollutants.”

3. Sections 301(a) and 301(d)(4) of the Act, as implemented through the Tribal Authority Rule, provide the EPA with broad discretion to develop a program to regulate new and modified minor sources in Indian country. See 42 U.S.C. §§ 7601(a), 7601(d).
4. A “new source” is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will apply to such source. 42 U.S.C. § 7411(a)(2).
5. A “stationary source” is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).
6. In 1979, the EPA listed “Crude Oil and Natural Gas Production” as a source category that contributes significantly to air pollution and for which standards of performance would be established. 44 Fed. Reg. 49,222 (Aug. 21, 1979).
7. It is unlawful for owners and operators of any new source to operate in violation of applicable standards of performance after the standards have gone into effect. 42 U.S.C. § 7411(e).

Fort Berthold Indian Reservation Federal Implementation Plan

8. In 2013, the EPA finalized the Fort Berthold FIP, codified at 40 C.F.R. §§ 49.4161–49.4168, to protect tribal air resources. The Fort Berthold FIP ensures compliance with the National Ambient Air Quality Standards (NAAQS). 78 Fed. Reg. 17,836 (Mar. 22, 2013).
9. The Fort Berthold FIP “establish[es] legally and practicably enforceable requirements to control and reduce VOC emissions from well completion operations, well recompletion operations, production operations, and storage operations at existing, new and modified oil and natural gas production facilities.” 40 C.F.R. § 49.4161(a).
10. The Fort Berthold FIP applies to oil and natural gas production facilities with one or more oil and natural gas wells, for any one of which completion or recompletion

operations are or were performed on or after August 12, 2007. 40 C.F.R § 49.4161(b). Compliance with the Fort Berthold FIP is required no later than June 20, 2013, or upon initiation of well completion operations or well recompletion operations, whichever is later. *Id.* at § 49.4161(c).

11. An “oil and natural gas production facility” means “all of the air pollution emitting units and activities located on or integrally connected to one or more oil and natural gas wells that are necessary for production operations and storage operations.” *Id.* at § 49.4163(a)(11).
12. The Fort Berthold FIP provides, in relevant part:
 - a. “Each owner or operator must operate and maintain all liquid and gas collection, storage, processing and handling operations, regardless of size, so as to minimize leakage of natural gas emissions to the atmosphere.” *Id.* § 49.4164(a).
 - b. Within 90 days of the first date of production, “each owner or operator must . . . [r]oute all standing, working, breathing, and flashing losses from the produced oil storage tanks and any produced water storage tank interconnected with the produced oil storage tanks through a closed vent system to . . . (i) [a]n operating system designed to recover and inject the natural gas emissions into a natural gas gathering pipeline system for sale or other beneficial use; or (ii) an enclosed combustor or utility flare capable of reducing the mass content of VOC...by at least 98.0 percent.” *Id.* § 49.4164(d)(2).
 - c. “Each owner or operator must equip all openings on each produced oil storage tank and produced water storage tank interconnected with produced oil storage tanks with a cover to ensure that all natural gas emissions are efficiently being routed through a closed-vent system to a vapor recovery system, an enclosed combustor, a utility flare, or a pit flare.” *Id.* § 49.4165(a).
 - d. “Each cover and all openings on the cover (e.g., access hatches, sampling ports, pressure relief valves (PRV), and gauge wells) shall form a continuous

- impermeable barrier over the entire surface area of the produced oil and produced water in the storage tank.” 40 C.F.R. § 49.4165(a)(1).
- e. “Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) whenever material is in the unit on which the cover is installed except during those times when it is necessary to use an opening [to add or remove material, inspect or sample material, or inspect or repair equipment].” *Id.* § 49.4165(a)(2).
 - f. “Each thief hatch cover shall be weighted and properly seated.” *Id.* § 49.4165(a)(3).
 - g. “Each PRV shall be set to release at a pressure that will ensure that natural gas emissions are routed through the closed-vent system to the [control device] under normal operating conditions.” *Id.* § 49.4165(a)(4).
 - h. “Each closed-vent system must route all produced natural gas and natural gas emissions from production and storage operations to the natural gas sales pipeline or the control devices required by [40 C.F.R. § 49.4165(a)].” *Id.* § 49.4165(b)(1).
 - i. “All vent lines, connections, fittings, valves, relief valves, or any other appurtenance employed to contain and collect natural gas, vapor, and fumes and transport them to a natural gas sales pipeline and any VOC control equipment must be maintained and operated properly at all times.” *Id.* § 49.4165(b)(2).
 - j. “Each closed-vent system must be designed to operate with no detectable natural gas emissions.” 40 C.F.R. § 49.4165(b)(3).
 - k. Each owner or operator must meet requirements for enclosed combustors and utility flares, including ensuring each utility flare is designed and operated in accordance with the requirements of 40 C.F.R. § 60.18(b). *Id.* § 49.4165(c)(4).
 - l. Each owner or operator must ensure that each enclosed combustor and utility flare is operated with no visible smoke emissions. *Id.* § 49.4165(c)(6)(vii). If visible smoke is observed, owners and operators must use EPA Reference

Method 22 of 40 C.F.R. part 60, appendix A, to determine whether visible smoke emissions are present. *Id.* § 49.4166(g)(3).

Prevention of Significant Deterioration of Air Quality

13. The Prevention of Significant Deterioration (PSD) provisions of Part C of Title I of the Clean Air Act requires preconstruction review and permitting for stationary sources. *See* 42 U.S.C. §§ 7470-7492.
14. A “major emitting facility” is prohibited from being constructed in areas designated as attainment or unclassifiable with the NAAQS, unless a permit has been issued that comports with the requirements of Section 165 of the Act, 42 U.S.C. § 7475, and the facility employs the “best available control technology” (BACT) for each pollutant subject to regulation under the Act emitted from the facility. *See Id.*
15. A “major emitting facility” includes any source “with a potential to emit two hundred and fifty tons per year or more of any pollutant.” 42 U.S.C. § 7479(1).
16. The Act defines BACT, in part, as “an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this chapter emitted from or which results from any major emitting facility which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility... In no event shall application of ‘best available control technology’ result in emissions of any pollutants which shall exceed the emissions allowed by any applicable standard established pursuant to section 7411...of this title.” 42 U.S.C. § 7479(3).
17. The federal PSD regulations at 40 C.F.R. § 52.21 apply to all lands owned by the federal government as well as Indian reservations located in states with approved state implementation plans, including the State of North Dakota. 40 C.F.R. § 52.21(a), incorporating 40 C.F.R. § 52.1820 (Subpart JJ).
18. The federal PSD regulations “apply to the construction of any new major stationary source . . . in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the [CAA].” *Id.* at § 52.21(a)(2)(i).

19. The PSD requirements of 40 C.F.R. § 52.21(j)–(r)(5) apply to the construction of any new major stationary source except as otherwise provided by the federal PSD regulations. *Id.* at § 52.21(a)(2)(ii).
20. Under the federal PSD regulations, a “major stationary source” is defined to include “any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant.” *Id.* at § 52.21(b)(1)(i)(b).
21. A “regulated NSR pollutant” means “any pollutant for which a national ambient air quality standard has been promulgated.” *Id.* at § 52.21(b)(50)(i).
22. The federal PSD regulations define “potential to emit” as “the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.” *Id.* § 52.21(b)(4).
23. Under the federal PSD regulations, “begin actual construction” is defined in general as the “initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.” *Id.* at § 52.21(b)(11).
24. Section 167 of the Act, 42 U.S.C. § 7477, authorizes the Administrator to initiate an action for injunctive relief, as necessary to prevent the construction, modification or operation of a major emitting facility that does not conform to the PSD requirements in part C of the Act.

