



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2014 OCT 20 AM 10:38

1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CAA-08-2015-0002

IN THE MATTER OF:

NEWFIELD PRODUCTION COMPANY  
VARIOUS WELLS SITES AND  
SUNDANCE COMPRESSOR STATION  
Uinta Basin, UT

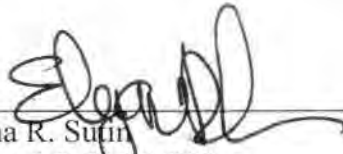
Respondent

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FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 20th Day of October, 2014

  
\_\_\_\_\_  
Elyana R. Sutin  
Regional Judicial Officer

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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**Docket No. CAA-08-2015-0002**

EPA REGION VIII  
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**IN THE MATTER OF:**

**NEWFIELD PRODUCTION COMPANY  
VARIOUS WELL SITES AND  
SUNDANCE COMPRESSOR STATION  
UINTA BASIN, UTAH**

**Respondent.**

**COMBINED COMPLAINT  
AND CONSENT AGREEMENT**

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Newfield Production Company (Newfield) (together, the Parties), hereby consent and agree as follows:

**I. PRELIMINARY MATTERS**

1. This Combined Complaint and Consent Agreement (Agreement) is entered into by the Parties to settle alleged violations of the federal Clean Air Act (Act), 42 U.S.C. §§ 7401-7671, specifically 40 C.F.R. part 60, subpart JJJJ--Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (NSPS JJJJ), 40 C.F.R. part 60, subpart KKK—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for Which Construction, Reconstruction or Modification Commenced After January 20, 1984, and on or Before August 23, 2011(NSPS KKK) and 40 C.F.R. part 49, Federal Minor New Source Review Program in Indian Country (Tribal Minor NSR) and CAA section 112(r) (Risk Management Plans).
2. This matter is subject to the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation, Termination or Suspension of Permits* (Consolidated Rules), 40 C.F.R. part 22. This Agreement contains all terms of the settlement agreed to by the Parties. It is entered into by the Parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. §22.13(b), and executed pursuant to 40 C.F.R. §22.18(b)(2) and (3) of the Consolidated Rules. It also supersedes any prior agreements or understandings, whether written or oral, between the parties with respect to these alleged violations.
3. The EPA and the United States Department of Justice have jointly determined that this matter is appropriate for an administrative penalty assessment, as authorized by section

113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1). Accordingly, the EPA has jurisdiction over this matter pursuant to sections 113(d)(1)(B) and 113(d)(2)(B) of the Act.

4. Respondent admits the jurisdictional allegations in this Agreement, but neither admits nor denies the specific factual allegations or legal conclusions made by Complainant herein, and does not waive its right to contest jurisdiction in any future proceedings not related to the alleged violations in this proceeding involving the Respondent's facilities located in the Uinta Basin, Utah, on state, federal, and Uintah & Ouray Indian Reservation lands.
5. Complainant asserts that settlement of this matter is in the public interest, and Complainant and Respondent agree that entry of a final order approving this Agreement without further litigation and without adjudication of any issue of fact or law is the most appropriate means of resolving this matter. Respondent waives its rights to contest the allegations in the Complaint and to appeal the final order issued by the Regional Judicial Officer approving this Agreement.
6. This Agreement, upon incorporation into a final order, applies to and is binding upon the EPA and upon Respondent, and Respondent's officers, directors, employees, agents, successors, and assigns. 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.
7. Respondent is a Texas corporation, with its principal place of business located in Denver, Colorado. Respondent is, therefore, a "person" as defined in section 7602(e) of the Act.
8. Respondent owns and operates the various well sites (the Facilities) listed in Appendices A, B, C and the Sundance Compressor Station, all located in the Uinta Basin, Utah, on state and Uintah & Ouray Indian Reservation lands.

## **II. ALLEGED VIOLATIONS**

9. Complainant alleges Respondent violated regulations implementing the Act at the Facilities and the Sundance Compressor Station, specifically as follows:
  - a. Failure to perform an initial NSPS subpart JJJJ performance test for the engines listed in Appendix A within 180 days of start-up, violations of 40 C.F.R. § 60.4243(b)(2)(i).
  - b. Failure to submit test results within 60 days after doing the subpart JJJJ initial performance testing for the engines listed in Appendix B, violations of 40 C.F.R. § 60.4245(d).
  - c. Failure to timely register the facilities listed in Appendix C, violations of Tribal Minor NSR registration requirements at 40 C.F.R. § 49.151(c)(1)(iii).
  - d. Failure to timely submit a risk management plan at the Sundance Compressor Station, a violation of 40 C.F.R. part 68.

- e. Failure to timely submit an initial NSPS KKK notification for the Sundance Compressor Station, a violation of 40 C.F.R. § 60.7(a).
10. Newfield has corrected the violations alleged above in Paragraphs 9(b)-(e). Additionally, Newfield and EPA have entered into a Compliance Order on Consent to correct the violations alleged in Paragraph 9(a).

