

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

6073
20150924 11:14 AM
20150924 11:14 AM
20150924 11:14 AM

IN THE MATTER OF: §
§
§
§
UNIVERSAL PRESSURE PUMPING INC. § Consent Agreement and Final Order
§ USEPA Docket No. RCRA-06-2015-0913
§
§
RESPONDENT §
(No EPA ID NUMBER) §

CONSENT AGREEMENT AND FINAL ORDER

I.

PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Respondent, Universal Pressure Pumping, Inc., (“UPP” or “Respondent”) and concerns eight (8) facilities, each with different levels of noncompliance and for different periods that will be specified in the claims for the respective facility. The facilities that are covered by this CAFO are:
 - A. The facility located at 2401 E. Interstate 20 Access Road, Midland, Texas 79701 (the “Old Midland Facility”);
 - B. The facility located at 3173 U.S. Highway 277, Carrizo Springs, Texas (the “Carrizo Facility”);
 - C. The facility located at 705 Weatherford, Chico, Texas (the “Chico Facility”);

- D. The facility located at 3205 Windmill Road, Cleburne, Texas (the “Cleburne Facility”);
 - E. The facility located at 14910 Streich Road, Elmendorf, Texas 78112 (the “Elmendorf Facility”);
 - F. The facility located at 1016 Cox Drive, Kilgore, Texas 75662 (the “Kilgore Facility”);
 - G. The facility located at 4124 Dan Hanks, San Angelo, Texas 76904 (the “San Angelo Facility”); and
 - H. The facility located at 4517 W. Industrial Avenue, Midland, Texas 79703(the “New Midland Facility”).
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(2).
 3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
 4. The Respondent explicitly waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.
 5. The CAFO resolves only those violations which are alleged herein.
 6. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order.

II.
JURISDICTION

7. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA") and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is a Delaware corporation, authorized to do business in Texas on July 22, 2010, and is located at 6 Desta Drive, Suite 4400, Midland, Texas 79705.
10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); and 30 TEX.ADMIN.CODE § 3.2(25), [40 C.F.R. § 260.10].
11. Respondent's Registered Agent for service in the State of Texas is C.T. Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.
12. UPP owns or operates and/or previously owned or operated the Facilities at the respective locations identified in Paragraph I above and at each Facility engaged in activities that support oil and gas operations.

13. During the period of May 2014 through October 2014, EPA conducted a RCRA investigation and record review (“Investigation”) of UPP’s performance as a generator of hazardous waste.
14. In May 2014, EPA conducted site visits at several Treatment, Storage, and Disposal Facilities (“TSDs”) and pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927 obtained additional information on UPP’s hazardous wastes that it offered for transport and treatment (“Responses”).
15. During the Investigation and review of the Responses, EPA discovered that UPP, at a minimum, generated and offered for transport and treatment, without an EPA identification number, the following hazardous waste, during 2010 through 2013 at the Old Midland Facility:
 - a. 2010- Ten shipments (each shipment greater than 100 kg) of 25,250 kg of hazardous wastes, having the hazardous waste characteristic of ignitability (D001), corrosivity (D002), and the listed hazardous waste having the wastes codes P102, U123, U154, and U239;
 - b. 2011- Seventeen shipments (each shipment greater than 100 kg) of 48,759 kg of hazardous wastes, having the hazardous waste characteristic of ignitability (D001) and corrosivity (D002);
 - c. 2012- Nine shipments (each shipment greater than 100 kg) of 30,236 kg of hazardous wastes, having the hazardous waste characteristic of ignitability (D001) and corrosivity (D002); and

- d. 2013- Six shipments (each shipment greater than 100 kg) of 59,313 kg of hazardous wastes, having the hazardous waste characteristic of ignitibility (D001) and corrosivity (D002).

