

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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EPA REGION III, PHILA. PA

In the Matter of: ) EPA Docket No. CAA-03-2013-0035  
MarkWest Liberty Midstream )  
& Resources, LLC )  
601 Technology Drive, Suite 130 )  
Canonsburg, Pennsylvania 15342, )  
Respondent. ) Proceedings Pursuant to Sections  
Facilities Listed in Appendix A, ) 112(r) and 113 of the Clean Air Act,  
Facilities. ) 42 U.S.C. §§ 7412(r) and 7413

**CONSENT AGREEMENT**

**STATUTORY AUTHORITY**

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA” or the “Agency”) by Section 113 of the Clean Air Act (“CAA”), as amended, 42 U.S.C. § 7413, and under the authority of 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. The Administrator has delegated these authorities to the Regional Administrator, who has, in turn, delegated them to the Director, Hazardous Site Cleanup Division.

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to entry of this CA/FO, agree to comply with the terms of this CA/FO.

**JURISDICTION**

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(7) and 22.1(a)(8).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. §§ 22.4(b) and 22.18(b)(3).

3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.

4. With the exception of Paragraph 3, above, for purposes of this proceeding, Respondent neither admits nor denies factual allegations set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

**FINDINGS OF FACT RELATED TO THE  
VIOLATION OF SECTION 112(r)(1) OF THE CLEAN AIR ACT**

5. Respondent MarkWest Liberty Midstream & Resources, LLC, is a limited liability company organized in the Commonwealth of Pennsylvania with its headquarters located at 601 Technology Drive, Suite 130, in Canonsburg, Pennsylvania.

6. Respondent is the owner and operator of the natural gas compressor stations listed in Appendix A (the "Facilities"), and has been at all times relevant to this Consent Agreement.

7. The Facilities receive natural gas from well sites, separate out liquids from the natural gas and route the natural gas liquids to aboveground storage tanks at the Facilities. The natural gas is compressed and then sent via pipeline to gas plants for further processing. Pipeline quality gas is discharged via pipeline to natural gas distributors.

8. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

9. Section 112(r) to the CAA, 42 U.S.C. § 7412(r), requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances.

10. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Section 112(r)(1) is hereinafter referred to as the "General Duty Clause."

11. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7), 42 U.S.C. § 7412(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate

regulations that address release prevention, detection, and correction requirements for these listed regulated substances, 42 U.S.C. § 7412(r)(7). The list of regulated substances and threshold levels can be found in 40 C.F.R. § 68.130.

12. The General Duty Clause of Section 112(r) of the CAA, 42 U.S.C. § 7412(r)(1), applies to any stationary source producing, processing, handling, or storing regulated substances, as defined above, or other extremely hazardous substances (“EHS”). An EHS is any chemical which may, as a result of short-term exposures because of releases to the air, cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility or corrosivity. Senate Comm. of Environment and Public Works, Clean Air Act Amendments of 1989, Senate Rep. No. 228, 101<sup>st</sup> Cong., 1<sup>st</sup> Sess. 211 (1989). EHSs include, but are not limited to, regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), at 40 C.F.R. § 68.130, and chemicals on the list of extremely hazardous substances published under EPCRA at 40 C.F.R. Part 355, Appendices A and B.

13. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source” as, inter alia, any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur.

14. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

15. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 112(r) of the CAA that occurs before January 30, 1997. Section 113(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$32,500 per day for each violation of Section 112(r) of the CAA that occurs after March 15, 2004 through January 12, 2009, and \$37,500 per day for each violation of Section 112(r) of the CAA that occurs after January 12, 2009.

16. EPA conducted an inspection of 10 of the 14 Facilities on September 27-29, 2011, namely the Baker, Brigich, Fulton, Godwin, Hoskin, Lowry, Shaw, Stewart, Tufta Day, and Welling facilities (hereafter “Inspected Facilities”) to assess Respondent’s compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

17. At each of the Inspected Facilities, EPA observed between two and five condensate tanks (including mix tanks, produced water tanks, and condensate collection tanks) ranging in size from 400 barrels to 500 barrels located outside the compressor building. Respondent had natural gas condensate in at least one of the condensate tanks at each Inspected Facility. EPA observed 8” thief hatches manufactured by ENARDO on each of the condensate tanks.