New Source Performance Standards

25. Section 111(b) of the Act authorizes the Administrator of the EPA to promulgate standards of performance applicable to “new sources” within categories of sources

that cause “air pollution which may reasonably be anticipated to endanger public health or welfare.” 42 U.S.C. § 7411(b).

26. A “new source” is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will apply to such source. 42 U.S.C. § 7411(a)(2).
27. A “stationary source” is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).
28. It is unlawful for owners or operators of any new source to operate in violation of applicable standards of performance after the standards have gone into effect. 42 U.S.C. § 7411(e).

40 C.F.R. Part 60, Subpart JJJJ (NSPS JJJJ)

29. In 2008, the EPA promulgated “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines” under section 111 of the Act. 73 Fed. Reg. 3591 (Jan. 18, 2008). These standards are set forth in 40 C.F.R part 60, subpart JJJJ, which includes 40 C.F.R. §§ 60.4230–4248.
30. The provisions of NSPS Subpart JJJJ are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE).
31. The “date that construction commences” is the date the engine is ordered by the owner or operator. 40 C.F.R § 60.4230(a).
32. Owners and operators of stationary SI ICE are subject to the requirements of NSPS Subpart JJJJ if the maximum engine power is greater than 500 horsepower (HP) and the stationary SI ICE is manufactured on or after July 1, 2008. 40 C.F.R. § 60.4230(a)(4)(iii).
33. Owners and operators of stationary SI ICE that are modified or reconstructed after June 12, 2006, and any person that modifies or reconstructs any stationary SI ICE after June 12, 2006, are also subject to the requirements of NSPS Subpart JJJJ. 40 C.F.R. § 60.4230(a)(5).
34. 40 C.F.R. § 60.4248 Subpart JJJJ defines “Date of manufacture” to mean one of the following things:

- (a) For freshly manufactured engines and modified engines, date of manufacture means the date the engine is originally produced.
 - (b) For reconstructed engines, date of manufacture means the date the engine was originally produced, except as specified in paragraph (3) of the “date of manufacture” definition.
 - (c) Reconstructed engines are assigned a new date of manufacture if the fixed capital cost of the new and refurbished components exceeds 75 percent of the fixed capital cost of a comparable entirely new facility. An engine that is produced from a previously used engine block does not retain the date of manufacture of the engine in which the engine block was previously used if the engine is produced using all new components except for the engine block. In these cases, the date of manufacture is the date of reconstruction or the date the new engine is produced.
35. Corresponding to the paragraph above, 40 C.F.R. § 60.15(b) defines “reconstruction” as the replacement of components of an existing facility to such an extent that:
- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
 - (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
36. Owners and operators of non-emergency lean burn natural gas engines that are modified or reconstructed after June 12, 2006, with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP for which the date of manufacture of the engine is prior to January 1, 2008, must meet a nitrogen oxides (NOX) emission standard of 3.0 grams per HP-hour (g/HP-hr), a carbon monoxide (CO) emission standard of 4.0 g/HP-hr, and a volatile organic compounds (VOC) emission standard of 1.0 g/HP-hr. Alternatively, owners and operators of non-emergency lean burn natural gas engines that are modified or reconstructed after June 12, 2006, with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP for which the date of manufacture of the engine is prior to

January 1, 2008, must meet a NOX emission standard of 250 ppmvd at 15 percent oxygen (O₂), a CO emission standard 540 ppmvd at 15 percent O₂, and a VOC emission standard of 86 ppmvd at 15 percent O₂. 40 C.F.R. § 60.4233(f)(4)(iv).

37. An owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in § 60.4233(f) must demonstrate compliance according to 40 C.F.R. § 60.4243(b)(2)(ii), which requires performance testing at specified intervals. 40 C.F.R. § 60.4243 (c).
38. Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in 40 C.F.R. § 60.4244(a) through (f).
39. Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 of Subpart JJJJ. 40 C.F.R. § 60.4244(a).
40. Corresponding to the paragraph above, 40 C.F.R. § 60.8(d) states the owner or operator of an affected facility shall provide the Administrator at least 30 days' prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days' notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.
41. Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed. Performance test reports using EPA Method 18, EPA Method 320, or ASTM D6348-03 (incorporated by reference—see 40 CFR 60.17) to measure VOC require reporting of all QA/QC data. For Method 18, report results from sections 8.4 and 11.1.1.4; for Method 320, report results from sections

8.6.2, 9.0, and 13.0; and for ASTM D6348-03 report results of all QA/QC procedures in Annexes 1-7. 40 C.F.R. § 60.4245(d).

C.F.R. Part 60, Subpart OOOOa (NSPS OOOOa)

42. In 2016, the EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015”, under section 111 of the Clean Air Act. 81 Fed. Reg. 35,824 (June 3, 2016). These standards are set forth in 40 C.F.R part 60, subpart OOOOa, which includes 40 C.F.R. §§ 60.5360a–.5432a (NSPS OOOOa).¹
43. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the Clean Air Act, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the Clean Air Act, 42 U.S.C. § 7411(h).
44. NSPS OOOOa applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after September 18, 2015. 40 C.F.R. § 60.5365a.
45. A “storage vessel affected facility” under NSPS OOOOa includes a single storage vessel that has the potential for VOC emissions equal to or greater than 6 tons per year (tpy), as determined according to 40 C.F.R. § 60.5365a(e).
46. “VOCs” is defined as “any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any subpart. 40 C.F.R. § 60.2.
47. NSPS OOOOa requires “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with

¹ Following promulgation of the 2016 final rule, the EPA granted reconsideration of fugitive emission requirements at well sites and compressor stations, well-site pneumatic pump standards, and the requirements for professional engineer certification of closed vent systems. 82 Fed. Reg. 25,730 (June 5, 2017); 83 Fed. Reg. 52,056 (Oct. 15, 2018). This reconsideration does not affect the allegations in this Notice of Violation.

good air pollution control practice for minimizing emissions.” 40 C.F.R.

§ 60.5370a(b).

48. NSPS OOOOa requires storage vessel affected facilities to comply with VOC emissions reductions standards. Specifically, storage vessel affected facilities must “[r]educe VOC emissions by 95.0 percent within 60 days after startup.” 40 C.F.R. §60.5395a(a)(2).
49. NSPS OOOOa requires storage vessel affected facilities that utilize a control device to be equipped with a cover that meets the requirements of 40 C.F.R. § 60.5411a(b) and is connected through a closed vent system that meets the requirements of § 60.5411a(c) and (d), and emissions must be routed to a control device that meets the conditions specified in § 60.5412a(c) and (d). 40 C.F.R. § 60.5395a(b)(1).
50. Owners and operators must comply with the following requirements for closed vent systems associated with storage vessel affected facilities under NSPS OOOOa:
 - a. Design the closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process. 40 C.F.R. § 60.5411a(c)(1); and
 - b. Design and operate a closed vent system with no detectable emissions, as determined using olfactory, visual and auditory inspections. 40 C.F.R. § 60.5411a(c)(2).
51. Owners and operators must comply with the following requirements for control devices to reduce emissions from storage vessel affected facilities under NSPS OOOOa:
 - a. Design and operate a flare in accordance with the requirements of § 60.5413. 40 C.F.R. §§ 60.5412a(a)(3).
 - b. Install and operate a continuous burning pilot flame. 40 C.F.R. §§ 60.5412a(d)(1)(ii), 60.5413a(e)(2);
 - c. Operate a flare in accordance with the requirements of § 60.18. 40 C.F.R. §§ 60.5412a(d)(3). Flares shall be operated with a flame present at all times when emissions may be vented to them. 40 C.F.R. §§ 60.18(c)(2), 40 C.F.R. §§

60.18(e);

- d. Operate each control device used to comply with NSPS OOOOa at all times when gases, vapors, and fumes are vented from storage vessel affected facilities through the closed vent system to the control device. 40 C.F.R. § 5412a(d)(4); and
- e. Each control device must be operated following the manufacturer's written operating instructions, procedures and maintenance schedule to ensure good air pollution control practices for minimizing emissions.