16. With additional investigation during December 2014 and January 2015, EPA determined that UPP owned and operated eight (8) facilities in Texas and at various times during the period of 2010 to the present, are listed in Paragraph 1 above, including the Old Midland Facility.
17. The Facilities listed in Paragraph 1 above is each a “facility” within the meaning of 30 TEX.ADMIN.CODE § 335.1(59), [40 C.F.R. § 260.10].
18. EPA determined that the activities at all eight (8) Facilities are similar.
19. The waste streams identified in Paragraph 15 are “hazardous waste” as defined in 30 TEX.ADMIN.CODE § 335.1 (69), [40 C.F.R. §§ 261.21, 261.22, and 261.24].
20. From the Investigation and review of the Responses, EPA determined that UPP generated, at a minimum, the hazardous waste streams identified in Paragraph 15 in quantities that exceeded the threshold amount in some instances of 100 kg and in other instances 1000 kg of hazardous waste per month, which qualified UPP, at a minimum, for the small quantity generator status under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
21. UPP is a “generator” of “hazardous waste” as those terms are defined in Sections 30 TEX ADMIN.CODE §§ 335.1(65) & (69), [40 C.F.R. § 260.10].
22. As a generator of hazardous waste, UPP is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. Part 262].

Old Midland Facility
(During the Period of 2011 to 2013)

Claim i. Notification Requirements

23. The allegations in Paragraphs 1-22 are realleged and incorporated herein by reference.
24. Pursuant to 30 TEX.ADMIN.CODE §§ 335.78(a) and (b), [40 C.F.R. §§ 261.5(a) and (b)], a generator is a conditionally exempt small quantity generator (“CESQG”) in a calendar month if he generates no more than 100 kg of hazardous waste and complies with 30 TEX.ADMIN.CODE §§ 335.78(f), (g), and (j), [40 C.F.R. §§ 261.5 (f), (g), and (j)].
25. The exemptions set forth at 30 TEX.ADMIN.CODE § 335.78(c), [40 C.F.R. § 261.5(c)], are not applicable to UPP.
26. During the Investigation and review of the Responses, EPA determined that UPP has not and does not operate as a CESQG.
27. During the Investigation and review of the Responses, EPA determined that UPP in some instances operated as a small quantity generator (“SQG”) and in other instances operated as a large quantity generator (“LQG”).
28. Within the meaning of 30 TEX.ADMIN.CODE § 335.1(65), [40 C.F.R. § 260.10], UPP is a “generator”.
29. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator or authorized State a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person. No identified or listed

hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

30. UPP did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Old Midland Facility for the period of 2011 through 2014 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

Claim ii. Managing Hazardous Waste without a Generator Identification Number

31. The allegations in Paragraphs 1-30 are realleged and incorporated herein by reference.

32. Pursuant to 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)], a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

33. During the Investigation and review of the Responses, EPA determined that UPP did not apply to the Administrator and receive an EPA identification number.

34. At all relevant times to the CAFO, UPP treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

Claim iii. Failure to Operate within Its Stated Generator Status

35. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.

36. During the Investigation, EPA determined that UPP declared its generator status as a conditionally exempt small quantity generator (“CESQG”).

37. Pursuant to 30 TEX.ADMIN.CODE § 335.78(b) and 40 C.F.R. § 261.5(b), as long as a CESQG complies with the applicable requirement under 30 TEX.ADMIN.CODE §§ 335.78(e), (f), (g) and (j) and 40 C.F.R. §§ 261.5 (e), (f), (g) and (j) the generator's hazardous waste is not subject to regulation under 30 TEX.ADMIN.CODE, Chapter 335, Subchapters C-H and O; 40 C.F.R. Parts 262 through 268; 40 C.F.R. Parts 270 and 124; and the requirements of Section 3010 of RCRA, 42 U.S.C. § 6930.
38. During the period of 2011 through 2013, UPP exceeded its declared CESQG status and for the months such hazardous waste remained onsite, operated in some instances as a small quantity generator and in other instances as a large quantity generator in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

Claim iv. Failure to File Biennial Reports

39. The allegations in Paragraphs 1-38 are realleged and incorporated herein by reference.
40. Pursuant to 30 TEX.ADMIN.CODE § 335.71, [40 C.F.R. § 262.41] a generator who ships any hazardous waste off-site for treatment, storage and/or disposal, must prepare and submit a Biennial Report to EPA's Regional Administrator, and to the TCEQ, by March 1 of each even-numbered year in addition to the annual reporting, which is required under 30 TEX.ADMIN.CODE § 335.9.
41. At all times relevant to this CAFO, the EPA and/or the TCEQ did not receive the requisite number of Biennial Reports that UPP was required to file in violation of 30 TEX.ADMIN.CODE §§ 335.9 and 335.71, [40 C.F.R. § 262.41].

