



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	Docket No. CAA-05-2024-0007
	)	
Magellan Midstream Partners, L.P.	)	Proceeding to Assess a Civil Penalty
Wrenshall, Minnesota,	)	Under Section 113(d) of the Clean Air Act,
	)	42 U.S.C. § 7413(d)
Respondent.	)	
_____	)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Magellan Midstream Partners, L.P., a Delaware corporation doing business in Minnesota.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

**Statutory and Regulatory Background**

**I. Section 111 of the Clean Air Act, New Source Performance Standards**

9. Pursuant to Section 111(b)(1)(A) of the CAA, 42 U.S.C. §7411, EPA identified and published a list of categories for sources that are judged to cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.

10. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), prohibits the operation of a new source in violation of any applicable NSPS.

11. Section 111(f) of the CAA, 42 U.S.C. § 7411(f), requires EPA to promulgate NSPS for new stationary sources.

**II. NSPS General Provisions, 40 C.F.R. Part 60, Subpart A**

12. EPA promulgated General Provisions to the NSPS at 40 C.F.R Part 60, Subpart A (Subpart A) on December 23, 1971. 36 Fed. Reg. 24,877. The Subpart has been subsequently amended. NSPS Subpart A is codified at 40 C.F.R. §§ 60.1–60.19.

13. Pursuant to 40 C.F.R. § 60.1(a), except as provided in 40 C.F.R. Part 60, Subparts B and C, the provisions of 40 C.F.R. Part 60, Subpart A, apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

14. 40 C.F.R. § 60.11(d) requires that “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.”

15. 40 C.F.R. § 60.2 defines “affected facility” with reference to a stationary source, as any apparatus to which a standard is applicable.

16. 40 C.F.R. § 60.2 defines “commenced” with respect to the definition of new source in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time, a continuous program of construction or modification.

17. 40 C.F.R. § 60.2 defines “modification” as any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

18. 40 C.F.R. § 60.7(a)(4) requires any owner or operator subject to Part 60 must furnish EPA written notification of "any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies." This notice must be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

### III. NSPS for Volatile Organic Liquid Storage Vessels (Subpart Kb)

19. EPA promulgated Subpart Kb on April 8, 1987, 52 *Fed. Reg.* 11429, and is codified at 40 C.F.R. §§ 60.110b – 60.117b.

20. 40 C.F.R. § 60.110b(a) states Subpart Kb applies to each storage vessel with a capacity greater than or equal to 75 cubic meters (m<sup>3</sup>) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

21. 40 C.F.R. § 60.111b notes that terms used in Subpart Kb are defined in the Clean Air Act, in Subpart A, or within 40 C.F.R. § 60.111b.

22. 40 C.F.R. § 60.111b defines "volatile organic liquid (VOL)" as any organic liquid which can emit volatile organic compounds (as defined in 40 C.F.R. § 51.100) into the atmosphere.

23. 40 C.F.R. § 60.112b(a) requires the owner or operator of each storage vessel subject to Subpart Kb to equip each storage vessel with one of the following: (1) a fixed roof in

combination with an internal floating roof meet specifications defined under 40 C.F.R. § 60.112b(a)(1); (2) an external floating roof; (3) a closed vent system and control device meeting the specifications under 40 C.F.R. § 60.112b(a)(3); or (4) a system equivalent to those described in 40 C.F.R. § 60.114b paragraphs (a)(1),(a)(2), or (a)(3).

24. 40 C.F.R. § 60.112b(a)(1) states that a fixed roof in combination with an internal floating roof must meet the qualifications stated in 40 C.F.R. § 60.112b(a)(1) paragraphs (i) through (ix).

25. 40 C.F.R. § 60.112b(a)(1)(i) requires that the internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

26. 40 C.F.R. § 60.112b(a)(1)(ii) requires that each internal floating roof shall be equipped with a closure device between the wall of the storage vessel and the edge of the internal floating roof. The devices are explained in 40 C.F.R. § 60.112b(a)(1)(ii)(A), (B), and (C).

27. 40 C.F.R. § 60.112b(a)(1)(ii)(A) provides that the closure device required by 40 C.F.R. § 60.112b(a)(1)(ii) may be a foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in

contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

28. 40 C.F.R. § 60.112b(a)(1)(ii)(B) provides that the closure device required by 40 C.F.R. § 60.112b(a)(1)(ii) may be two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

29. 40 C.F.R. § 60.112b(a)(1)(ii)(C) provides that the closure device required by 40 C.F.R. § 60.112b(a)(1)(ii) may be a mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

30. 40 C.F.R. § 60.112b(a)(1)(iii) requires that each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

31. 40 C.F.R. § 60.112b(a)(1)(iv) requires that each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains in to be equipped with a cover or a lid which is maintained in a closed position at all times (i.e., no visible gap) except when the devices is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

32. 40 C.F.R. § 60.112b(a)(1)(viii) requires that each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

33. 40 C.F.R. § 60.112b(a)(1)(ix) requires that each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

34. 40 C.F.R. § 60.113b provides that the owner or operator of each storage vessel as specified in 40 C.F.R. § 60.112b(a) shall meet the requirements of 40 C.F.R. § 60.113b(a), (b), or (c). The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of 40 C.F.R. § 60.112b.