40 C.F.R. §§ 60.5417a(h)(3)

52. 40 C.F.R § 5415a(e) requires demonstration of continuous compliance with the requirements under 40 C.F.R. § 60.5412a(a)(1) for storage vessel affected facilities that uses a control device. That storage vessel affected facility must meet the conditions specified in § 60.5412a(d)(1)(iii) and § 60.5412a(d)(3). 40 C.F.R. § 5415a(e)(3).

National Emissions Standards for Hazardous Air Pollutants

53. In 1990, the EPA established emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants in Section 112 of the Act. 42 U.S.C. §7401.
54. A “major source” of hazardous air pollutants (HAP) is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of HAP. 42 U.S.C. §7412(a)(1)

40 C.F.R. Part 63, Subpart HH (NESHAP HH)

55. In 1999, the EPA promulgated “Subpart HH— National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities” under section 112 of the Act, 64 Fed. Reg. 32628 (July 17, 1999). These standards are set forth in 40 C.F.R., part 63, subpart HH, which includes §§ 63.760–777 (NESHAP Subpart HH).

56. Subpart HH defines a “glycol dehydration unit” to mean “a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes “rich” glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The “lean” glycol is then recycled.” 40 C.F.R. § 63.761.
57. Subpart HH defines a “major source” as having the same meaning as in 40 C.F.R. § 63.2, except that:
- a. Emissions from any oil or gas exploration or production well (with its associated equipment, as defined in this section), and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;
 - b. Emissions from processes, operations, or equipment that are not part of the same facility, as defined in this section, shall not be aggregated; and
 - c. For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage vessels shall be aggregated for a major source determination. For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated for a major source determination.
58. The owner or operator of an affected major source shall achieve compliance with the provisions of this subpart by the dates specified in paragraphs 40 C.F.R. § 63.760(f)(1), (2), and (f)(7) through (9).
59. Except as specified in 40 C.F.R. § 63.764(e), each owner or operator of an affected glycol dehydration unit located at an existing or new major source of HAP emissions shall comply with the following standards as specified in 40 C.F.R. §§ 63.764(c)(1)(i) through (iii):

- a. The owner or operator shall comply with the control requirements for glycol dehydration unit process vents specified in 40 C.F.R. § 63.765;
 - b. The owner or operator shall comply with the monitoring requirements specified in 40 C.F.R. § 63.773; and
 - c. The owner or operator shall comply with the recordkeeping and reporting requirements specified in 40 C.F.R. §§ 63.774 and 63.775.
60. Pursuant to 40 C.F.R. § 63.765(b)(1)(ii), the owner or operator of a large glycol dehydration unit shall connect the process vent to a control device or combination of control devices through a closed-vent system and the outlet benzene emissions from the control device(s) shall be reduced to a level less than 0.90 megagrams per year. The closed-vent system shall be designed and operated in accordance with the requirements of 40 C.F.R. § 63.771(c). The control device(s) shall be designed and operated in accordance with the requirements of 40 C.F.R. § 63.771(d), except that the performance levels specified in 40 C.F.R. §§ 63.771(d)(1)(i) and (ii) do not apply.
61. Pursuant to 40 C.F.R. § 63.771(d)(1)(i), an enclosed combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) that is designed and operated in accordance with one of the following performance requirements:
- a. Reduces the mass content of either TOC or total HAP in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of § 63.772(e); or
 - b. Reduces the concentration of either TOC or total HAP in the exhaust gases at the outlet to the device to a level equal to or less than 20 parts per million by volume on a dry basis corrected to 3 percent oxygen as determined in accordance with the requirements of § 63.772(e); or
 - c. Operates at a minimum temperature of 760 degrees C, provided the control device has demonstrated, under § 63.772(e), that combustion zone temperature is an indicator of destruction efficiency.
62. Pursuant to 40 C.F.R. § 63.772(e), "...As an alternative to conducting a performance test under this section for combustion control devices, a control device that can be

demonstrated to meet the performance requirements of § 63.771(d)(1), (e)(3)(ii) or (f)(1) through a performance test conducted by the manufacturer, as specified in paragraph 40 C.F.R. § 63.772 (h) of this section, can be used.”

63. 40 C.F.R. § 63.772(h) applies to the performance testing of a combustion control device conducted by the device manufacturer.
64. Pursuant to 40 C.F.R. § 63.773(b), the owner or operator of a control device whose model was tested under § 63.772(h) shall develop an inspection and maintenance plan for each control device. At a minimum, the plan shall contain the control device manufacturer's recommendations for ensuring proper operation of the device. Semi-annual inspections shall be conducted for each control device with maintenance and replacement of control device components made in accordance with the plan.
65. For each closed-vent system or cover required to comply with air emission controls in accordance with the requirements of 40 C.F.R. §§ 63.765 and 63.766, each owner or operator shall inspect and monitor each cover and closed-vent system according to the requirements as specified in 40 C.F.R. §63.773(c).
66. Records shall be maintained according to the requirements as specified in 40 C.F.R. § 63.774.
67. Reports shall be submitted according to the requirements as specified in 40 C.F.R. § 63.775.

40 C.F.R. Part 63, Subpart ZZZZ (NESHAP ZZZZ)

68. In 2004, the EPA promulgated “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines” under section 112 of the Clean Air Act. 69 Fed. Reg. 33506 (June 15, 2004). These standards are set forth in 40 C.F.R part 63, subpart ZZZZ, which includes 40 C.F.R. §§ 63.6580a–6675 (NESHAP ZZZZ).
69. NESHAP ZZZZ establishes national emission limitations and operating limitations for HAP emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations. 40 C.F.R. § 63.6580.

70. NESHAP ZZZZ applies to owners or operators of stationary RICE at a major or area source of HAP emissions. 40 C.F.R. § 63.6585.
71. An affected new stationary RICE is any stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which commenced construction of the stationary RICE on or after December 19, 2002. 40 C.F.R. § 63.6590(a)(2)(ii).
72. Owners and operators of an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP emissions must be in compliance with NESHAP ZZZZ as specified below:
 - a. Any stationary RICE for which construction or reconstruction is commenced after the date when the area source becomes a major source of HAP emissions must be in compliance with this subpart upon startup of the affected source. 40 C.F.R. § 63.6595(b)(1).
 - b. Any stationary RICE for which construction or reconstruction is commenced before the area source becomes a major source of HAP must be in compliance with the provisions of this subpart that are applicable to RICE located at major sources within 3 years after the area source becomes a major source of HAP. 40 C.F.R. § 63.6595(b)(2).
73. Owners and operators must comply with the following requirements for stationary RICE at major sources of HAP under NESHAP ZZZZ:
 - a. Comply with the numerical emissions limitations and operating limitations for stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions as specified in 40 C.F.R. § 63.6600(a) and 40 C.F.R. § 63.6600(b).
 - b. Comply with the general requirements as specified in 40 C.F.R. § 63.6605.
 - c. Comply with the testing and initial compliance requirements as specified in 40 C.F.R. § 63.6610.
 - d. Conduct subsequent performance tests to comply with the numerical emission limitations and operations limitations as specified in 40 C.F.R. § 63.6615.

