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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III 2016 APR 26 PM 4: 02
1650 Arch Street

Philadelphia, Pennsylvania 19103-2029 HEARING CLERK
EPA REGION III, PHILA. PA

IN RE:

	:	Docket No. CAA-03-2016-0124
Williams Ohio Valley Midstream LLC	:	
2000 Commerce Drive	:	
Pittsburgh, Pennsylvania 15275	:	
Respondent	:	Proceeding Under the Clean Air Act, Section 113(a) and (d)
	:	

CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the Respondent, Williams Ohio Valley Midstream LLC ("Williams Midstream" or the "Respondent"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") addresses violations set forth herein, which occurred at Respondent's Fort Beeler Gas Processing Plant, located at Route 250, Cameron, West Virginia (the "Facility").

II. General Provisions

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty 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, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III. Section 113(d)(1) of the CAA limits the Administrator's authority to matters where the first alleged violation occurred no more than 12 months prior to initiation of an administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action. 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.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns

III. Findings Of Fact And Conclusions Of Law

7. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
8. Respondent is a limited liability corporation doing business in West Virginia.

Respondent is headquartered at 5949 Sherry Lane #1300, Dallas, Texas, and operates the Facility, a natural gas processing plant, located at Route 250, Cameron, West Virginia. Respondent has been the owner and operator of the Facility from March 19, 2010 until the present.

9. Prior to March 19, 2012, Respondent was a wholly owned subsidiary of Caiman Energy, LLC (“Caiman”). Effective March 19, 2012, with the sale of all membership interests in Caiman Eastern Midstream LLC, Respondent was sold as an entity by Caiman to Williams Partners, L.P. (“Williams”). Respondent thereafter became a wholly owned subsidiary of Williams, and Respondent’s name was changed from Caiman Eastern Midstream LLC to Williams Ohio Valley Midstream LLC. Other than the change in ownership and name, at all times Respondent has remained the same entity before and after the March 19, 2012 sale, and Respondent has at all times relevant to this Consent Agreement, and without interruption, owned and operated the Facility.
10. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).
11. On October 23, 2012, duly authorized representatives of the EPA conducted a compliance evaluation at the Facility pursuant to the authority of Section 114 of the Act, 42 U.S.C. § 7414 (the “Inspection”).
12. The Facility is located in Marshall County, West Virginia, which was, at all times relevant to this Consent Agreement, an attainment area for the 1997 8-hour ozone National Ambient Air Quality Standards (“NAAQS”) and the 2008 ozone NAAQS.
13. Pursuant to Section 110 of the Act, EPA has approved and occasionally amended the federally enforceable State Implementation Plan (“SIP”) for West Virginia. See 40 C.F.R. § 52.2520(c).
14. The approved West Virginia SIP incorporates 45 W. Va. C.S.R. §§ 13 (which applies to minor sources) and 14 (which applies to major sources).

SIP Violation: Failure to Submit a Complete and Accurate Minor Source Permit Application

15. Pursuant to 45 W. Va. C.S.R. § 13-5.4, any person proposing to construct, modify, or relocate a stationary source is required to file a complete permit application with the West Virginia Department of Environmental Protection (“WVDEP”). The permit application shall contain sufficient information in order to enable WVDEP to determine whether the source construction, modification, or relocation will be in conformance with the provisions of any applicable rules promulgated by the Secretary and may include, in relevant part, maximum emission rates. 45 W. Va. C.S.R. § 13-5.4.
16. On or around August 6, 2010, Respondent, operating as Caiman Eastern Midstream

LLC, submitted an Application for New Source Review (“NSR”) Permit to WVDEP pursuant to 45 W. Va. C.S.R. Part 13 to expand the Facility, including constructing a cryogenic unit (“TXP1” or “Plant 1”). In that application, Respondent included potential to emit (“PTE”) data for criteria pollutants, including volatile organic compounds (“VOCs”), for the entire facility. The PTE for VOCs for the facility was 48.42 tons per year (“tpy”) including .01 tpy from Tank 880 (emission unit 7S).