18. According to the Material Safety Data Sheet (“MSDS”) for Respondent’s natural gas condensate, the natural gas condensate has constituents of approximately 20-70% propane (Chemical Abstracts Service (“CAS”) #74-98-6), 15-25% butane (CAS #106-97-8), 5-25% pentane (CAS #109-66-0) and 0-5% ethane (CAS #74-84-0). According to its MSDS, the mixture has a flammability rating of 4.

19. Using data from MARPLOT and GoogleEarth, EPA has determined that the approximate population within one half-mile of each Inspected Facility ranges from 6 residences with an estimated 12 persons (at Hoskins Compressor Station) to 89 residences with 194 persons (at Fulton Compressor Station).

20. The National Fire Protection Association 30, *Flammable and Combustible Liquids Code* (2008 Edition) (“NFPA 30”) applies to the storage, handling, and use of flammable and combustible liquids. Section 22.7.1.1 of NFPA 30 states that, “Every above ground storage tank shall have emergency relief venting in the form of construction or a device or devices that will relieve excessive internal pressure caused by exposure fire.”

21. The American Petroleum Institute Standard 12F, *Specification for Shop Welded Tanks for Storage of Production Liquids* (12th edition, October 2008) (“API 12F”) covers material, design, fabrication, and testing requirements for shop-fabricated vertical, cylindrical, aboveground, closed top, welded steel storage tanks in various standard sizes and capacities for internal pressures approximately atmospheric.

- a. Section 6.2 of API 12F states that “when storage tanks containing flammable liquids are exposed to fire, the venting rate may be in excess of that resulting from a combination of normal thermal effects and oil movement. Unless tanks are installed in remote locations, the purchaser shall provide, or cause to be provided, pressure relieving devices which will provide capacity in addition to normal venting to meet the requirements tabulated in Table C.1. The opening pressure of such devices shall not exceed the design pressure of the tank on which the devices are installed. The maximum internal pressure under normal relieving conditions should not exceed that tabulated in Table C.1. Column 6. Pressure relieving devices may take the form of larger or additional vent valves or additional thief hatches.”
- b. According to Table C.1., the required emergency venting for 400-barrel 12’ x 20’ tanks without drainage should be 446,350 standard cubic feet per hour.
- c. According to Table C.1., the required emergency venting for 500-barrel 12’ x 25’ tanks without drainage should be 507,000 standard cubic feet per hour.

22. ENARDO provides installation and maintenance instructions for its Spring Loaded Hatch Model 660 hatches to prevent the loss of vapors in a closed storage system and provide pressure and vacuum relief:

- a. Section II, the maintenance instructions, states, "Scheduled maintenance should be performed every three (3) months and more frequently in corrosive or dusty atmospheres. Normal maintenance requires the pressure gaskets and vacuum gaskets to be inspected. Under average operating conditions the pressure and vacuum gaskets should be replaced once a year. The base gasket need only be replaced when a leak is noticed at the bolting area or if the hatch is removed, breaking the seal. If the hatch is continually relieving, the user should be alerted that there is a problem; at that time a close inspection should be made to determine the cause."