Claim v. Failure to Keep Required Records

42. The allegations in Paragraphs 1-41 are realleged and incorporated herein by reference.

43. Pursuant to 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)] a generator must keep records of any test results, waste analyses, or other determinations made in accordance with 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11] for at least three years from the date the waste was last sent to on-site or off-site for treatment, storage, or disposal.

44. At all times relevant to this CAFO, Respondent did not create and keep the requisite hazardous waste determination records made in accordance with its hazardous waste determination in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

Claim vi. Failure to Comply with the Manifest Requirements

45. The allegations in Paragraphs 1-44 are realleged and incorporated herein by reference.

46. Pursuant to 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)(1)] a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262 and includes a Texas waste code for each hazardous waste itemized on the manifest.

47. At times relevant to this CAFO, EPA reviewed three (3) manifests, prepared by Respondent that were not prepared as is required by the regulations and therefore Respondent violated 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)(1)].

Carrizo Facility
(During the Period of 2011 to the Effective Date of the CAFO)

Claim i. Failure to Comply with the Manifest Requirements

48. The allegations in Paragraphs 1-22 and 46 are realleged and incorporated herein by reference.
49. At times relevant to this CAFO, Respondent did not prepare its manifest for the Carrizo facility as is required by the regulations and therefore violated of 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)(1)].

Chico; Cleburne; San Angelo; and Kilgore;
(During the Period of 2011 to the Effective Date of the CAFO)

Claim i. Notification Requirements

50. The allegations in Paragraphs 1-22 and 24 -29 are realleged and incorporated herein by reference.
51. UPP did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Chico, Cleburne, San Angelo, and Kilgore facilities and for the period of 2010 through 2013 in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

Claim ii. Managing Hazardous Waste without a Generator Identification Number

52. The allegations in Paragraphs 1-22, 32, and 33 are realleged and incorporated herein by reference.
53. At all relevant times to the CAFO, UPP treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number from the Administrator for the Chico, Cleburne, San Angelo, and Kilgore facilities in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

Claim iii. Failure to Operate within Its Stated Generator Status

54. The allegations in Paragraphs 1-22, 36 and 37 are realleged and incorporated herein by reference.
55. During the period of 2012 through 2013, UPP exceeded its declared CESQG status and for the months such hazardous waste remained onsite, operated in some instances as a small quantity generator and in other instances as a large quantity generator at the Chico, Cleburne, San Angelo, and Kilgore facilities in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

Claim iv. Failure to File Biennial Reports

56. The allegations in Paragraphs 1-22 and 40 are realleged and incorporated herein by reference.
57. At all times relevant to this CAFO, the EPA and/or the TCEQ did not receive the requisite number of Biennial Reports that UPP was required to file for the Chico, Cleburne, San Angelo, and Kilgore facilities in violation of 30 TEX.ADMIN.CODE §§ 335.9 and 335.71, [40 C.F.R. § 262.41].

Claim v. Failure to Keep Required Records

58. The allegations in Paragraphs 1-22 and 43 are realleged and incorporated herein by reference.
59. At all times relevant to this CAFO, Respondent did not create and keep the requisite hazardous waste determination records for the Chico, Cleburne, San Angelo, and Kilgore facilities, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

Elmendorf and New Midland
(During the Period of 2014 to the Effective Date of the CAFO)

Claim i. Notification Requirements

60. The allegations in Paragraphs 1-22 and 24 -29 are realleged and incorporated herein by reference.

61. UPP did not file with the Administrator or the authorized State a notification of its hazardous waste activities for the Elmendorf and New Midland facilities for 2014 and in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

Claim ii. Managing Hazardous Waste without a Generator Identification Number

62. The allegations in Paragraphs 1-22, 32, and 33 are realleged and incorporated herein by reference.

63. During the period of 2014, UPP treated, stored, disposed of, and/or offered for transportation hazardous waste without having received an EPA identification number for the Elmendorf and New Midland facilities from the Administrator in violation of 30 TEX.ADMIN.CODE § 335.63(a), [40 C.F.R. § 262.12(a)].