- e. Conduct performance tests according to the requirements as specified in 40 C.F.R. § 63.6620.
- f. Demonstrate initial compliance with emission limitations, operating limitations, and other requirements as specified in 40 C.F.R. § 63.6630.
- g. Monitor, install, collect, operate and maintain a continuous parameter monitoring system (CPMS) as specified in 40 C.F.R. § 63.6625 and 40 C.F.R. § 63.6635.
- h. Owners and operators shall demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements as specified in 40 C.F.R. § 63.6640.
- i. Notifications, reports, and records shall be submitted and maintained according to the requirements as specified in 40 C.F.R. §§ 63.6645—6655.

Title V Operating Permits

- 74. Title V of the Act, 42 U.S.C. §§ 7661-7661f, establishes a permit program for any “major sources” of air pollution, as defined by Title V or a major stationary source required to have a PSD permit. 42 U.S.C. § 7661a(a).
- 75. The purpose of Title V is to ensure all “applicable requirements” that apply to a source regulated under the Act are collected in one permit. *Id.* § 7661c(a).
- 76. In accordance with section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing Title V of the Act. *See* 61 Fed. Reg. 34228 (July 1, 1996). Those regulations for federal air quality operating permit programs are codified at 40 C.F.R. Part 71.
- 77. Section 502(a) of the Act, 42 U.S.C. § 7661a(a) and 40 C.F.R. § 71.4(b) requires that the Administrator administer and enforce an operating permit program in Indian country, as defined in 40 C.F.R. § 71.2. The effective date of the Part 71 program in Indian country was March 22, 1999.
- 78. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 71.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except as in compliance with a Title V operating permit (Title V Permit).

79. Pursuant to 40 C.F.R. § 71.5(b), any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.
80. Pursuant to 40 C.F.R. § 71.11(g), all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the permitting authority's initial decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably ascertainable arguments supporting their position by the close of the public comment period (including any public hearing).
81. Pursuant to 40 C.F.R. § 71.6(c)(5), sources with a Title V Operating Permit shall comply with the requirement to submit compliance certifications with terms and conditions contained in the permit, including emission limitations, standards, or work practices annually. The Title V Operating Permit issued to EOG Clarks Creek contains Permit Condition VII.C.3, which requires the facility to submit to the EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually by April 1st, and shall cover the same 12-month period as the two consecutive semi-annual monitoring reports.

FACTUAL BACKGROUND & FINDINGS OF VIOLATION

Factual Background

82. EOG owns or operates oil and gas production facilities within the exterior boundaries of the Fort Berthold Indian Reservation in North Dakota.
83. EOG received Title V permits issued by the EPA for the following facility:
- a. Clarks Creek Central Facility (Clarks Creek), Title V permit number: V-TAT-000820-2018.00, effective January 22, 2020.
84. On June 12, 2023, the EPA conducted inspections of Clarks Creek.

85. On August 9, 2023, the EPA transmitted the inspection report to EOG detailing the findings during the onsite and records-review at Clarks Creek.
86. On November 5 and 6, 2023, the EPA conducted inspections at the following facilities owned and operated by EOG:

Table 1: November 2023 Inspections

Date	Arrival Time	Departure Time	Well Name	API Number	Latitude	Longitude
11/5/2023	17:22	17:26	Riverview 26-3031H	3305307203	47.96225	-102.76687
11/5/2023	17:32	17:38	HAWKEYE 100-2501H	3305304005	47.96252	-102.77461
11/6/2023	7:53	8:49	Parshall 16-32H	3306100968	47.93518	-102.21654
11/6/2023	9:00	9:07	Fertile 50-0509H	3306102485	47.93266	-102.22230
11/6/2023	9:17	9:22	Liberty 103-13H	3306101321	47.90477	-102.27777
11/6/2023	9:26	9:36	Liberty LR 53-1416H	3306104654	47.89646	-102.28847
11/6/2023	9:37	10:00	LR 14-23H	3306101529	47.88843	-102.29084
11/6/2023	10:00	10:05	Liberty CDP Compressor Site	-	47.89021	-102.28891
11/6/2023	10:06	10:15	Liberty LR 47-1416H	3306104040	47.90372	-102.28818
11/6/2023	10:24	10:30	Liberty LR 107-1109H	3306102281	47.91229	-102.28803
11/6/2023	10:30	10:38	Liberty LR 12-11H	3306101608	47.91496	-102.28678

Date	Arrival Time	Departure Time	Well Name	API Number	Latitude	Longitude
11/6/2023	10:46	10:59	Liberty LR 106-0107H	3306102138	47.93381	-102.26962
11/6/2023	10:59	11:09	Vanhook 47- 3626H	3306103640	47.93556	-102.27147
11/6/2023	11:13	11:17	Liberty 8-01H	3306101138	47.93371	-102.27746
11/6/2023	11:27	11:31	Vanhook 13- 35H	3306101162	47.93523	-102.28133
11/8/2023	10:27	10:37	Clarks Creek 41-0805H	3305307918	47.90773	-102.73270
11/8/2023	11:02	11:04	Clarks Creek 65-07H	3305308455	47.90664	-102.75231
11/8/2023	11:10	11:31	Clarks Creek SEC 7 SES6 OPF	-	47.90618	-102.75488
11/8/2023	11:35	11:40	Clarks Creek 10-0805H	3305303514	47.90680	-102.74666
11/8/2023	14:35	14:39	Parshall 78- 20H	3306102923	47.96414	-102.21932
11/8/2023	14:42	14:51	Parshall 28- 2928H	3306103178	47.96193	-102.22457
11/8/2023	14:55	14:59	Parshall 86- 29H	3306103181	47.96193	-102.22457
11/8/2023	15:02	15:10	Parshall 11- 28H	3306100751	47.96196	-102.21374
11/8/2023	15:11	15:15	Parshall 67- 2117H	3306103044	47.96455	-102.20679

Date	Arrival Time	Departure Time	Well Name	API Number	Latitude	Longitude
11/8/2023	15:16	15:20	Parshall 82-2827H	3306103165	47.96194	-102.20308

87. On January 11, 2024, the EPA transmitted the inspection report to EOG detailing the findings during the onsite and records-review at the facilities listed in Paragraph 86.

88. On February 6 and 7, 2024, the EPA conducted inspections at the following facilities owned and operated by EOG:

Table 2: February 2024 Inspections

Date	Arrival Time	Departure Time	Pad Name	API	Latitude	Longitude
2/6/2024	12:52	13:12	Van Hook 36 SESW	33-061-03640, 33-061-03639	47.935571	-102.271516
2/6/2024	9:00	9:45	Van Hook 15 NENW Pad	33-061-03641, 33-061-03642, 33-061-03643, 33-061-03644, 33-061-01361	47.9914778	-102.3153667
2/6/2024	11:15	11:30	Parshall 35 SWSE Pad	33-061-03255, 33-061-03256, 33-061-00930, 33-061-03246, 33-061-03247, 33-061-03248	47.935387	-102.155519
2/6/2024	11:40	12:10	Parshall 33 SWSE 1	33-061-03286, 33-061-03287, 33-061-03288,	47.9350639	-102.1988111

Date	Arrival Time	Departure Time	Pad Name	API	Latitude	Longitude
				33-061-00871, 33-061-03348, 33-061-03347, 33-061-03346		
2/6/2024	13:21	13:52	LIBERTY LR 43-1109H	33-061-04028, 33-061-04029, 33-061-02281	47.91229218	-102.2884416
2/7/2024	11:35	11:52	Mandaree 10 NENW Pad (Not operating during inspection, no API's included in this inspection report) and Mandaree 10 NWNW	33-053-03082, 33-053-09879, 33-053-09880	47.745876	-102.70059
2/6/2024	14:35	3:04	Liberty 14 NWSE 14 1 Pad (possibly Liberty LR18-14H)	033-061-04652, 033-061-04653, 033-061-04654, 033-061-04655	47.895717	-102.28845
2/7/2024	10:40	11:07	Clarks Creek 08 SESE	33-053-07918, 33-053-07919, 33-053-03535, 33-053-03320	47.907531	-102.72965
2/6/2024	15:12	15:31	Liberty LR 56-2320H AND Liberty 23	33-061-04894, 33-061-04895, 33-061-03556,	47.88912092	-102.2908038

