



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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**IN THE MATTER OF:**

**Emkey Gas Processing, LLC**  
**558 West 6<sup>th</sup> St, Suite 200**  
**Erie, Pennsylvania 16507,**

**Respondent.**

**Emkey Union City Plant**  
**9564 Concord Road**  
**Union City, Pennsylvania 16438,**

**Facility.**

)  
)  
)  
) **EPA Docket No. CAA-03-2017-0202**  
)  
)  
) **Proceedings Pursuant to Sections 112(r)**  
) **and 113 of the Clean Air Act, 42 U.S.C.**  
) **§ 7412, 7413, and 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”) by Section 113(d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. § 7413(d), and under the authority provided by 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 (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III (“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 “CAFO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3), and having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.

### **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, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees 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 the purpose of this proceeding, Respondent neither admits nor denies the Findings of Fact and Conclusions of Law set forth in this Consent Agreement, but expressly waives its right to contest said allegations.

### **LEGISLATIVE AND REGULATORY HISTORY AND DEFINITIONS**

5. 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).
6. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires the Administrator of EPA to promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances. Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), requires the Administrator to set threshold quantities for listed regulated substances. The list of regulated substances and threshold levels can be found in 40 C.F.R. § 68.130.
7. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). 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 a risk management plan that must be submitted to EPA. The risk management plan 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.
8. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its 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 a risk management plan 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.

9. Violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), are subject to the imposition of civil penalties pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

10. Pursuant to the Debt Collection Improvement Act, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, EPA may commence a civil or administrative action to assess and recover a civil penalty of up to \$37,500 per day per violation for violations of the CAA occurring from December 6, 2013 to November 2, 2015, and \$45,268 per day per violation for violations occurring after November 2, 2015.

11. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source” as, inter alia, 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.

12. 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.

13. The regulations at 40 C.F.R. § 68.3 define “natural gas processing plant (gas plant)” as any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both, classified as North American Industrial Classification System (NAICS) code 211112 (previously Standard Industrial Classification (SIC) code 1321).

14. 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.

15. 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.

16. 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.

17. As used herein, the term “day” shall mean calendar day.

18. All terms not defined herein shall have the meanings set forth in the CAA.

### **FINDINGS OF FACT**

19. Emkey Gas Processing, LLC (“Respondent”) is a limited liability company organized in the Commonwealth of Pennsylvania, with its principal place of business located at 558 West 6<sup>th</sup> Street, Suite 200, in Erie, Pennsylvania.

20. Respondent has owned and operated the Emkey Union City Plant, located at 9564 Concord Road in Union City, Pennsylvania (the “Facility”), since December 2013.

21. The Facility is a natural gas processing and liquid fractionation plant. The Facility receives natural gas from pipelines, removes liquids, compresses the gas and sends the methane gas to a dry gas pipeline. The natural gas liquids (“NGLs”) are separated out in heat exchangers and high pressure separation vessels. Depropanizer and debutanizer towers are used in the fractionation train to further separate propane and butane.

22. Respondent initially submitted a risk management plan for the Facility to EPA on January 26, 2016.

23. On February 23, 2017, EPA conducted an inspection at the Facility pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, to determine whether Respondent was in compliance with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68.

24. At the time of EPA’s investigation, the Facility included four 30,000-gallon bullet storage tanks, containing propane (Chemical Abstract Service (“CAS”) No. 74-98-6), butane (CAS No. 106-97-8), pentane (CAS No. 109-66-0), and flammable mixture Y-grade (CAS No. 00-11-11). Propane, butane, pentane and flammable mixture Y-grade are all NGLs, and are stored in bullet tanks awaiting load-out via truck.

25. EPA determined that the Y-grade mixture at the Facility consists of a mixture of highly flammable chemicals, including at least 1% each of propane, butane, isopentane (CAS 78-78-4), isobutane (CAS No. 75-28-5), pentane, ethane (CAS No. 74-84-0), and methane (CAS No. 74-82-8). All of these chemicals comprising the Y-grade mixture constitute regulated substances pursuant to Section 112(r)(3) of the CAA, listed in 40 C.F.R. § 68.130, Table 3.

26. EPA determined that in January 2014, Respondent began storing approximately 10,000 gallons (or 50,000 pounds) of Y-grade in a bullet tank at the Facility.

27. Since January 2014 to the present day, Respondent has stored at least 10,000 pounds of a regulated substance at the Facility in 30,000-gallon bullet tanks. At present, Respondent stores 30,000 gallons each of propane, butane, pentane and Y-grade in 30,000-gallon bullet tanks at the Facility.

