



REGION 9

SAN FRANCISCO, CA 94105

Delivered via email: aburgess@ormat.com

Read Receipt Requested

In Reply Refer to:

Desert Peak II
5871 Old Highway 40, Fernley, Nevada 89408
EPA RMP Facility Identifier: 1000 0021 2833

Aubry Burgess
Plant Manager
Desert Peak II
5871 Old Highway 40
Fernley, Nevada 89408

RE: Opportunity for Expedited Settlement Agreement ("ESA") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b).

Dear Plant Manager, Burgess:

Representatives from the U.S. Environmental Protection Agency ("EPA") Region 9 found that the owners/operators of the Desert Peak II facility located at 5871 Old Highway 40, Fernley, NV 89408 ("Facility") did not submit a Risk Management Plan (RMP) report by the assigned due date, as is required to be in compliance with requirements under the Risk Management Program of Section 112(r)(7) of the Clean Air Act ("CAA"). The RMP report was due on September 25th, 2025, and it was submitted and certified 54 days late on November 18th, 2025.

EPA Region 9 is extending to you an opportunity to quickly resolve your infraction by paying a substantially reduced penalty under EPA's Expedited Settlement process. If you choose to participate in the Expedited Settlement process, we will settle the violations listed in the attached ESA for a civil penalty of **\$2,400**. We are providing this incentive to resolve outstanding violations as quickly as possible. Otherwise, under CAA § 113(b), 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19, potential violators may be penalized up to \$59,114 per day for violations discovered.

We encourage you to immediately review the RMP requirements to determine your compliance status. You have forty-five (45) days from the date you receive this letter to take advantage of this opportunity.

If you determine that you are not subject to or have not violated the RMP requirements described in the attached ESA, please provide a written explanation, along with any supporting documentation within forty-five (45) days of your receipt of this letter.

If you confirm that you did not properly comply with the RMP requirements described below, you may take advantage of the Expedited Settlement process and reduced penalty by responding to this notice within forty-five (45) days of your receipt of this letter.

In signing the attached ESA, you are certifying that you have corrected your CAA § 112(r) RMP violations and paid the assessed penalty, and you are waiving your opportunity for a hearing or an appeal concerning your violation of the CAA § 112(r) RMP requirements. This Agreement covers only the violations alleged in the ESA. The Agreement does not address compliance with any other CAA § 112(r) RMP requirements.

Please be advised that correcting the violations without participating in a settlement with EPA does not resolve your liability for the violations alleged in the ESA, nor your responsibility to comply with all applicable requirements under CAA § 112(r).

If you do not follow the procedures outlined in the attached ESA (e.g., comply with the CAA § 112(r)(7) requirements described below, pay the assessed penalty, and sign the ESA) within forty-five (45) days of receipt of this letter, this settlement offer will be automatically withdrawn without prejudice to EPA's ability to file an enforcement action for the cited violation. EPA may seek penalties of up to \$59,114 per day for each violation.

We are committed to the fair and rapid settlement of this matter. Please email a copy of all correspondence relating to this notice to Kiya Opstrup, Enforcement Officer, at opstrup.kiya@epa.gov.

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 9

Enclosures

1. ESA Package Offer
2. ESA Penalty Checklist

cc:

Nevada Division of Environmental Protection, kelly.thomas@ndep.nv.gov