### III. TERMS OF SETTLEMENT

11. The EPA analyzed the facts and circumstances in this matter based on the statutory factors described in section 113(d)(1)(B) of the Act. The EPA determined that an appropriate civil penalty to resolve this matter is **Two Hundred and Forty Six Thousand Dollars (\$246,000)**.
12. Respondent agrees to pay a civil penalty in the amount of Two Hundred and Forty Six Thousand Dollars (\$246,000) in the manner described below in this paragraph:
  - a. Payment is due within thirty (30) calendar days from the date written on the final order, to be issued by the Regional Judicial Officer that adopts this Complaint and Consent Agreement. If the due date falls on a weekend or legal federal holiday, then the due date becomes the next business day. The date the payment is made is considered to be the date processed by the Bank described below. Payments received by 11:00 AM Eastern Time are processed on the same day; those received after 11:00 AM are processed on the next business day.

Payment shall be made by making a wire transfer as provided below or remitting a check, including the name and docket number of this case, for the amount, payable to "*Treasurer, United States of America,*" to:

Regular Mail:  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Federal Express, Airborne, or other commercial carrier:  
US Bank  
Cincinnati Finance Center  
Box 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2GL

St. Louis, MO 63101

Contact: Ms. Natalie Pearson  
314-418-4087

WIRE TRANSFER:

Wire transfers must indicate the name and docket number of this case and be sent directly to the Federal Reserve Bank in New York City with the following information:

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 AD 68010727  
Environmental Protection Agency”

ACH (also known as REX or remittance express)

Automated Clearinghouse payments to the EPA can be made through the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of U.S. Treasury Facility:  
5700 Rivertech Court  
Riverdale, MD 20737

U.S. Treasury Contact Information:  
Randolph Maxwell: 202-874-3420  
Remittance Express (REX): 1-866-234-5681

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.

**A copy of the check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent at the same time to:**

Ms. Alexis North (8ENF-AT)  
U.S. EPA Region 8  
Technical Enforcement Program  
1595 Wynkoop St.  
Denver, CO 80202-1129

and

Ms. Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

- b. In the event payment is not received by the specified due date, interest accrues from thirty (30) days prior to the applicable 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.
  - c. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the applicable due date, 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 ninety (90) days of the applicable due date. Payments are first applied to handling charges, six percent (6%) penalty interest, and late interest; then any balance is applied to the outstanding principal amount.
  - d. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
13. Failure by Respondent to comply with any of the terms of this Agreement shall constitute a breach of the Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.
14. Nothing in this Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

#### **IV. GENERAL PROVISIONS**

15. Each undersigned representative of a Party to this Agreement certifies that he or she is fully authorized by the Party represented to bind the Party to the terms and conditions of

this Agreement and to execute and legally bind that Party to this Agreement. The Parties agree that each Party's obligations under this Agreement constitute sufficient consideration for the other Party's obligations under the Agreement.

16. The Parties agree to submit this Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
17. This Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the Parties, shall be a complete, full and final settlement of the United States' civil penalty claims against Respondent for the specific violations alleged in this Agreement.
18. By signing this Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each such submission, response, and statement. Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
19. The EPA reserves the right to revoke this Agreement and accompanying settlement penalty if and to the extent the EPA finds, after signing this Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein.
20. The substantive terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of the Parties, and incorporation in a revised final order by a Regional Judicial Officer.
21. Each Party shall bear its own costs and attorneys' fees in connection with all issues associated with this Agreement.
22. Respondent remains obligated to comply with all requirements of the Act and its implementing regulations.
23. This Agreement may be signed in multiple counterparts, each of which shall have the force and effect of the original.

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

COMPLAINANT.

Date: 10-20-2014

By: 

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

NEWFIELD PRODUCTION COMPANY

RESPONDENT.

Date: 10-3-14

By: 

PRINTED NAME: Matthew R. Vezza

TITLE: Vice President – Rocky Mountains



## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT, CONSENT AGREEMENT and FINAL ORDER** in the matter of **NEWFIELD PRODUCTION COMPANY VARIOUS WELL SITES AND SUNDANCE COMPRESSOR STATION UINTA BASIN, UTAH; DOCKET NO.: CAA-08-2015-0002**, was filed with the Regional Hearing Clerk on October 20, 2014.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jim Eppers, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail, domestic return receipt on October 20, 2014, to:

Matthew Vezz, VP Rocky Mountains  
Newfield Exploration – Rocky Mountains  
1001 Seventeenth Street, Suite 2000  
Denver, CO 80202

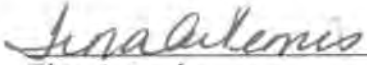
Robert Eales  
Newfield Exploration – Rocky Mountains  
1001 Seventeenth Street, Suite 2000  
Denver, CO 80202

Doug Henderer  
Newfield Exploration – Rocky Mountains  
1001 Seventeenth Street, Suite 2000  
Denver, CO 80202

And emailed to:

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

October 20, 2014

  
Tina Artemis  
Paralegal/Regional Hearing Clerk