Date	Arrival Time	Departure Time	Pad Name	API	Latitude	Longitude
			NENW	33-061-03555		
2/6/2024	15:54	16:16	FERTILE LCS Compressor Station	NA	47.8705	-102.2159
2/6/2024	10:30	11:05	PARSHALL LCS (1, 2 3 & 4)	NA	47.9628	-102.1744
2/7/2024	9:07	9:22	Fertile 7 SESE 2 Pad	33-061-03983, 33-061-03985, 33-061-03984	47.906848	-102.23982
2/6/2024	12:24	12:45	Van Hook 35 SESE Pad	33-061-03724, 33-061-03858	47.935902	-102.281728
2/6/2024	9:58	10:20	Van Hook 14 SESE Pad	33-061-03628, 33-061-03629, 33-061-03646, 33-061-03645, 33-061-01517	47.978934	-102.280141
2/7/2024	9:35	9:49	Liberty 13 NESE 1 Pad	33-061-04154, 33-061-04009, 33-061-04010	47.897591	-102.258476
2/6/2024	14:00	14:30	Liberty 11 SESE 1 Pad and Liberty 11 NWSE 1 Pad	33-061-04043, 33-061-04160	47.9065444	-102.27985

89. On March 8, 2024, the EPA transmitted the inspection report to EOG detailing the findings during the onsite and records-review at the facilities listed in Paragraph 88.
90. According to information provided by EOG in Reporting Year 2023, NSPS OOOOa, 40 C.F.R. § 60.5420a report, all facilities listed in Paragraphs 86 and 88 are subject to NSPS OOOOa.
91. The EPA detected hydrocarbon emissions from the thief hatch and vacuum breaks located on the storage vessels at well pads co-located with the following wells during the November 2023 and February 2024 inspections:
- Liberty LR 14-23H
 - Clarks Creek 41-0805H
 - Liberty LR 14-1109H
 - Clarks Creek 08 SESE 1 Pad, (Note: pad sign shows Clarks Creek 08 SESE 2)
 - Liberty 11 SESE 1 Pad and Liberty 11 NWSE 1 Pad
92. The EPA detected hydrocarbon emissions from a flare with an unlit pilot light co-located with the following wells or compressor sites during the November 2023 and February 2024 inspections:
- Parshall 16-32H
 - Liberty 103-13H
 - Liberty LR 14-23H
 - Liberty CDP Compressor Site (Pecan Pipeline)
 - Liberty LR 12-11H
 - Liberty 8-01H
 - Clarks Creek SEC 7 SES 6 OPF Compressor Site
 - Parshall 28-2928H
 - Van Hook 15 NENW
 - Parshall 33 SWSE 1
93. The EPA detected visible emissions from operating utility flares co-located with the following wells during the November 2023 and February 2024 inspections:

- Liberty LR 47-1416H
- Liberty 106-0107H
- Van Hook 35 SESE Pad

Findings of Violation during the Clarks Creek inspection on June 12, 2023

Violations of Fort Berthold FIP

94. As the owner or operator of a production facility with one or more oil and natural gas wells located within the boundaries of the Fort Berthold Indian Reservation, EOG must operate its Clarks Creek facility in compliance with the applicable requirements of the Fort Berthold FIP, 40 C.F.R. §§ 49.4161 through §§ 49.4168.
95. During the June 12, 2023, inspection, EPA inspectors viewed and recorded visible smoke at approximately 30% opacity from the main plant flare at Clarks Creek.
96. As alleged in Paragraph 12.1, above, the Fort Berthold FIP, at 40 C.F.R. § 49.4165(c)(6)(vii), requires an owner or operator of an enclosed combustor and utility flare to operate with no visible emissions. Because EOG was operating with visible smoke emissions, it is in violation of 40 C.F.R. § 49.4165(c)(6)(vii).
97. Also during the June 12, 2023, inspection, EPA inspectors viewed and recorded continuous emissions from the closed-vent system for two storage vessels at Clarks Creek, one oil tank (Tank 8416) and one condensate tank (Tank 8435). 40 C.F.R. § 49.4165(b)(3) requires each closed-vent system to operate without detectable natural gas emissions. Therefore, EOG is in violation of 40 C.F.R. § 49.4165(b)(3) for Tank 8416 and Tank 8435.

Violations of Prevention of Significant Deterioration of Air Quality Requirements

98. As provided in the August 9, 2023, inspection report, the EPA calculated Clarks Creek potential to emit CO utilizing the default emission factors established by the Subpart JJJJ requirements at 40 C.F.R. § 60.4233(f)(4)(iv) and Table 1 of Subpart JJJJ and described in Paragraph 37.
99. EOG operates three 1340 hp reconstructed engines that comply with a CO standard of 4.0 g/hp-hr, or a PTE of 51.76 tpy CO per engine. EOG also operates three 1875 hp engines that comply with a CO standard of 2.0 g/hp-hr, or a PTE of 36.21 tpy CO per engine.

100. Based on EPA's calculations, the combined CO PTE from EOG's six engines is 263.91 tpy, which is greater than the major source threshold of 250 tpy as defined by 42 U.S.C. § 7479(1).
101. Because the combined CO PTE from EOG's six engines is above the 250 tpy major source threshold, the installation of ENG-4, ENG-5, and ENG-6 resulted in EOG's having constructed a major stationary source, Clarks Creek, without first obtaining the necessary PSD permit.
102. As described above in Paragraphs 14 and 16, above, major emitting facilities cannot be constructed without first obtaining a permit and employing BACT controls for each pollutant subject to control by the Act. 42 U.S.C. §§ 7475 and 7479.
103. At Clarks Creek, EOG undertook such construction of a major stationary source without undergoing a BACT determination in connection with the construction.
104. Because EOG undertook the construction of a major stationary source at Clarks Creek without installing BACT for the control of CO emissions, and because EOG failed to operate BACT for the control of CO emissions in compliance with BACT limitations, EOG has violated, and continues to violate, section 165(a) of the Act, 42 U.S.C. § 7475(a) and the federal PSD regulations.

Violations of NSPS Subpart JJJJ

105. EOG submitted a permit modification on December 31, 2021, stating that three engines, described as ENG-4, ENG-5 and ENG-6, were installed in July, 2019.
106. In its permit modification submission, EOG stated the engines were subject to Subpart JJJJ because "ENG-4, 5, and 6 are Non- Emergency SI Lean Burn Natural Gas engines with a maximum engine power $500 \leq \text{HP} < 1,350$ and manufactured prior to 1/1/2008, but reconstructed after June 12, 2006, and are therefore subject to the emission limits in §60.4233(f)(4)."
107. However, in an October 16, 2023, response to EPA's Clarks Creek inspection report, EOG disputed what EOG had previously submitted in the December 31, 2021, permit modification request, stating that the engines were not subject to Subpart JJJJ.

108. In its October 16, 2023, response to EPA’s June 12, 2023, inspection, EOG appears to reassess its previous determination of the applicability of JJJJ, stating:

“EOG installed three additional engines at Clarks Creek. These engines were then shipped to J-W Power and were exchanged. The replacements, which are now known as ENG 4, 5 and 6, then underwent maintenance by J-W Power. The invoices for this work... document repair costs and other ancillary charges of approximately \$214,000, \$227,000 and \$235,000” (attaching invoices demonstrating the stated costs).