23. EPA's inspection and communications with MarkWest in the aftermath of the inspection revealed a number of safety concerns at the Inspected Facilities:

- a. The condensate tanks at the Inspected Facilities had in-breathing/out-breathing ENARDO 8" thief hatches but lacked pressure relieving devices such as emergency vents.
- b. API 12F, Annex C, Table C.2 indicates that at 12 ounces of venting pressure, the conservative calculated venting capacity of an 8" thief hatch is 169,094 standard cubic feet per hour. Thus, the 8" diameter thief hatches and other vent piping on the condensate tanks were inadequately sized to meet the emergency venting requirements of NFPA 30 and API 12F, Annex C, Table C.1.
- c. Using a Forward Looking Infrared ("FLIR") camera, EPA observed continual visible releases of natural gas condensate vapors coming from some of the thief hatches on the condensate tanks.
- d. Two vertical process units were not secured to their foundations at the Godwin Compressor Station.
- e. Respondent did not inspect or maintain the thief hatches in accordance with the manufacturer's recommendations.

24. Respondent reported to EPA in an electronic mail message dated June 20, 2012, that it had corrected the deficiency at the Godwin Compressor Station by securing the two process vessels to their foundations.

25. Respondent has identified to EPA four additional compressor stations operated by Respondent and located within Region III, namely the Dryer, Johnston, Redd and Voll compressor stations identified in Appendix A (hereafter "Other Facilities").

26. Respondent has represented to EPA that the conditions at the Other Facilities are similar to those of the Inspected Facilities.

27. On March 14, 2013, EPA and Respondent entered into an Administrative Settlement Agreement and Order on Consent, Administrative Order, EPA Docket No. CAA-03-2013-0036DA ("Order"), pursuant to the authority of Sections 113(a)(3)(B) and 114 of the CAA, 42 U.S.C. §§ 7413(a)(3)(B) and 7414. The Order required Respondent to take the following actions at the Facilities (hereafter the "Work"): (a) install and operate an emergency vent on the condensate tanks and all tanks interconnected by piping, at the Facilities; (b) implement a maintenance program for the thief hatches and the emergency vents at the Facilities; and (c) survey the tanks, pressure vessels and piping at the Facilities to ensure that they are properly supported, and correct any identified support problems.

28. Respondent is complying with the Work under the Order pursuant to an EPA-approved schedule.

29. EPA's investigation indicates that, prior to Respondent's compliance with the Order, the company failed to satisfy the General Duty Clause requirement to design and maintain safe facilities. In particular:

- a. Respondent failed to install pressure relieving devices such as emergency vents, to provide protection consistent with the requirements of API 12F and NFPA 30; and
- b. Respondent failed to implement a maintenance program for its thief hatches in accordance with the manufacturer's instructions to provide protection consistent with the instructions.

**CONCLUSIONS OF LAW RELATED TO THE  
VIOLATION OF SECTION 112(r)(1) OF THE CLEAN AIR ACT**

30. The findings of fact contained in Paragraphs 5 through 29 of this CA/FO are incorporated by reference herein as though fully set forth at length.

31. As a limited liability company, Respondent is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the owner and/or operator of the Facilities.

32. Each of the Facilities is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

33. Propane, butane, ethane and pentane, the constituents of the natural gas condensate at each of the Facilities, are "extremely hazardous substances" because they are listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130, and the natural gas condensate is a mixture of extremely hazardous substances for purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

34. Flammable mixtures are extremely hazardous substances.

35. Each of the Facilities handles and/or stores extremely hazardous substances as the term is used in Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

36. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), Respondent has a general duty at each of the Facilities, in the same manner and to the same extent as that required by 29 U.S.C. § 654 to (a) identify hazards which may result from accidental releases of a regulated substance or other extremely hazardous substance, using appropriate hazard assessment techniques, (b) design and maintain a safe facility taking such steps as are necessary to prevent releases, and (c) minimize the consequences of accidental releases which do occur.

37. Respondent has violated Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), by failing to design and maintain safe Facilities. Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

#### **SETTLEMENT**

38. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondent consents to the assessment of a civil penalty for the violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), as set forth above, in the amount of **\$93,000.00**.

39. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph.

