



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

FILED

21 APR 29 AM 8:43

ALYNN M. STARRING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2021-3332

This ESA is issued to: Summit Midstream Lane Processing Facility

At: 55 Buffalo Grass Road, Carlsbad, New Mexico 88220

for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and Summit Midstream Partners LLC (Respondent) have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of 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 ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's policies¹ are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On November 5-19, 2020, an authorized representative of the EPA conducted a Virtual Partial Compliance Evaluation (VPCE) of Respondent's facility, located at Carlsbad, New Mexico, to determine compliance with the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The EPA found that Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

1) 40 C.F.R. § 68.69(c) Operating Procedures

"The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate."

2) 40 C.F.R. § 68.195(b) Required Corrections

"The owner or operator of a stationary source for which a RMP was submitted shall correct the RMP as follows: Emergency contact information beginning June 21, 2004, within one month of any change in the emergency contact information required under § 68.160(b)(6), the owner or operator shall submit a correction of that information."

¹ "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68" (2004); and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the criteria set forth in the EPA's policies¹, and upon consideration of the entire record, EPA and Respondent enter into this ESA in order to settle the violations, described above, for the total penalty amount of **\$1,760.00**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that Respondent has corrected the violations listed above and has paid the full penalty of **\$1,760.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

The Docket Number of this ESA is **CAA-06-2021-3318** and must be included on the payment. **The signed ESA and a copy of the payment must be sent by email to: rogers.elizabeth@epa.gov**

Full payment of the ESA penalty shall only resolve Respondent's civil liability for the violations alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to the EPA Region 6 at the above e-mail address in correct form by Respondent within 30 days of the date of the receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: rogers.elizabeth@epa.gov

To Respondent: justin.booth@summitmidstream.com

SIGNATURE BY RESPONDENT:

Signature: Justin Booth Digitally signed by Justin Booth
Date: 2021.04.21 10:46:03 -06'00'

Date: 4/21/21

Name (print): Justin Booth

Title (print) Health & Safety, PSM Supervisor

Cost of Corrective Actions: NA

Respondent's Brief Description of Complying Action: Alleged Violation 1, Operating Procedures:

Summit Midstream discovered the omitted 2019 annual operating procedure in January 2020. Since 2019 already elapsed, we completed the required 2020 certification. We generated a document to track critical RMP dates that include annual operating procedures to ensure future certifications are not missed.

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

Alleged Violation 2, Required Corrections:

The Lane Facility RMP Plan Emergency Contacts were updated with the appropriate emergency contact on 11/5/2020.

SIGNATURE BY EPA:

**STEPHEN
GILREIN**

Digitally signed by STEPHEN GILREIN
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=STEPHEN GILREIN,
0.9.2342.19200300.100.1.1=68001003651794
Date: 2021.04.26 16:25:16 -0500

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division

Date: _____

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

Rucki, Thomas

Digitally signed by Rucki, Thomas
DN: cn=Rucki, Thomas, email=Rucki.Thomas@epa.gov
Date: 2021.04.29 08:38:30 -0500

Thomas Rucki
Regional Judicial Officer

Date: _____

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to EPA:

rogers.elizabeth@epa.gov

Copy via Email to Respondent:

Justin.booth@summitmidstream.com

Mr. Justin Booth
Sr. HSE Specialist-PSM
Summit Midstream Partners LLC
Summit Midstream Lane Processing
1790 Hughes Landing Blvd., Suite 500
The Woodlands, TX 77380

Date _____

ELIZABETH
ROGERS

Digitally signed by ELIZABETH ROGERS
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=ELIZABETH ROGERS,
0.9.23.42.19200300.100.1.1=68001003655414
Date: 2021.04.29 06:37:46 -0500

Signed
United States Environmental Protection Agency,
Region 6