35. 40 C.F.R. § 60.113b(a) sets forth the requirements for storage vessels that install the control equipment required to meet 40 C.F.R. § 60.112b(a)(1) (permanently affixed roof and internal floating roof).

36. 40 C.F.R. § 60.113b(a)(1) requires the owner or operator of the storage vessel to visually inspect the Internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

37. 40 C.F.R. § 60.113b(a)(2) requires vessels that are equipped with a liquid-mounted or mechanical shoe primary seal to visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal roof is not resting on

the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in 40 C.F.R. § 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired, or the vessel will be emptied as soon as possible.

38. 40 C.F.R. § 60.113b(a)(3) requires that vessels equipped with a double-seal system as specified in 40 C.F.R. § 60.112b(a)(1)(ii)(B) need to be: (i) visually inspected as specified in 40 C.F.R. § 60.113b(a)(4); or (ii) visually inspected as specified in 40 C.F.R. § 60.113b(a)(2).

39. 40 C.F.R. § 60.113b(a)(4) requires that the owner or operator visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before



refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in 40 C.F.R. § 60.113b(a)(2) and 40 C.F.R. § 60.113b(a)(3)(ii) and at intervals no greater than 5 years in the case of vessels specified in paragraph 40 C.F.R. § 60.113b(a)(3)(i).

40. 40 C.F.R. § 60.113b(a)(5) requires that the owner or operator notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by 40 C.F.R. § 60.113b(a)(1) and 40 C.F.R. § 60.113b(a)(4) to afford the Administrator the opportunity to have an observer present. If the inspection required by 40 C.F.R. § 60.113b(a)(4) is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

41. 40 C.F.R. § 60.115b states that the owner or operator of each storage vessel as specified in 40 C.F.R. § 60.112b(a) shall keep records and furnish reports as required by 40 C.F.R. § 60.115b(a), (b), or (c) depending upon the control equipment installed to meet the requirements of 40 C.F.R. § 60.112b. The owner or operator shall keep copies of all reports and

records required by this section, except for the record required by 40 C.F.R. § 60.115b(c)(1), for at least two (2) years.

42. 40 C.F.R. § 60.115b(a) states the requirements for reporting and recordkeeping requirements after the installation of control equipment that includes a fixed roof and an internal floating roof.

43. 40 C.F.R. § 60.115b(a)(3) states that if any of the conditions described in 40 C.F.R. § 60.113b(a)(2) are detected during the annual visual inspection required by 40 C.F.R. § 60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

#### **IV. Administrative Authority**

44. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$55,808 per day of violation up to a total of \$446,456 for violations that occurred after November 2, 2015, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

45. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the 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.

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

### **Factual Allegations and Alleged Violations**

#### **I. Factual Background**

47. Respondent owns and operates a liquid petroleum bulk storage terminal located at 10 Broadway Street, Wrenshall, Minnesota (Facility).

48. Respondent owns and operates multiple tanks at the Facility which contain products of biodiesel, diesel, ethanol, gasoline, and transmix.

49. Respondent owns a tank identified as Tank 157.

50. Respondent operates Tank 157 as a transmix tank.

51. In August 2011, Respondent completed a Department of Transportation (DOT) API653 integrity inspection of Tank 157 (DOT Inspection).

52. Following the DOT Inspection, in 2011, the existing ladder was replaced with a new ladder/slotted gauge pole combination in Tank 157.

53. On June 3, 2019, EPA inspected the Facility.

54. During EPA's June 2019 inspection (2019 Inspection), EPA used a FLIR<sup>®</sup> camera to record video of emissions from tanks.

55. During EPA's 2019 Inspection, Tank 157 was operating with an internal floating roof with a primary wiper seal and no secondary seal.

56. During EPA's 2019 Inspection, EPA recorded footage of hydrocarbon emissions escaping from Tank 157.

57. On June 13, 2019, EPA requested Respondent provide documentation for four (4) floating roof tanks: Tank 70; Tank 122; Tank 311; and Tank 157.

58. On July 31, 2019, Respondent provided information stating, among other things:

- a. Tank 157 was constructed in 1958, and the primary wiper seal for Tank 157 was installed in 2001;
- b. In 2011, when Tank 157 was taken out of service for the DOT Inspection, a vertical ladder was replaced with a combination ladder and slotted gauge pole without installing an emission sleeve, which resulted in an emission increase (2011 modification), making Tank 157 subject to Subpart Kb;
- c. the emission calculations resulting from the 2011 modification demonstrate a potential emission increase of 129 lbs VOC/year (from 2,901 lbs VOC/yr to 3,030 lbs VOC/yr);
- d. following EPA's Inspection, Respondent took immediate measures to empty and remove Tank 157 from service and would not return Tank 157 to service until Tank 157's fittings and seals complied with Subpart Kb; and
- e. Respondent would provide EPA with the results of its inspection of Tank 157 once the inspection was completed.

