



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2014 SEP -3 PM 2:00

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF:

CCI Paradox Midstream LLC  
Lisbon Gas Plant  
7 Rankine Road  
La Sal, UT 84530-0215

Respondent

)  
)  
) **COMBINED COMPLAINT AND**  
) **CONSENT AGREEMENT**

) **DOCKET NO.: CAA-08-2014-0008**  
)  
)

Complainant, United States Environmental Protection Agency, Region 8 (the EPA or Complainant), and Respondent, CCI Paradox Midstream LLC (Respondent) (together, the Parties), hereby consent and agree as follows:

1. This Combined Complaint and Consent Agreement (CCCA) is entered into by the Parties pursuant to sections 113(a)(3)(A) and 113(d) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3)(A) and 7413(d), for alleged violations of the implementing regulations associated with the "Prevention of Accidental Releases" requirements of section 112(r) of the CAA, 42 U.S.C. § 7412(r). This proceeding is subject to the EPA's *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits* (Rules of Practice), 40 C.F.R. part 22.
2. The undersigned EPA official has been properly delegated the authority to enter into this CCCA.
3. 40 C.F.R. § 22.13(b) provides that where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a CCCA.

4. The Parties agree that the settling of this action and refraining from the adjudication of any issue of fact or law, with regard to the issues herein, is in their interest and in the public interest.

5. Respondent consents to the terms of this CCCA, including the assessment of the civil penalty specified below. Nothing herein shall be deemed an admission of the allegations, terms, conditions and/or issues of law or fact in this CCCA, except in an action by the EPA to enforce the terms of this CCCA.

#### **JURISDICTION AND WAIVER OF RIGHT TO HEARING**

6. Respondent admits the jurisdictional allegations in this CCCA and neither admits nor denies all remaining allegations, terms and conditions contained herein.

7. Respondent waives any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which the Respondent may have, with respect to any issue of fact or law or any terms and conditions set forth in this CCCA, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708. Nothing contained herein shall be deemed to waive or release any claims that Respondent may have against any persons or entities who are not parties to this CCCA. Except as specifically set forth in this paragraph and paragraph 5, nothing in this CCCA shall constitute or be construed as a waiver or release of any rights, causes of action, claims, demands or defenses Respondent may have against any persons or non-governmental entities who are not parties to this CCCA.

#### **STATUTORY AND REGULATORY FRAMEWORK**

8. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), authorizes the Administrator to promulgate regulations regarding the prevention and detection of accidental releases of designated chemicals. Section 112(r)(7)(B) of the CAA, 42 U.S.C. § 7412(r)(7)(B), requires the

Administrator to promulgate regulations requiring the owners or operators of stationary sources where a regulated substance is present above a threshold quantity to prepare a risk management plan (RMP) to prevent or minimize risks of accidental releases of those designated substances. The regulations, promulgated by the EPA pursuant to CAA § 112(r)(7), are set forth in 40 C.F.R. Part 68.

9. Under 40 C.F.R. § 68.3, the following definitions apply:

- a. "Stationary source" means "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."
- b. "Regulated substance" means "any substance (listed pursuant to section 112(r)(3) of the Clean Air Act) in 40 C.F.R. § 68.130." Threshold quantities for the regulated substances are included in 40 C.F.R. § 68.130.

10. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines the term "person" to include in relevant part, an individual, corporation, or partnership.

11. Respondent is a person, and thus subject to regulation under section 112 of the CAA, 42 U.S.C. § 7412.

12. Respondent is the owner and/or operator of the Lisbon Gas Plant, a stationary source, located at 7 Rankine Road, La Sal, Utah (Facility).

13. The Facility uses, handles, and/or stores more than a threshold quantity of flammable mixtures, a regulated substance.

14. Pursuant to section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), the Respondent is required to prepare and implement a risk management program to detect and prevent or minimize accidental releases of such substances.

### **SPECIFIC ALLEGATIONS**

15. On May 9, 2013, an authorized representative of the EPA conducted an inspection (the EPA inspection) of the Facility, with the consent of the Respondent, to determine compliance with CAA § 112(r)(7). During the inspection, the EPA representative observed alleged violations of the CAA § 112(r)(7). The alleged violations are described in paragraphs 16-18.

16. 40 C.F.R. § 68.65(d)(1)(iv) provides that the owner or operator shall ensure information pertaining to the process shall include relief system design and design basis. The Facility information pertaining to relief system design and design basis was not complete. This is a violation of 40 C.F.R. § 68.65(d)(1)(iv).

17. 40 C.F.R. § 68.73(d)(2) provides that inspection and testing procedures shall follow recognized and generally accepted good engineering practices (RAGAGEP). Applicable RAGAGEP indicates that piping shall be categorized into specific classes to ensure higher risk classifications receive more frequent inspections, that piping inspections shall be conducted at specific intervals, and that remaining life and corrosion rates be established for applicable process piping and process tanks. Respondent's documentation for piping classification was not complete, all piping inspections were not completed per RAGAGEP frequencies, and the remaining life and corrosion rates were not complete for all process piping and vessels. This is a violation of 40 C.F.R. § 68.73(d)(2).