“In accordance with its standard policy, J-W Power conducts a reconstruction assessment in association with any significant maintenance work. J-W Power did not retain copies of these assessments but confirmed that the estimated costs for comparable new engines in 2019 were \$550,000 per engine. J-W Power also provided a copy of its reconstruction assessment tool, which EOG has used to confirm that the maintenance work did not exceed the 50% reconstruction threshold specified at 40 C.F.R. § 60.15(b)(1).”

EOG then attached documents reflecting the “assessment tool” results but stated that neither J-W Power nor EOG retained documentation of the work that had been completed.

109. In addition to the fact that the December 2021 permit modification application was signed and certified by the responsible official for Clarks Creek stating that the engine was reconstructed and Subpart JJJJ is applicable, EOG has also been conducting Subpart JJJJ performance tests at Clarks Creek demonstrating compliance with the standards specified in 40 C.F.R §60.4233(f)(4)(iv). *See e.g.*, EOG Resources Inc., 40 CFR Part 71 Operating Permit Revision Application, December 31, 2021, at Section 5.7.2.(stating that “all stationary RICE (ENG-1,2,3,4,5 & 6) will meet the requirements of [NESHAP] Subpart ZZZZ by complying with NSPS Subpart JJJJ).

110. EOG provided records of performance tests that show the engines, ENG-4, ENG-5 and ENG-6 may have been operating within the emissions limits of Subpart JJJJ, but did not submit the performance test reports until EPA inspectors requested all performance tests as part of the Clarks Creek inspection. The performance tests were conducted on ENG-4, ENG-5 and ENG-6 on October 27-28, 2021, and October 25-26, 2022. *See Attachment 3 to EOG Response to August 9, 2023, EPA inspection Report, October 16, 2023 (providing copies of the emissions tests for all six engines).*
111. Because EOG did not notify the EPA of the performance test results until almost two years and one year, respectively, after the tests took place, EOG failed to notify the EPA at least 30 days prior to both planned performance tests on October 27-28, 2021, and October 25-26, 2022, and, therefore, is in violation of 40 C.F.R. § 60.4244(a) and 40 C.F.R. § 60.8(d).
112. Because EOG did not notify the EPA of the performance test results until almost two years and one year, respectively, after the tests took place, EOG failed to submit reports of performance test results to the EPA within 60 days after the tests has been completed, for both performance tests completed on October 27-28, 2021, and October 25-26, 2022, and, therefore, is in violation of 40 C.F.R. § 60.4245(d).

Violations of NESHAP Subpart HH

113. Clarks Creek operates one large triethylene (TEG) dehydration unit, installed August 2018, which is a major source of emissions and is subject to the requirements of Subpart HH and the standards as specified in 40 C.F.R. § 63.764(c)(1).
114. The dehydration unit at Clarks Creek uses a control device whose model was tested under 40 C.F.R. § 63.772(h).
115. On October 1, 2023, EOG representatives responded to certain Areas of Concern identified during the EPA's June 12, 2023, inspection through submission of a Semi-Annual Deviation Report for the Clarks Creek Central Facility (Semi-Annual Deviation Report).

116. In that Semi-Annual Deviation Report, EOG indicated that it had not conducted annual inspections of the closed vent system of the dehydration unit. *See* Semi-Annual Deviation Report, October 1, 2023, p. 2., and Attachment 5.
117. Also in the Semi-Annual Deviation Report, EOG explained that no inspection and maintenance plan had been developed and implemented for the control device. *See* Semi-Annual Deviation Report, October 1, 2023, Attachment 5.
118. Pursuant to 40 C.F.R. § 63.773(b) and described in Paragraph 64 above, “the owner or operator of a control device whose model was tested under 40 C.F.R. § 63.772(h) shall develop an inspection and maintenance plan for each control device. At a minimum, the plan shall contain the control device manufacturer's recommendations for ensuring proper operation of the device. Semi-annual inspections shall be conducted for each control device with maintenance and replacement of control device components made in accordance with the plan.” EOG is in violation of 40 C.F.R. § 63.773(b), Title V Permit Condition IV.F.2, for failing to develop an inspection and maintenance plan for the control device.
119. Pursuant to 40 C.F.R. § 63.773(c)(2), and described in Paragraph 65 above, closed-vent systems (including but not limited to joints, seams other connections, and components) shall be inspected annually and inspection results shall be submitted in the Subpart HH Periodic Report pursuant to 40 C.F.R. § 63.775(e)(2)(ii). EOG is in violation of 40 C.F.R. § 63.773(c)(2), Title V Permit Condition IV.F.1, for failing to conduct annual inspections, and EOG is in violation of 40 C.F.R. § 63.775(e)(2)(ii), Title V Permit Condition IV.H, for failing to submit Subpart HH Periodic Reports for the dehydration unit at Clarks Creek since August 2018.
120. Pursuant to 40 C.F.R. § 63.774(b) and § 63.774(i), and described in Paragraph 66 above, records shall be maintained, including but not limited to, records of each inspection conducted in accordance with 40 C.F.R. § 63.773(c), and records indicating the date the semi-annual inspection required under 40 C.F.R. § 63.773(b) is performed. EOG is in violation of 40 C.F.R. § 63.774(b), Title V Permit Condition IV.G, for failing to record annual inspections, and 40 C.F.R. § 63.774(i), Title V

Permit Condition IV.G, for failing to record the date, modifications or repairs made to the control device for the dehydration unit at Clarks Creek since August 2018.

121. EOG has not submitted reports required by 40 C.F.R. § 63.775 for time periods between January 1, 2021, and July 31, 2022. Therefore, EOG is in violation of 40 C.F.R. § 63.775, Title V Permit Condition IV.H for failing to submit the required reports.

Violations of NESHAP Subpart ZZZZ

122. Pursuant to 40 C.F.R. § 63.6585, and as described above in Paragraph 70, NESHAP ZZZZ applies to owners or operators of stationary RICE at a major or area source of HAP emissions.
123. EOG has operated three Caterpillar G3606A4 RICE² (ENG-1, ENG-2 and ENG-3) at Clarks Creek 2018 and three Caterpillar G3516LE (ENG-4, ENG-5 and ENG-6) since July 2019.
124. In July 2019, EOG installed three Caterpillar G3516TALE RICE (ENG-4, ENG-5 and ENG-6) at Clarks Creek that increased the cumulative HAP PTE to levels greater than 25 tpy, qualifying the facility as a major source.
125. The following table lists the engine type and associated horsepower of the six engines at Clarks Creek:

² During the onsite inspection of Clarks Creek and during records review EPA inspectors noted that ENG-1 was manufactured February 13, 2018, and is a Caterpillar G3606A4 RICE. This differs from the Title V permit issued to EOG by EPA however, the December 31, 2021 Title V Modification request contains the current configuration and status of ENG-1.