17. Based on observations during the Inspection and data provided by Respondent, EPA has determined that Facility’s PTE for VOCs from Tank 880 (7S) at the time of its August 6, 2010 permit application was approximately 174 tpy and, therefore, the facility-wide VOC PTE was approximately 222 tpy.
18. Respondent failed to notify WVDEP of the full PTE for VOCs from Tank 880 (7S), resulting in its underestimating the PTE for the facility by approximately 174 tpy.
19. On August 24, 2012, EcoLogic Environmental Consultants LLC submitted an application to WVDEP on behalf of Respondent for an NSR Permit Modification pursuant to 45 W. Va. C.S.R. § 13. In that application, Respondent included facility wide PTE data of 86.54 tpy of VOCs, including 0.2 tpy from Tank 880 (7S).
20. Based on observations during the Inspection and data provided by Respondent, EPA has determined that Respondent’s PTE for Tank 880 (7S) at the time of its August 24, 2012 application for the NSR Permit Modification was at least approximately 174 tpy of VOCs.
21. In addition, Respondent has provided documents in response to an EPA request for information issued pursuant to Section 114 of the Act indicating that two (2) potential sources of VOCs were not included in the August 24, 2012 application for the NSR Permit Modification or in the subsequent Permit to Modify number R13-2826G issued to Respondent for the Facility, which was dated December 17, 2012 (“Permit to Modify G”). Specifically, Respondent failed to include VOC emissions from the Prover meter drain tank and the Groves dehydrator.
22. Respondent failed to include the full VOC emissions from Tank 880 (7S) and failed to list the potential emissions from the sources identified in Paragraph 21, above, and, therefore, the full Facility wide PTE was approximately 280 tpy of VOCs at the time Respondent submitted the application for an NSR Permit Modification. As such, Respondent’s permit application to WVDEP was not complete and failed to contain sufficient information to enable WVDEP to determine whether construction or modification of the source would be in conformance with applicable requirements as required by 45 W. Va. C.S.R. § 13-5.4.
23. Respondent’s August 24, 2012 application for permit modification failed to include information required by 45 W. Va. C.S.R. § 13-5.4. Respondent’s failure to provide

such information constitutes a violation of Section 113 of the Act, 42 U.S.C. § 7413.

SIP Violation: Failure to Comply with Permit Requirements

24. WVDEP issued, pursuant to West Virginia Regulation 13, 45 C.S.R. Part 13, a Permit to Operate for the Facility, designated R13-2826, effective March 29, 2010. Pursuant to subsequent applications by Respondent to modify Permit to Operate R13-2826, WVDEP issued subsequent modified permits designated sequentially R13-2826A through R13-2826G, each superseding the last. Collectively the Permit to Operate and all subsequent modifications are hereinafter referred to in this document as Permit R13-2826.
25. Section 5.4.1 of Permit R13-2826 requires Respondent to keep records of the amount and type of fuel consumed by each compressor engine in order to demonstrate compliance with emissions limits for those engines.
26. Section 3.4.1 of Permit R13-2826 requires Respondent to maintain records of all information (including monitoring data, support information, reports, and notifications) required by the permit and that such information must be recorded in a form suitable and readily available for expeditious review. Further, Section 3.4.1 of Permit R13-2826 sets forth that, at a minimum, Respondent must retain the prior two years of records required to be created by the permit, including but not limited to, all calibration and maintenance records and all original strip chart recordings for continuous monitoring.
27. EPA has determined that, up to the time of the Inspection, Respondent did not create and maintain records of fuel use for each compressor engine as required by Sections 5.4.1 and 3.4.1 of Permit R13-2826.
28. Section 6.2.1 of Permit R13-2826 requires Respondent to conduct visible emission checks and/or opacity monitoring of the hot oil heater, regenerator heaters, and medium heaters on at least a monthly basis.
29. Section 6.4.8 of Permit to R13-2826 requires that Respondent keep records of its visible emissions checks and/or opacity monitoring.
30. EPA has determined that Respondent failed to conduct visible emissions checks and/or opacity monitoring and failed to retain or have available the required records of such checks and monitoring with respect to the hot oil heater, regenerator heaters, and medium heaters, as required by Sections 6.2.1, 6.4.8, and 3.4.1 of Permit R13-2826, during the months of July, August, and September, 2012, and also failed to retain or have available the required records of fuel use, from April 27, 2013, until these data were submitted to EPA on January 13, 2013.
31. Section 9.1.3.c of Permit R13-2826 requires the Respondent to operate the Facility's flare with a flame present at all times whenever emissions may be vented to them.