*Requirement to Submit Risk Management Plan*

28. The Chemical Accident Prevention Provisions require an owner or operator to submit a risk management plan for a process no later than the date on which the regulated substance is first present above a threshold quantity in a process, 40 C.F.R. § 68.10(a)(3). The risk management plan must be submitted in accordance with 40 C.F.R. § 68.150(a). Respondent was required to submit a risk management plan to EPA in at least January 2014, when a regulated substance was first present above the threshold quantity in a process.

*Process Safety Information Requirements*

29. The Chemical Accident Prevention Provisions require an owner or operator to document and compile information pertaining to the equipment in the process, including piping and instrumentation designs (“P&IDs”), 40 C.F.R. § 68.765(d)(1)(ii).

30. During the inspection, Respondent provided P&IDs for the NGL and the extraction process, including gas compression, separation and fractionation. However, Respondent was unable to produce P&IDs for the 30,000-gallon bullet tanks storing propane, butane, pentane and flammable mixture Y-grade, and associated piping.

31. EPA informed Respondent of this deficiency by letter dated April 5, 2017, and Respondent corrected this deficiency on or about May 5, 2017.

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

32. The findings of fact contained in Paragraphs 5 through 31 of this CAFO are incorporated by reference herein as though fully set forth at length.

33. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

34. At all times relevant to this CAFO, Respondent has been an owner or operator of the Facility.

35. The Facility is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

36. The Facility constitutes a natural gas processing plant, as defined at 40 C.F.R. § 68.3.

37. The constituents of the NGL in the storage tanks at the Facility 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, Table 3, as regulated flammable substances.

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

39. The total quantity of the NGL at the Facility is counted when determining whether more than a threshold quantity of a regulated substance is present in a process, pursuant to 40 C.F.R. § 68.115(b)(2). The estimated total quantity of Y-grade in the 30,000-gallon storage tanks at the Facility is approximately 115,000 pounds. When the additional three bullets containing 101,500 pounds of propane, 116,600 pounds of butane, and 125,100 pounds of pentane, respectfully, are added, the Facility stores approximately 458,200 pounds of regulated substances.

40. At all times relevant to this Consent Agreement, more than a threshold quantity of a regulated substance has been present in a process at the Facility.

41. The storage and handling of the NGL in the storage tanks at the Facility constitutes a process within the meaning of Section 68.3 of the Chemical Accident Prevention Provisions, 40 C.F.R. § 68.3.

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

43. Respondent is 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 Respondent is an owner of a stationary source that has more than a threshold quantity of a regulated substance in a process.

44. Based on the information provided by Respondent to EPA, Respondent did not timely comply with the requirement to submit a risk management plan to EPA for the Facility.

45. Based on the information provided by Respondent to EPA, Respondent had not compiled information pertaining to the storage of NGL in storage tanks.

#### **COUNT 1 – SUBMISSION OF RISK MANAGEMENT PLAN**

46. The findings of fact contained in Paragraphs 5 through 45 of this CAFO are incorporated by reference herein as though fully set forth at length.

47. Respondent failed to submit a risk management plan for a process no later than the date on which the regulated substance is first present above a threshold quantity in a process, as required by 40 C.F.R. § 68.10(a) and 68.150(a).

48. The duration of the violation is from January 2014, when Respondent first stored regulated chemicals in amount exceeding the threshold quantity, until January 26, 2016, when Respondent submitted its risk management plan.

49. Complainant further alleges that Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

### **COUNT 2 – COMPILATION OF PROCESS SAFETY INFORMATION**

50. The findings of fact contained in Paragraphs 5 through 49 of this CAFO are incorporated by reference herein as though fully set forth at length.

51. Respondent failed to document and compile information pertaining to the equipment in the process, specifically P&IDs for the 30,000-gallon bullet tanks storing propane, butane, pentane and flammable mixture Y-grade, and associated piping, as required by 40 C.F.R. § 68.765(d)(1)(ii).

52. The duration of the violation is from January 2014, when Respondent first began storing NGLs in bullet tanks, to May 10, 2017, when Respondent corrected the deficiency.

53. Complainant further alleges that Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

54. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), limits the EPA Administrator's authority to issue civil penalties to matters where the first alleged date of the violation occurred not more than 12 months prior to the initiation of the of the administrative action, except when the Administrator of EPA and the United States Attorney General jointly determine that a matter involving a larger penalty amount or a longer period of violation is appropriate.