59. On August 15, 2023, EPA issued a Finding of Violation to Respondent.

60. On August 22, 2023, Respondent provided EPA with documents related to Tank 157.

61. Based on EPA's investigation and review of documents and information submitted by Respondent, EPA alleges Respondent violated the CAA and its implementing regulations as set forth below.

**II. Violation of Closure Device Requirements (Count 1)**

62. From 2011 through approximately July 16, 2019, Respondent failed to comply with the emissions standards requirement to have a closure device that complies with 40 C.F.R. § 60.112b(a)(1)(ii)(A), (B), or (C).

63. Respondent's failure to comply with the emissions standard requirement in Paragraph 62 is a violation of 40 C.F.R. § 60.112b(a)(1)(ii) and the CAA.

**III. Violation of Emission Seal or Cover Requirements (Count 2)**

64. From approximately 2011 through July 16, 2019, Respondent failed to comply with the emissions standard requirement to have a flexible fabric sleeve seal or a gasketed sliding cover for the column supporting the fixed roof as required by 40 C.F.R.

§ 60.112b(a)(1)(viii).

65. Respondent's failure to comply with the emissions standard requirement in Paragraph 64 is a violation of 40 C.F.R. § 60.112b(a)(1)(viii) and the CAA.

**IV. Violation of Reporting and Recordkeeping Requirements (Count 3)**

66. From approximately 2011 through July 16, 2019, Respondent failed to comply with the reporting and recordkeeping requirements in 40 C.F.R. § 60.115b(a)(3).

67. Respondent's failure to comply with reporting and recordkeeping requirements in Paragraph 66 is a violation of 40 C.F.R. § 60.115b(a)(3) and the CAA.

**Civil Penalty**

68. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$140,000.

69. Penalty Payment. Respondent agrees to:

- a. Pay the civil penalty of \$140,000 within 30 days after the effective date of this CAFO.
- b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
<p>Automated Clearinghouse (ACH) payments made through the US Treasury</p>	<p>US Treasury REX/Cashlink ACH Receiver            ABA: 051036706            Account Number: 310006, Environmental Protection Agency            CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
<p>Wire transfers made through Fedwire</p>	<p>Federal Reserve Bank of New York            ABA: 021030004            Account Number: 68010727            SWIFT address: FRNYUS33            33 Liberty Street            New York, NY 10045            Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through <a href="https://www.pay.gov">Pay.gov</a></p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express &amp; Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> <li>• Go to <a href="https://www.pay.gov">Pay.gov</a> and enter “SFO 1.1” in the form search box on the top left side of the screen.</li> <li>• Open the form and follow the on-screen instructions.</li> <li>• Select your type of payment from the "Type of Payment" drop down menu.</li> <li>• Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field</li> </ul>
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p><b>For standard delivery:</b>            U.S. Environmental Protection Agency            Fines and Penalties            Cincinnati Finance Center            P.O. Box 979078            St. Louis, Missouri 63197-9000</p> <p><b>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc):</b>            U.S. Environmental Protection Agency            Government Lockbox 979078            3180 Rider Trail S.            Earth City, Missouri 63045</p>

70. Within 24 hours of the payment of the civil penalty, Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[R5airenforcement@epa.gov](mailto:R5airenforcement@epa.gov)

Mary McAuliffe  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[McAuliffe.Mary@epa.gov](mailto:McAuliffe.Mary@epa.gov)

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

71. This civil penalty is not deductible for federal tax purposes.

72. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

73. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is



overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

74. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (IRS) annually, a completed IRS Form 1098-F (Fines, Penalties, and Other Amounts) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (Request for Taxpayer Identification Number and Certification), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at [wise.milton@epa.gov](mailto:wise.milton@epa.gov), within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

#### **General Provisions**

75. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [mcauliffe.mary@epa.gov](mailto:mcauliffe.mary@epa.gov) (for Complainant), and [danny.scroggins@oneok.com](mailto:danny.scroggins@oneok.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

76. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

77. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

78. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state, and local laws. Except as provided in paragraph 76, above,

compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

79. Respondent certifies that it is complying fully with Subpart UUUUU and the Facility's CAA Part 70 Operating Permit.

80. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

81. The terms of this CAFO bind Respondent, its successors and assigns.

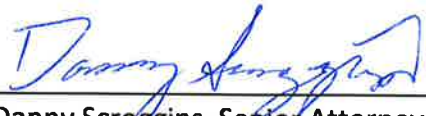
82. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

83. Each party agrees to bear its own costs and attorney's fees in this action.

84. This CAFO constitutes the entire agreement between the parties.

**Magellan Midstream Partners, L.P., Respondent**

2/17/24  
Date

  
Danny Scroggins, Senior Attorney  
Magellan Midstream Partners, L.P.  
a wholly owned subsidiary of  
ONEOK Partners Intermediate Limited Partnership

**United States Environmental Protection Agency, Complainant**

---

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order**  
**In the Matter of: Magellan Midstream Partners, L.P.**  
**Docket No. CAA-05-2024-0007**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5