32. Section 9.2.1 of Permit R13-2826 requires the Respondent to demonstrate compliance with Section 9.1.3.c by monitoring the presence or absence of a flare pilot flame.
33. Respondent stated in its January 16, 2014 letter to EPA that, as of April 27, 2012, no system or procedure was in place to confirm the presence of a pilot flame. Respondent installed data logging software to record the presence of a pilot flame in September 2012.
34. Respondent failed to comply with Section 9.2.1 of Permit R13-2826 until September 2012.
35. A violation of a permit issued pursuant to 45 W. Va. C.S.R. Part 13 constitutes a violation of the West Virginia SIP and of the Act. 40 C.F.R. § 52.23.
36. Respondent's failure to operate the Facility within required permit limits; failure to conduct required checks and monitoring; and failure to retain or have available records required by the Permit R13-2826, as described in paragraphs 24 through 34, above, constitute violations of Section 113 of the Act, 42 U.S.C. § 7413.

Title V Violation

38. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, mandates a federally enforceable operating permit program for certain sources, which States may implement. EPA promulgated final approval of the West Virginia Title V program, as amended, on November 19, 2001. See 40 CFR Part 70, Appendix A. The West Virginia regulations governing the Title V permitting program are located at 45 C.S.R. Part 30.
39. Pursuant to 45 C.S.R. § 30-2.26.b., a stationary source is major if it directly emits or has the potential to emit ("PTE") 100 tons per year of any pollutant subject to regulation, including fugitive emissions if the source is in certain categories of stationary sources. Gas processing plants, such as the Facility, are one of these categories, see 45 C.S.R. § 30-2.26.b.38. See also 40 C.F.R. § 70.2 [definition of "major source"].
40. Pursuant to 45 C.S.R. §§ 30-3.1 and 30-4.1.a2, a major source which becomes subject to 45 C.S.R. Chapter 30 (Title V operating permit program) after the effective date of the operating permit program shall file a complete application to obtain a Title V operating permit or permit revision within twelve (12) months after commencing operation, and shall not operate without, or in violation of the terms of, the applicable Title V operating permit.
41. Pursuant to 40 C.F.R. § 70.5(a)(1), a source must apply for a Title V permit within one year after becoming subject to the Title V permit program.
42. On or about August 6, 2010, Respondent, operating as Caiman Eastern Midstream LLC, submitted an Application for an NSR Permit to expand the Facility pursuant to 45 C.S.R. § 13. WVDEP authorized the expansion through Permit to Modify number R13-2826B,

which became effective on October 29, 2010.

43. WVDEP was notified that the expanded Facility began operations on April 13, 2011. Based on the PTE data in Respondent's Application for an NSR Permit on August 6, 2010, and PTE data provided by Respondent for Tank 880 (7S) in response to an EPA Section 114 Information Request, on April 13, 2011 the expanded Facility had a PTE of approximately 222 tpy of VOCs. Because this PTE exceeded the 100-ton-per-year threshold described in paragraph 39, the Facility was, therefore, subject to the Title V operating permit program as of April 13, 2011.
44. Pursuant to 40 C.F.R. § 70.5(a)(1) and 45 W. Va. C.S.R. § 30-4.1.a.2, a timely application for a source must be filed within 12 months after commencing operations.
45. Respondent did not apply for a Title V permit at any time from April 13, 2011, until December 18, 2014.
46. Respondent's failure to timely apply for a Title V operating permit for the Facility within 12 months of April 13, 2011 constitutes a violation of 45 C.S.R. § 30-4.1.a.2, 40 C.F.R. § 70.5(a)(1), Title V of the Act, and Section 113 of the Act, 42 U.S.C. § 7413.