55. The Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

### **SETTLEMENT**

56. In accordance with 40 C.F.R. § 22.18(c), and in full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law set forth above, and in full satisfaction of any and all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondent consents to the assessment of a civil penalty for the violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), set forth above, in the amount of \$1,000.00 ("CAA Penalty").

### **PAYMENT TERMS**

57. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CAFO, Respondent shall pay the CAA Penalty of **\$1,000.00** no later than thirty (30) days after the date on which a copy of the CAFO is mailed or hand-delivered to Respondent, by either cashier's check, certified check, or electronic wire transfer, as set forth in the following paragraphs.

58. Payment of the CAA Penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, **CAA-03-2017-0202**;
- 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. EPA  
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. EPA  
Government Lockbox 979077  
1005 Convention Plaza  
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:

U.S. EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive, MS-002  
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: Randolph Maxwell 202-874-3720  
or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV

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](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

- j. Respondent shall submit copies of the checks, or verification of wire transfers or ACH, to the following persons:

Regional Hearing Clerk  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Cynthia T. Weiss (3RC42)  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

59. The CAA 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), and EPA Guidance, *Determining a Violator's Ability to Pay a Civil Penalty*, Thomas L. Adams (Dec. 16, 1986), and *Guidance on Evaluating a Violator's Ability to Pay a Civil Penalty in an Administrative Enforcement Action*, Susan Shinkman (Jun. 29, 2015).

60. 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, Respondent's failure to make timely payment of the CAA Penalty in accordance

with this Consent Agreement shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

61. In accordance with 40 C.F.R. § 13.11(a), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this fully executed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. 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).

62. 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 2 of EPA's Resources 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 debt becomes due and payable and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

63. A penalty charge of six (6) 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).

### **GENERAL PROVISIONS**

64. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).

65. The provisions of the CAFO shall be binding upon 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 Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

66. This CAFO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including 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 CAFO shall be construed to limit the United States' authority to pursue criminal sanctions.

67. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and

conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

68. By signing this Consent Agreement, all parties agree that each party's obligations under this Consent Agreement and accompanying Final Order constitute sufficient consideration for the other party's obligations.

69. By the signature below, Respondent's representative certifies that the information submitted to EPA regarding Respondent's ability to pay and regarding any other matter at issue in this proceeding, is accurate and not misleading. Respondent and its officers, directors and principals are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by the Respondent to Complainant regarding Respondent's claim of inability to pay, or regarding any of other matter herein at issue, are false or, in any material respect, inaccurate.

70. Penalties paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

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

72. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

73. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CAA, and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

FOR RESPONDENT EMKEY GAS PROCESSING, LLC:

  
\_\_\_\_\_  
Kyle Rhoades  
President

09/25/2017  
\_\_\_\_\_  
Date

FOR COMPLAINANT:



\_\_\_\_\_  
Karen Melvin, Director  
Hazardous Site Cleanup Division  
U.S. Environmental Protection Agency, Region 3

SEP 27 2017

\_\_\_\_\_  
Date

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

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<b>IN THE MATTER OF:</b>	)	
	)	
<b>Emkey Gas Processing, LLC</b>	)	
<b>558 West 6<sup>th</sup> St, Suite 200</b>	)	<b>EPA Docket No. CAA-03-2017-0202</b>
<b>Erie, Pennsylvania 16507,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	<b>Proceedings Pursuant to Sections 112(r)</b>
	)	<b>and 113 of the Clean Air Act, 42 U.S.C.</b>
<b>Emkey Union City Plant</b>	)	<b>§ 7412, 7413, and 40 C.F.R. § 22.13(b) and</b>
<b>9564 Concord Road</b>	)	<b>22.18(b)</b>
<b>Union City, Pennsylvania 16438,</b>	)	
	)	
<b>Facility.</b>	)	

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**FINAL ORDER**

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Emkey Gas Processing, LLC, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific 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.

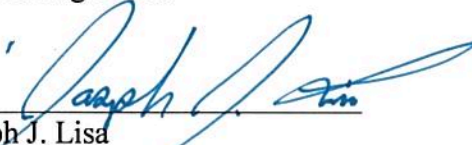
Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to herein is consistent with 40 C.F.R. Part 19, and is based upon consideration of, *inter alia*, EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012), and the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e).

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that

Respondent pay a civil penalty of **ONE THOUSAND DOLLARS (\$1,000.00)**, 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 is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Sept. 28, 2017

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA, Region III