Table 3: Engine Information

Emission Unit ID	Engine type (Caterpillar)	Horsepower
ENG-1	G3606 A4 TALE	1875
ENG-2	G3606 A4 TALE	1875
ENG-3	G3606 A4 TALE	1875
ENG-4	G3516TALE	1340
ENG-5	G3516TALE	1340
ENG-6	G3516TALE	1340

126. All engines located at Clarks Creek underwent on-site fabrication, erection, or installation after December 19, 2002, according to information provided by EOG in a December 31, 2021, Title V Modification application for all engines located at Clarks Creek, and would therefore be “new stationary RICE” located at a major source of HAP.
127. 40 C.F.R. § 63.6595(b)(1), described above in Paragraph 72.a, requires an operator of new or reconstructed stationary RICE at a major source to comply with the provisions of Subpart ZZZZ upon startup.
128. 40 C.F.R. § 63.6595(b)(2), also described above in Paragraph 72.b, requires an existing stationary RICE located at an area source that becomes a major source to be in compliance with the provisions of Subpart ZZZZ within three years after the area source becomes a major source.
129. EOG did not comply with the requirements of Subpart ZZZZ upon startup of the three Caterpillar G3516TALE RICE, ENG-4, ENG-5 and ENG-6, installed July 2019. Therefore, EOG is in violation of 40 C.F.R. § 63.6595(b)(1).
130. EOG did not comply with the requirements of Subpart ZZZZ within three years of becoming a major source for the three existing Caterpillar G3606A4 RICE, ENG-1, ENG-2 and ENG-3. Therefore, EOG is, and has been, in violation of 40 C.F.R. § 63.6595(b)(2) for the three Caterpillar G3606A4 RICE since July 2022.

131. As stated above in Paragraph 73.b, sources subject to Subpart ZZZZ are required to follow emission limitations, operating limitations, and other requirements. Sources subject to Subpart ZZZZ also are required to operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions at all times as specified in 40 C.F.R. § 63.6605(a) and (b).
132. EOG has not followed the emission limitations, operating limitations, or control and monitoring equipment requirements of Subpart ZZZZ for the three Caterpillar G3516TALE RICE, ENG-4, ENG-5 and ENG-6, since startup of the engines. Therefore, EOG has been in violation of 40 C.F.R. § 63.6605(a) and (b) for the three Caterpillar G3516TALE RICE since startup in July 2019.
133. EOG did not follow the emission limitations, operating limitations, or control and monitoring equipment requirements of Subpart ZZZZ for the three Caterpillar G3606A4 RICE, ENG-1, ENG-2 and ENG-3, within three years of becoming a major source. Therefore, EOG has been in violation of 40 C.F.R. § 63.6605(a) and (b) for the three Caterpillar G3606A4 RICE since July 2022.
134. EOG is required to operate existing, new or reconstructed SI 4SLB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions by complying with the emission limitations in Table 2a and the operating limitations of Table 2b of Subpart ZZZZ as specified in 40 C.F.R. § 63.6600(b), and as stated in Paragraph 73.a, above. The RICE are required to maintain the catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and maintain the temperature of each stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350°F. 40 CFR Appendix Table 2b to Subpart ZZZZ of Part 63.
135. EOG did not install monitoring equipment to comply with the requirements of 40 C.F.R. § 63.6600(b) and Table 2b for the three Caterpillar G3516TALE RICE, ENG-

- 4, ENG-5 and ENG-6, upon startup. Therefore, EOG has been in violation of 40 C.F.R. § 63.6600(b) for the three Caterpillar G3516TALE RICE since July 2019.
136. EOG did not install monitoring equipment to comply with the requirements of 40 C.F.R. § 63.6600(b) and Table 2b for the three Caterpillar G3606A4 RICE, ENG-1, ENG-2 and ENG-3, within three years of becoming a major source. Therefore, EOG was in violation of 40 C.F.R. § 63.6600(b) for the three Caterpillar G3516TALE RICE since July 2022.
137. EOG did not conduct initial performance tests or other initial compliance demonstrations for its stationary RICE with a site rating of more than 500 brake hp located at a major source of HAP emissions as specified in 40 C.F.R. § 63.6610, and described in Paragraph 73.c, above, according to the performance test requirements of Subpart ZZZZ for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6610.
138. EOG did not conduct subsequent performance tests for its stationary RICE as specified in 40 C.F.R. § 63.6615, and as described in Paragraph 73.d, above, according to the performance test requirements of Subpart ZZZZ for all six RICE. Therefore, EOG is in violation of 40 C.F.R. § 63.6615.
139. According to 40 C.F.R. § 63.6620, and described in Paragraph 73.e, above, operators of stationary RICE subject to Subpart ZZZZ must conduct performance tests according to specific requirements. EOG did not conduct performance tests and other procedures for its stationary RICE as specified in 40 C.F.R. § 63.6620 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6620.
140. According to 40 C.F.R. § 63.6625, and described in Paragraph 73.g, above, owners and operators of stationary RICE must adhere to specific operating, installation, maintenance, and monitoring requirements. EOG did not monitor, install, collect, operate and maintain its stationary RICE as specified in 40 C.F.R. § 63.6625 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6625.

141. 40 C.F.R. § 63.6630, discussed in Paragraph 73.f, above, requires owners and operators of stationary RICE to demonstrate initial compliance with emission limitations, operating limitations, and other requirements. EOG did not demonstrate initial compliance with the emission limitations, operating limitations, and other requirements for its stationary RICE as specified in 40 C.F.R. § 63.6630 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6630.
142. 40 C.F.R. § 63.6635, as described in Paragraph 73.g above, imposes additional monitoring requirements on owners and operators of stationary RICE. EOG did not monitor and collect data to demonstrate continuous compliance for its stationary RICE as specified in 40 C.F.R. § 63.6635 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6635.
143. Pursuant to 40 C.F.R. § 63.6640, and discussed in Paragraph 73.h, above, owners and operators of stationary RICE must demonstrate continuous compliance with emission limitations, operating requirements, and other limitations. EOG did not demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements for its stationary RICE as specified in 40 C.F.R. § 63.6640 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6640.
144. 40 C.F.R. § 63.6645 through 40 C.F.R. § 63.6660, referenced in Paragraph 73.i, above, includes various notification, reporting, and recordkeeping requirements. EOG did not submit notifications, reports, or maintain records according as required by 40 C.F.R. § 63.6645-6660 for all six RICE, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5 and ENG-6. Therefore, EOG is in violation of 40 C.F.R. § 63.6645-6660.

Violations of Title V Operating Permit

145. EOG applied for an initial Part 71 Title V permit on July 27, 2018. The EPA issued a public notice on November 6, 2019, for a public comment period on the draft Title V Operating Permit. The public comment period lasted from November 6, 2019, to December 6, 2019. The EPA issued the Part 71 Title V Operating Permit on

January 22, 2020. No public comments were received by EOG regarding the accuracy of the draft Part 71 Title V Operating permit.

146. On December 31, 2021, EOG submitted a Title V permit modification request to EPA which, among other modifications, documented the installation of 3 engines (ENG-4, ENG-5 and ENG-6) in July 2019.
147. Pursuant to 40 C.F.R. § 71.5(b), and referenced above in Paragraph 79, any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.
148. EOG installed three engines (ENG-4, ENG-5 and ENG-6) and failed to submit relevant facts regarding those engines, including installation startup notifications and updated permit application documentation of potential to emit, during the Title V permit application process. Therefore, EOG is in violation of 40 C.F.R. § 71.5(b) and Title V Permit Condition VII.D.2 between July 2019 and December 2021.
149. Pursuant to 40 C.F.R. § 71.11(g), described above in Paragraph 80, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the permitting authority's initial decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably ascertainable arguments supporting their position by the close of the public comment period (including any public hearing).
150. EOG failed to raise all reasonably ascertainable issues or arguments supporting its position relating to the installation of ENG-4, ENG-5, and ENG-6 by the close of the public comment period for its Title V Operating Permit for Clarks Creek. Therefore, EOG is in violation of 40 C.F.R. § 71.11(g).
151. Pursuant to 40 C.F.R. § 71.6(c)(5), and referenced above in Paragraph 81, sources with a Title V Operating Permit shall comply with the requirement to submit

compliance certifications with terms and conditions contained in the permit, including emission limitations, standards, or work practices annually. The Title V Operating Permit issued to EOG Clarks Creek contains Permit Condition VII.C.3, which requires the facility to submit to the EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually by April 1st, and shall cover the same 12-month period as the two consecutive semi-annual monitoring reports.