NSPS Violations

47. Subpart KKK of 40 C.F.R. Part 60 ("Subpart KKK") provides New Source Performance Standards ("NSPS") for equipment leaks of VOCs from onshore natural gas processing plants at which construction, reconstruction, or modification commenced after January 20, 1984 and on or before August 23, 2011.
48. Pursuant to 40 C.F.R. § 60.631, a "natural gas processing plant" means 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; and "onshore" means all facilities except those that are located in the territorial seas or on the outer continental shelf.
49. The Facility is subject to Subpart KKK because construction of the Facility was commenced prior to April 13, 2011, the date on which Respondent, operating as Caiman Eastern Midstream LLC, began operations of the modified Facility subject to West Virginia Permit to Modify, Permit number R13-2826B. The Facility meets the definition of an onshore natural gas processing plant because it engages in the extraction of natural gas liquids from field gas.
50. Pursuant to 40 C.F.R. § 60.632, owners and operators of facilities subject to Subpart KKK are required to comply with the requirements of 40 C.F.R. §§ 60.482-1 (a), (b), and (d) and 60.482-2 through 60.482-10, except as provided in 40 C.F.R. § 60.633, as soon as practicable, but no later than 180 days after initial startup.

51. Pursuant to 40 C.F.R. § 60.482, each owner or operator is required to demonstrate compliance with 40 C.F.R. §§ 60.482-1 (a), (b), and (d) and 60.482-2 through 60.482-10, with exceptions not relevant here, within 180 days after initial startup.
52. Pursuant to 40 C.F.R. § 60.482-6(a)(1), each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.
53. During the Inspection, EPA observed three (3) separate open ended lines, which were identified with Leak Detection and Repair (“LDAR”) tags 1118F, 0428O and 0428U. Each open ended line lacked a cap, blind flange, plug, or a second valve.
54. Pursuant to 40 C.F.R. § 60.482-7(a)(1), any valve in gas vapor or light liquid service shall be monitored monthly to detect leaks by methods specified in 40 C.F.R. § 60.485(b).
55. Any valve for which a leak is not detected for two (2) successive months may be monitored the first month of every quarter, beginning with the next quarter, until a leak is detected. 40 C.F.R. § 60.482-7(c)(1)(i).
56. Based upon data provided to EPA by Respondent, EPA has determined that between August 27, 2011 and September 23, 2012, there were twenty-two (22) instances when valves in gas vapor or light liquid service were not monitored by Respondent at least quarterly as required by 40 C.F.R. § 60.482-7(c)(1)(i). For some valves, Respondent missed more than one inspection, as indicated in parentheses after the valve number. The valves have the following component identification (ID) numbers 10038; 10452; 10583 (four times); 10586; 10730; 10813; 12504 (three times); 11676 (twice); 10249; 10254; 10309; 10382; 10383; 10427; 10520; and 10604.
57. Pursuant to 40 C.F.R. § 60.482-7(c)(2), for any valve where a leak is detected, the valve shall be monitored monthly until a leak is not detected for two (2) successive months.
58. Based upon data provided to EPA by Respondent, EPA determined that between November 11, 2011, and November 12, 2012, Respondent detected leaks from four (4) valves with component ID numbers 11722, 11774, 10057 and 10092 in gas vapor or light liquid service, but had not re-monitored these valves on at least two (2) successive months as required by 40 C.F.R. § 60.482-7(c)(2).
59. Respondent’s failures to equip open ended lines and conduct required LDAR monitoring as required by 40 C.F.R. §§ 60.482-6(a)(1), 7(c)(1)(i) and 7(c)(2) at the Facility constitute violations of Subpart KKK and Section 113 of the CAA, 42 U.S.C. § 7413.

IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

60. Respondent herein certifies to Complainant EPA that upon investigation, to the best of

its knowledge and belief, all violations alleged in this Consent Agreement have been remedied.

61. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle and resolve all violations set forth in Section III of this Consent Agreement.
62. In settlement of the alleged violations enumerated above in Section III of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of One Hundred Forty Thousand Dollars (\$140,000.00) within the time and manner specified herein.
63. The settlement amount of One Hundred Forty Thousand Dollars (\$140,000.00) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e), of the Act, 42 U.S.C. § 7413(e), (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
64. Respondent shall pay the civil penalty of One Hundred Forty Thousand Dollars (\$140,000.00) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
65. 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 or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
66. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order 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).

67. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 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 payment is due and an additional \$15.00 for each subsequent thirty (30) day period in which the penalty remains unpaid.
68. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 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. 31 C.F.R. § 901.9(d).
69. Payment of the civil penalty set forth in Paragraph 62, above, shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number (CAA-03-2016-0124).
70. All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000
Contact: (513) 487-2105

Overnight deliveries shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979077
Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: (314) 418-1028

71. All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York
ABA = 02130004
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”

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
33 Liberty Street
New York, NY 10045

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737
Contact: 866-234-5681

72. An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from www.pay.gov. Enter sfo 1.1 in the search field. Open form and complete required fields.

Additional payment guidance is available at:
http://www.epa.gov/ocfo/finservices/make_a_payment.htm

73. All payments made by check also shall reference the above case caption and docket number, CAA-03-2016-0124. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Daniel E. Boehmcke, Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Chip Hosford (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
74. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
75. Payment of the penalty specified in Paragraph 62, above, in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute satisfaction of all civil claims for penalties for the specific violation alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
76. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

V. Reservation of Rights

This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

The effective date of this CAFO is the date on which the CAFO is filed with the Regional Hearing Clerk of EPA Region III.

VII. Waiver of Hearing

For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

VIII. Entire Agreement

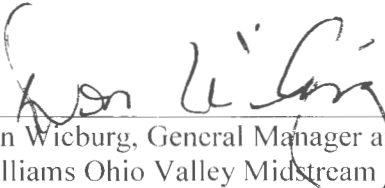
This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO. Nothing in this CAFO shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this CAFO.

IX. Execution

The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this CAFO.

For the Respondent:

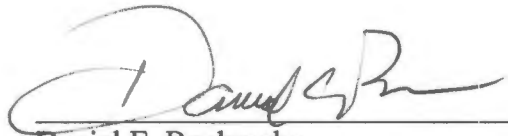
4/4/2012
Date:



Don Wicburg, General Manager and Vice President
Williams Ohio Valley Midstream LLC

For the Complainant:


4/18/16
Date



Daniel E. Boehmcke
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order. The amount of the recommended civil penalty assessment is One Hundred Forty Thousand Dollars (\$140,000.00).

4/20/2016
Date



Nikos Singelis, Acting Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:

	:	Docket No. CAA-03-2016-0124
Williams Ohio Valley Midstream LLC	:	
2000 Commerce Drive	:	
Pittsburgh, Pennsylvania 15275	:	
Respondent	:	
	:	
	:	
	:	
	:	
	:	Proceeding Under the Clean Air Act,
	:	Section 113(a) and (d)

FINAL ORDER

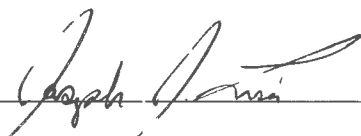
Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency, Region III, and Respondent, Williams Ohio Valley Midstream LLC, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules 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, Sections 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 upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

April 26, 2016
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

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

IN RE:

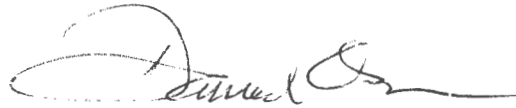
Williams Ohio Valley Midstream LLC : Docket No. CAA-03-2016-0124
2000 Commerce Drive :
Pittsburgh, Pennsylvania 15275 :
Respondent : Proceeding Under the Clean Air Act,
Section 113(a) and (d)
:

CERTIFICATE OF SERVICE

I hereby certify that the original and true and correct copies of the foregoing Consent Agreement and Final Order were hand delivered to the Regional Hearing Clerk, and delivered via e-mail and overnight mail, to the following persons:

Ashley O'Neill, Esquire
Williams
200 Commerce Drive
Building 2
Pittsburgh, PA 15275

4/26/16
Date



Daniel E. Boehmcke
Senior Assistant Regional Counsel