# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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REGION 8
Docket No. CAA-08-2011-0026

		AND LEGION VEN
In the Matter of:	)	JOINT MOTION TO AMEND
	)	ADMINISTRATIVE COMPLAINT
QEP ENERGY COMPANY	)	AND CONSENT AGREEMENT
	)	
Respondent.	)	

Respondent, QEP Energy Company ("QEP") and Complainant, United States Environmental Protection Agency ("EPA") hereby file this joint motion to amend the Administrative Complaint and Consent Agreement:

- On August 29, 2011, the Court approved an Administrative Complaint and Consent Agreement ("Agreement") in this matter (see August 29, 2011 Order Granting Filing of an Electronic Consent Agreement Final Order).
- 2. On November 29, 2011, QEP and EPA filed a Joint Motion to Amend Administrative Complaint and Consent Agreement to reflect the reduced number of sources and the decreased civil penalty amount resulting from a Revised Appendix A and Tables A-1, A-2, A-3 and A-4 to the Agreement.
- On November 29, 2011, the Court approved the Joint Motion to Amend Administrative Complaint and Consent Agreement.
- 4. Pursuant to the terms of Paragraph F.13 of the Agreement, the purpose of this Motion is to request that the Court approve a revised and amended Appendix A by adding Table A-5 which identifies sources which will start construction during the June 30, 2012 through August 29, 2012 time frame after filing a complete application and paying any penalty due, as provided below.
- 5. Each of the sources identified in Table A-5 is a source previously identified on one of Tables A-1 A-4 of the Agreement, as amended, for which construction was not commenced prior to June 30, 2012, and for which a complete application has already been submitted and the appropriate penalty amount has already been paid. Accordingly, no further applications are required nor is any further civil penalty due by virtue of this proposed Joint Motion to Amend.
- Inasmuch as EPA agrees to the addition of Table A-5 to include sources being moved from Tables A-1 – A-4 of the Agreement as amended, and that no further applications

nor any further civil penalty are due in conjunction with those sources, the parties jointly propose to make the following changes to the Agreement as amended:

- In Paragraph D.1.e, the date after which construction of emission sources are not subject to this agreement shall be August 29, 2012;
- In Paragraph D.1.f, Table A-5 shall be added, and the date by which all emission sources identified in Table A-5 must commence construction shall be August 29, 2012 rather than June 30, 2012;
- In Paragraph D.1.g, Table A-5 shall be added, and the date of August 29, 2012 shall be inserted in place of June 30, 2012;
  - d. In Paragraph D.2.b., Table A-5 shall be added;
  - e. In Paragraph F.6, Table A-5 shall be added;
  - f. Table A-5 shall be added to Revised Appendix A, thereby creating Second Revised Appendix A;
- 7. Pursuant to the terms of Paragraph F.13, EPA approves the proposed changes to Paragraphs D.1.e, f and g; Paragraph D.2.b; and Paragraph F.6; and to the Revised Appendix A of the Agreement, as amended, which are set forth in paragraphs 4, 5 and 6 of this Motion.

#### REQUEST

For the above-mentioned reasons, Respondent and Complainant respectfully request that the Court approve substitution of the attached Second Revised Appendix A to the Agreement and approve the revisions to Paragraphs D.1e, f and g; Paragraph D.2.b; and Paragraph F.6 of the Agreement, as described herein and as attached to this Motion.

Date: June 22, 2012

QEP ENERGY COMPANY Respondent

By:

C.B. Stanley President & CEO

United States Environmental Protection Agency,

Region 8

By:

Complainant

Date: June 25, 2012

Andrew M. Gaydosh

Assistant Regional Administrator

Office of Enforcement, Compliance and

Environmental Justice

#### ATTACHMENT 1:

#### FULL TEXT OF MODIFIED PARAGRAPHS IN THE ORIGINAL AGREEMENT

- D.1.e. Any emission sources for which construction will commence after August 29, 2012, are not subject to this Agreement and Respondent must obtain an effective synthetic minor source permit from EPA or comply with the provisions of 40 C.P.R.§ 52.21 prior to commencing construction.
- D.1.f. Inclusion of an emission source listed in Appendix A, Table A-2, A-3, A-4, and/or A-5 does not preclude Respondent from commencing construction of that emission source after the date specified in the relevant Paragraph D.I.b,c, and d above. However, all such emission sources must commence construction by August 29, 2012.
- D.1.g. If any of those emission sources listed in Appendix A, Tables A-2, A-3, A-4, and /or A-5 do not commence construction by August 29, then they are therefore not subject to Section D of this Agreement
- D.2.b. For all New Emission Sources listed in Appendix A, Tables A-2, A-3, A-4, and A-5 the Respondent shall comply with the requirements of Appendix B upon start-up of production. Emission sources that receive an effective synthetic minor source permit before commencing construction are not subject to the requirements of this Agreement.
  - F.6. For all New Emission Sources listed in Appendix A, Tables A-2, A-3, A-4, and A-5, compliance with the relevant CAA provisions requires that Respondent; a)obtains an effective synthetic minor source permit; b) is subject to an EPA approved Federal Implementation Plan which allows for a permit by rule; or c) complies with a new EPA applicable CAA regulation that removes them from PSD applicability.

### QEP Resources, Inc.

## Second Revised APPENDIX A to Consent Agreement, June 14, 2012: EMISSION SOURCE INVENTORY

TABLE A-5: Previously-Identified Emission Sources,
Commencing Construction Between June 30, 2012 and August 29, 2012

SOURCE IDENTIFICATION	SECTION	TOWNSHIP		Expected Commence Construction Date	Previously Included in Table:
16-31G	31	148	92	8/20/12	A-3
12-5H	5	148	91	8/20/12	A-3
16-31B	31	150	91	8/20/12	A-3
16-5F	5	149	90	8/20/12	A-3

#### CERTIFICATE OF SERVICE

The unde	ersigned certifies that the original of the attached Joint Motion to Amend
Administrative (	Complaint and Consent Agreement in the matter of QEP Energy Company,
Docket No. CA	A-08-2011-0026, was filed with the Regional Hearing Clerk on
June 25	, 2012.

Further, the undersigned certifies that, on the same day, a true and correct copy of the document was hand-delivered to Cynthia Reynolds, Director, EPA Air & Toxics Technical Enforcement Program, 1595 Wynkoop Street, Denver, CO 80202 and mailed by first-class U.S. mail to Dan Ryan, Senior Environmental Engineer for QEP Energy, at 1050 17<sup>th</sup> Street, Suite 500, Denver, CO 80265.

Date: June 25, 2012 David Rocke

David Rochlin
Senior Enforcement Attorney
U.S. Environmental Protection Agency