18. 40 C.F.R. § 68.71(b) & (c) provides that the owner or operator shall provide refresher training every three years, and keep documentation that each employee has received and

understood the training. The Respondent did not ensure and document that all employees received refresher training. This is a violation of 40 C.F.R. § 68.71(b) and (c).

### **PENALTY**

19. Section 113(d)(1)(B) of the Act, 42 U.S.C. § 7413(d)(1)(B), and 40 C.F.R. part 19 authorize the assessment of a civil penalty of up to \$37,500 per day of violation for each violation of the implementing regulations associated with the "Prevention of Accidental Releases" requirements of 42 U.S.C. § 7412(r). To determine the amount of the civil penalty to be assessed pursuant to section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1), the EPA took into account, in addition to such other factors as justice may require, the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violations as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violations, the economic benefit of noncompliance, and the seriousness of the violations.

20. Respondent consents and agrees to pay a civil penalty in the amount of twenty-four thousand five hundred dollars (\$24,500).

21. Attachment A (Collection Information) to this COCA, provides terms for payment including the assessment of fees and interest charges for late payments.

### **OTHER TERMS**

22. This CCCA contains all terms of the settlement agreed to by the parties.

23. This CCCA, upon incorporation into a final order, applies to and is binding upon the EPA, Respondent, and Respondent's successors or assigns.

24. Nothing in the CCCA shall relieve Respondent of the duty to comply with the CAA and its implementing regulations.

25. Failure of Respondent to comply with any terms of this CCCA shall constitute a breach and may result in referral of the matter to the U.S. Department of Justice for enforcement of this agreement and such other relief as may be appropriate.
26. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.
27. Nothing in the CCCA shall be construed as a waiver by the United States of its authority to seek costs or any appropriate civil penalty associated with any action instituted in the appropriate U.S. District Court as a result of Respondent's failure to perform pursuant to the terms of this CCCA.
28. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into and legally bind Respondent to the terms and conditions of the CCCA.
29. Nothing herein is intended by the Parties to create any third-party beneficiaries, or any duties or obligation on the part of Respondent, its officers, directors, employees, representatives, successors and assigns, to any persons who are not a party to this CCCA.
30. The Parties agree to submit this CCCA to the Regional Judicial Officer, with a request that it be incorporated into a final order.
31. Each Party shall bear its own costs and attorney fees in connection with this administrative matter.
32. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

33. This CCCA, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the EPA's civil penalty claims against Respondent for the specific violations alleged in this CCCA.

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY, REGION 8,  
Office of Enforcement, Compliance and  
Environmental Justice

Complainant

Date: 8/28/14

By: 

Suzanne J. Bohan  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

CCI Paradox Midstream LLC

Respondent

Date: 8/22/14

By: 

Title Senior Vice President



**COLLECTION INFORMATION**

Payment shall be due on or before 30 calendar days after the date of the Final Order issued by the Regional Judicial Officer who adopts this agreement. If the due date falls on a weekend or legal Federal holiday, then the due date is the next business day. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

In the event payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (That is, on the 1st late day, 30 days of interest accrues.)

In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 61st day from the date of the Final Order, and each subsequent thirty-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (that is, the 121st day from the date the Final Order is signed). Payments are first applied to handling charges, 6% penalty interest, and late interest; then any balance is applied to the outstanding principal amount.

The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

**CHECK PAYMENTS:**

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

**WIRE TRANSFERS:**

Wire transfers should be directed to the Federal Reserve Bank of New York  
Federal Reserve Bank of New York  
ABA = 021030004  
Account = 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 "

**OVERNIGHT MAIL:**

US Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
314-418-4087

**ACH (also known as REX or remittance express):**

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact —Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

**ON LINE PAYMENT:**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

WWW.PAY.GOV  
Enter sfo 1.1 in the search field

Open form and complete required fields

**IN THE MATTER OF: CCI PARADOX MIDSTREAM LLC**  
**DOCKET NO.: CAA-08-2014-0007**  
**DOCKET NO.: CAA-08-2014-0008**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original and a true and correct copy of the attached **ADMINISTRATIVE ORDER ON CONSENT** in the matter of **CCI PARADOX MIDSTREAM LLC, DOCKET NO.: CAA-08-2014-0007**, was filed with the Regional Hearing Clerk on September 3, 2014; **COMBINED COMPLAINT AND CONSENT AGREEMENT, DOCKET NO.: CAA-08-2014-0008** along with **THE FINAL ORDER** were filed on September 3, 2014.

Further, the undersigned certifies that true and correct copies of the aforementioned documents were hand delivered to Marc Weiner, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

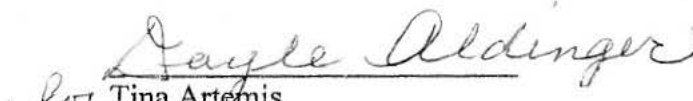
Further, the undersigned certifies that true and correct copies of the aforementioned documents were placed in the United States mail, domestic return receipt on September 3, 2014, to:

Castleton Commodities International LLC  
Attn. Leann Plagens  
811 Main Street, Suite 3500  
Houston, TX 77002  
Certified Mail # 7008 3230 0003 0726 0276

And emailed to:

Kim White  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

September 3, 2014

  
for Tina Artemis  
Paralegal/Regional Hearing Clerk