

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**



<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO.: CAA-03-2025-0020</b>
	)	
<b>ThompsonGas Propane Holdings, LLC</b>	)	
	)	
<b>Respondent</b>	)	<b>EXPEDITED SETTLEMENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
<b>Baltimore LPG Terminal</b>	)	
<b>3101 Shell Road</b>	)	
<b>Baltimore, Maryland 21226</b>	)	
	)	
<b>Site/Facility</b>	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. ThompsonGas Propane Holdings, LLC (“Respondent”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“the Agreement”) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the “Act” or “CAA”), 42 U.S.C. § 7413(a)(3), and (d) and Sections 22.13(b), and 22.18(b)(2), and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. § 22.13(b), and 22.18(b)(2), and (3). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d), and 40 C.F.R. §§ 22.1(a)(2) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the owner and operator of a “stationary source,” as the term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.
4. On December 7, 2023, a representative of EPA conducted an inspection of Respondent’s

facility known as Baltimore LPG Terminal located at 3101 Shell Road in Baltimore, Maryland to determine compliance with Section 112(r) of the Act, 42 U.S.C. § 7412(r), and the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68, and observed that during the violation periods set forth in the ESA, the Respondent was handling more than 10,000 pounds of propane at the Facility.

5. Propane is a regulated flammable substance for purposes of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), because it is listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130. The threshold quantity for the regulated flammable substance is 10,000 pounds for Propane, pursuant to 40 C.F.R. § 68.130, Table 3. More than a threshold quantity of a regulated substance is present in a process at the Facility.
6. Complainant has identified the following violations of the RMP regulations:
  - a. From at least December 7, 2018, until December 7, 2023, no date was recorded for when Process Hazard Analysis was conducted or certified last. PHA has not been updated and revalidated by a team every five years after the completion of the initial PHA to assure that the PHA is consistent with the current process, in violation of 40 C.F.R. § 68.67(f).
  - b. From at least December 7, 2018, until December 7, 2023, Respondent failed to provide Process Hazard Analysis with Results of Analysis or Problems Resolved documentation. Owner or Operator has not retained PHAs and updates or revalidations for each process covered, as well as the resolution of recommendations for the life of the process, in violation of 40 C.F.R. § 68.67(g).
  - c. From at least December 7, 2020, until December 7, 2023, Respondent failed to conduct Compliance Audits. Specifically the owner or operator has not certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed; an audit has not been conducted by at least one person knowledgeable in the process; no audit findings documented in a report; owner or operator has not promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected; owner or operator has not retained the two most recent compliance reports, in violation of 40 C.F.R. § 68.79.
7. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate..
8. Complainant and Respondent agree that settlement of this matter for a penalty of \$4,640 (FOUR THOUSAND SIX HUNDRED FORTY DOLLARS) is in the public interest. In

calculating this amount, Complainant considered the factors provided in CAA Section 113(e)(1), EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program dated June 20, 2012, as well as the EPA Memoranda, "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, and "Revised Guidance on the Use of Expedited Settlement Agreements," dated November 24, 2014.

9. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$4,640** to "**United States Treasury**" with the case name, address and docket number of this Agreement (CWA-03-2025-0020), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
10. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Kyung Jae Min  
Min.kyung@epa.gov

and

Regional Hearing Clerk  
R3\_Hearing\_Clerk@epa.gov

11. The Respondent certifies that, since its last Risk Management Plan update required pursuant to 40 C.F.R. § 68.190, it has not done either of the following: (a) introduced a new regulated substance at the Facility in an amount greater than its threshold quantity; or (b) introduced a new process which uses a regulated substance in an amount greater than its threshold quantity.
12. In signing this Agreement, the Respondent admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and

- agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
13. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the violations alleged in this Agreement, and (2) any documentation or information that he or she provided to EPA was true and accurate.
  14. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
  15. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) and Section 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement, following its filing with the Regional Hearing Clerk.
  16. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
  17. COST OF COMPLIANCE: Respondent certifies that it has expended **\$5,000** to correct the alleged violation(s) and to come into compliance.
  18. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
  19. This Agreement is binding on the parties signing below and is effective upon filing of the ESA and Final Order by the Regional Hearing Clerk, in accordance with 40 C.F.R. § 22.31(b).
  20. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind ThompsonGas Propane Holdings, LLC.
  21. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: min.kyung@epa.gov (for Complainant), and [mdettloff@thompsongas.com](mailto:mdettloff@thompsongas.com) (for Respondent).

22. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

**For Respondent:** ThompsonGas Propane Holdings, LLC

Date: \_\_\_\_\_

By: \_\_\_\_\_

Mark Dettloff  
VP of Safety & Risk Management

**For Complainant: U.S. Environmental Protection Agency, Region 3**

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

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*[Digital Signature and Date]*

Karen Melvin, Director  
Enforcement and Compliance Assurance Division



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 Philadelphia, Pennsylvania 19103**

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<b>Respondent</b>	)	<b>EXPEDITED SETTLEMENT AGREEMENT AND</b>
	)	<b>FINAL ORDER</b>
<b>Baltimore LPG Terminal</b>	)	
<b>3101 Shell Road</b>	)	
<b>Baltimore, Maryland 21226</b>	)	
	)	
<b>Site/Facility</b>	)	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, ThompsonGas Propane Holdings, LLC, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the factors provided in CAA Section 113(e)(1), EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program dated June 20, 2012, as well as the EPA Memoranda, "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, and "Revised Guidance on the Use of Expedited Settlement Agreements," dated November 24, 2014.

**NOW, THEREFORE, PURSUANT TO** Section 113(d)(1) of the CAA, 42 U.S.C. §7413(d)(1), and in accordance with Section 18(b)(3) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, and having relied upon the representations of the parties set forth in this Agreement, **IT IS**

**HEREBY ORDERED** that Respondent pay a civil penalty in the amount of \$4,640.00 (**FOUR THOUSAND SIX HUNDRED FORTY DOLLARS**), in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and the regulations promulgated thereunder.

This Expedited Settlement Agreement and Final Order will be effective upon filing of the ESA and Final Order by the Regional Hearing Clerk.

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*[Digital Signature and Date]*

Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA – Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

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**Baltimore, Maryland 21226** :  
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**Respondent.** :  
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:  
**Site/Facility.** :

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**CERTIFICATE OF SERVICE**

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Mark Dettloff, VP of Safety & Risk Management	Kyung Jae Min
ThompsonGas Propane Holdings, LLC	RMP Inspector
MDettloff@thompsongas.com	U.S. EPA, Region 3
5260 Westview Drive	Min.kyung@epa.gov
Suite 200	
Frederick, Maryland 21703	

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[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 3