Claim iii. Failure to Operate within Its Stated Generator Status

64. The allegations in Paragraphs 1-22, 36 and 37 are realleged and incorporated herein by reference.

65. During the period of 2014, UPP exceeded its declared CESQG status and for the months such hazardous waste remained onsite, operated in some instances as a small quantity generator and in other instances as a large quantity generator at the Elmendorf and New Midland facilities in violation of one or more of the requirements for small and large quantity generators under 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. § 262.34].

Claim iv. Failure to Keep Required Records

66. The allegations in Paragraphs 1-22 and 43 are realleged and incorporated herein by reference.
67. During the period of 2014, Respondent did not create and keep the requisite hazardous waste determination records for the Elmendorf and New Midland facilities, made in accordance with its hazardous waste determination, in violation of 30 TEX.ADMN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

IV.
COMPLIANCE ORDER

68. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered, upon the effective date of this Order, not to treat, store, dispose of, transport, and/or offer for transportation, hazardous waste without first receiving an EPA identification number from the State of Texas for each Facility listed in Paragraph 1 above.
69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within one hundred and twenty (120) calendar days of the effective date of this Order, Respondent shall provide in writing the following:
- A. Respondent shall certify that it has assessed all its solid waste streams at each Facility to determine the accurate waste codes and has developed and implemented standard operating procedures (“SOP”) for each Facility to ensure that UPP is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste

Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal requirements;

- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification and the requirements of Paragraph 68 above for each Facility and within the prescribed time period; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

70. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of UPP and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Hazardous Waste Enforcement Branch
Compliance Enforcement Section (6EN-11C)
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: Dale Thrush

V.

TERMS OF SETTLEMENT

i. Penalty Provisions

71. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Five Hundred and One Thousand One Hundred and Seventy-Five Dollars (\$501,175).

72. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

73. The following are Respondent's options for transmitting the penalties:

Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express

Mail, the check should be remitted to:

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

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-G1
St. Louis, MO 63101
314-418-1028

Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of Universal Pressure Pumping, Inc.,
Docket No. RCRA-06-2015-0913) shall be clearly documented on or within your chosen
method of payment to ensure proper credit.

74. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Mark Potts, Associate Director
Hazardous Waste Enforcement Branch (6EN-11)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Dale Thrush

Your adherence to this request will ensure proper credit is given when penalties are
received by EPA.

75. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law,
EPA will assess interest and late payment penalties on outstanding debts owed to the
United States and a charge to cover the cost of processing and handling a delinquent
claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the
effective date of the CAFO and will be recovered by EPA on any amount of the civil
penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and

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). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Cost

76. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

iii. Termination and Satisfaction

77. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall so certify in writing and in accordance with the certification language set

Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

forth in Section IV (Compliance Order), Paragraph 70. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

iv Effective Date of Settlement


78. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:


Date: April 7, 2015



Universal Pressure Pumping, Inc.
John Carnett
President

FOR THE COMPLAINANT:

Date: 4.15.15



John Blevins
Director
Compliance Assurance and
Enforcement Division

Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 CFR Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 CFR § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 4/20/15



Thomas Rucki
Regional Judicial Officer

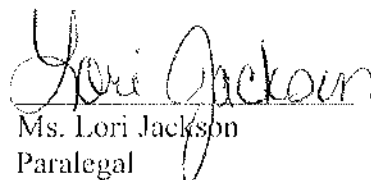
Re: UNIVERSAL PRESSURE PUMPING INC.
RCRA-06-2015-0913

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of April, 2015, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7014 0150 0000 3453 3887

Universal Pressure Pumping, Inc.
C/o J. Scott Janoe
Attorney
Baker Botts LLP
One Shell Plaza
910 Louisiana
Houston, TX 77002
Ph.: 713-229-1533


Ms. Lori Jackson
Paralegal