152. 40 C.F.R. § 71.6(c)(5) requires that owners/operators of Title V permits submit annual certification of compliance on April 1 of each calendar year. EOG submitted its certification of compliance for both calendar years 2021 and 2022 on May 16, 2023. Therefore, EOG is in violation of 40 C.F.R. § 71.6(c)(5) and Title V Permit Condition VII.C.3.

Violations of NSPS Subpart OOOOa found during the November 2023 and February 2024 inspections

153. 40 C.F.R. § 60.5370a(b), as discussed in Paragraph 47 above, requires owners and operators of storage vessel affected facilities to maintain and operate at all times, including periods of startup, shutdown, and malfunction, storage vessel affected facilities and the associated flare air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Based on the onsite inspections of NSPS OOOOa-subject facilities described above in Paragraphs 91 through 93, EOG violated requirements under 40 C.F.R. § 60.5370a(b) because the flares were unlit, failing to create combustion, and venting uncontrolled hydrocarbon emissions, including VOCs, to the atmosphere, VOC emissions were also venting from the thief hatch and vacuum breaks located on the storage vessels, and visible emissions were seen from operating flares.
154. 40 C.F.R. § 60.5395a(b)(1), referenced in Paragraph 49, above, requires owners and operators of storage vessel affected facilities to route emissions from storage vessel affected facilities to a control device that meets the conditions specified in § 60.5412a(c) and (d). Based on the onsite inspections of NSPS OOOOa-subject facilities listed in Paragraph 92, above, EOG violated requirements under 40 C.F.R.

§ 60.5395a(b)(1) because the flares were unlit and venting uncontrolled VOC emissions to the atmosphere.

155. 40 C.F.R. § 60.5411a(c)(1) and (c)(2), described in Paragraph 50 above, requires an owner or operator of a storage vessel affected facility to design and operate, with no detectable emissions as determined using olfactory, visual and auditory inspections, a closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process. Based on the onsite inspections of NSPS OOOOa-subject facilities listed in Paragraph 92 above, EOG violated requirements under 40 C.F.R. § 60.5411a(c)(1) and (c)(2), because the flare was unlit and venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. § 60.5411a(c)(1)-(2).
156. 40 C.F.R. §§ 60.5412a(d)(1)(ii) and 60.5413a(e)(2), referenced in Paragraph 51.b, above, requires an owner or operator of a storage vessel affected facility to install and operate a continuous burning pilot flame for the facility flare. Based on the onsite inspections of NSPS OOOOa-subject facilities in Paragraph 92, above, EOG violated the requirements in 40 C.F.R. §§ 60.5412a(d)(1)(ii) and 60.5413a(e)(2) because the flare pilot light was unlit and venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. §§ 60.5412a(d)(1)(ii), 60.5413a(e)(2).
157. 40 C.F.R. § 60.18(c)(2) and 40 C.F.R. § 60.18(e), discussed above in Paragraph 51.c above, requires an owner or operator of a stationary source which contains an affected facility to operate its flare in accordance with the requirements of § 60.18. 40 C.F.R. § 60.5412a(d)(3), and specifically to operate its flare with a pilot light flame present at all times when emissions were vented to it. Based on the onsite inspections of NSPS OOOOa-subject facilities in Paragraph 92 above, EOG violated requirements under 40 C.F.R. § 60.18(c)(2), 40 C.F.R. § 60.18(e) because the flare was unlit and venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. § 60.18(c)(2), 40 C.F.R. § 60.18(e).
158. 40 C.F.R. § 60.5412a(d)(4), referenced in Paragraph 51.d, above, requires an owner or operator of a storage vessel affected facility to operate each control device used to comply with NSPS OOOOa at all times when gases, vapors, and fumes are vented

from storage vessel affected facilities through the closed vent system to the control device. Based on the onsite inspections of NSPS OOOOa-subject facilities identified above in Paragraph 92, EOG violated requirements under 40 C.F.R. § 5412a(d)(4) because the flare pilot light was unlit and venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. § 60.5412a(d)(4).

159. Under 40 C.F.R. § 60.5417a(h)(3), referenced above in Paragraph 51.e, an owner or operator of a storage vessel affected facility is required to operate each control device following the manufacturer's written operating instructions, procedures and maintenance schedule to ensure good air pollution control practices for minimizing emissions. Based on the onsite inspections of NSPS OOOOa-subject facilities identified in Paragraph 92 above, EOG violated the requirements under 40 C.F.R. § 60.5417a(h)(3) because the pilot light flame was unlit and venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. § 60.5417a(h)(3).
160. 40 C.F.R. § 60.5412a(a)(3), described in Paragraph 51.a above, requires owners or operators of storage vessel affected facilities to design and operate a flare in accordance with the requirements of § 60.18(b), using Method 22 of appendix A-7 to Part 60 to determine visible emissions. Based on the onsite inspections of NSPS OOOOa-subject facilities identified in Paragraph 93 above, EOG violated the requirements of 40 C.F.R. § 60.5412a(a)(3), because the flares were emitting visible emissions.
161. Storage vessel affected facilities complying with the requirement in 40 C.F.R. § 60.5395a(a)(2) to reduce VOC emissions by 95.0 percent shall design and operate a control device that meets the conditions specified in § 60.5412a(d)(1)(iii) and § 60.5412a(d)(3). Based on the onsite inspections of NSPS OOOOa-subject facilities identified in Paragraph 93 above, EOG violated requirements to meet the emission reduction standard because the flares were emitting visible emissions. 40 C.F.R. § 60.5412a(d)(1)(iii) and § 60.5412a(d)(3).
162. 40 C.F.R. § 60.5415a(b)(2)(vii)(B) requires owners and operators of storage vessel affected facilities to demonstrate continuous compliance pursuant to the requirements of 40 C.F.R. § 60.5412a(a)(1), by designing and operating a control

device that meets the conditions specified in § 60.5412a(d)(1)(iii) and § 60.5412a(d)(3). Based on the onsite inspections of NSPS OOOOa-subject facilities in Paragraph 93, EOG violated 40 C.F.R. § 60.5415a(b)(2) (vii)(B) for because the flares were emitting visible emissions for greater than 1 minute during a 15-minute period.

163. 40 C.F.R. § 60.5411a(c)(1)-(2), described above in Paragraph 50, requires owners and operators of storage vessel affected facilities to design and operate, with no detectable emissions as determined using olfactory, visual and auditory inspections, a closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d) or to a process, Based on the onsite inspections of NSPS OOOOa-subject facilities in Paragraph 91 above, EOG violated requirements under 40 C.F.R. § 60.5411a(c)(1) and (c)(2) because the storage vessels were observed on IR camera venting uncontrolled VOC emissions to the atmosphere. 40 C.F.R. § 60.5411a(c)(1)-(2).

ENFORCEMENT AUTHORITY

164. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides the Administrator with the authority that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement of prohibition of the Act other than State Implementation Plans, including New Source Performance Standards, the Administrator may issue an order requiring such person to comply with the requirements or prohibition of the Act, issue an administrative penalty order in accordance with section 113(d) of the Act, or bring a civil action in accordance with section 113(b) of the Act for injunctive relief or civil penalties.
165. The issuance of this NOV does not in any way limit or preclude the EPA from pursuing additional enforcement options concerning inspections referenced in this

NOV. Also, this NOV does not preclude enforcement action for violations not specifically addressed in this NOV.

Date Issued: ____July 15, 2024____

Suzanne J. Bohan, Director
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