#### **PAYMENT TERMS**

40. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the civil penalty of \$93,000.00, no later than thirty (30) days after the effective date of the Final Order (the "final due date") by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2013-0035;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

P.O. Box 979077  
St. Louis, MO 63197-9000  
Contact: Heather Russell, 513-487-2044

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

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

Field Tag 4200 of the Fedwire message should read:  
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

i. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

45. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Cynthia T. Weiss  
Senior Assistant Regional Counsel (3RC42)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

46. The CAA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions of this CA/FO shall result in the assessment of late payment charges, including interest beyond that required by this CA/FO, penalties and/or administrative costs of handling delinquent debts.

48. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. Interest 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).

49. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix B of EPA's *Resource Management Directives – Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

50. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

51. Failure of Respondent to pay the penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

### **GENERAL PROVISIONS**

52. By entering into this CA/FO, Respondent does not admit any liability for the civil claims alleged herein.

53. For purposes of this proceeding, Respondent expressly waives its right to hearing and to appeal the Final Order pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

54. Respondent certifies by the signing of this CA/FO that, to the best of its knowledge, once Respondent complies with the Order, the Facility will be in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.

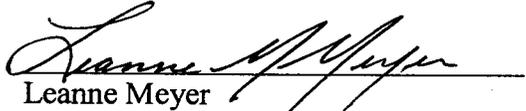
55. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind said Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

56. This CA/FO does not constitute a waiver, suspension or modification of the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or any regulations promulgated thereunder.

57. This CA/FO is a complete and final settlement of all civil and administrative claims and causes of action set forth in this CA/FO for alleged violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

58. Each party to this action shall bear its own costs and attorney's fees.

FOR MARKWEST LIBERTY MIDSTREAM & RESOURCES, LLC

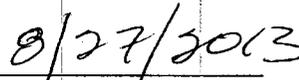
  
Leanne Meyer  
Vice President, Environmental, Health  
Safety and Compliance

8.14.13  
Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Kathryn A. Hodgkiss, Acting Director  
Hazardous Site Cleanup Division



Date

**APPENDIX A**

**Inspected Compressor Stations**

**Baker Compressor Station**

151 Baker Station Road  
Amwell Township  
Washington, PA 15301

**Brigich Compressor Station**

340 Brigich Road  
Chartiers Township  
Washington, PA 15301

**Fulton Compressor Station**

103 Washington Avenue  
Mt. Pleasant Township  
Hickory, PA 15340

**Godwin Compressor Station**

2158 Henderson Avenue  
Canton Township  
Washington, PA 15301

**Hoskin Compressor Station**

4026 Buffalo Creek Road  
Blain Township  
Claysville, PA 15323

**Lowry Compressor Station**

100 Oakleaf Road  
Hopewell Township  
West Middletown, PA 15379

**Shaw Compressor Station**

492 Arden Mine Road  
Chartiers Township  
Washington, PA 15301

**Stewart Compressor Station**

185 Avella Road (S.R. 50)  
Mt. Pleasant Township  
Hickory, PA 15340

**Tupta Day Compressor Station**

200 Johnson Road  
Amwell Township  
Washington, PA 15301

**Welling Compressor Station**

165 Carlisle Road  
Buffalo Township  
Claysville, PA 15323

**Other Compressor Stations**

**Dryer Compressor Station**

819 Scenic Drive  
Independence Township  
Avella, PA 15312

**Johnston Compressor Station**

210 Johnston Hill Road  
Chartiers Township  
Washington, PA 15301

**Redd Compressor Station**

576 Redd Run Road  
Amwell Township  
Washington, PA 15301

**Voll Compressor Station**

318 Woodlands Road  
Butler County  
Connoquenessing Twp  
Evans City, PA 16033

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the Matter of:</b>	)	<b>EPA Docket No. CAA-03-2013-0035</b>
<b>MarkWest Liberty Midstream</b>	)	
<b>&amp; Resources, LLC</b>	)	
<b>601 Technology Drive, Suite 130</b>	)	
<b>Canonsburg, Pennsylvania 15342,</b>	)	
	)	
<b>Respondent.</b>	)	<b>Proceedings Pursuant to Sections</b>
	)	<b>112(r) and 113 of the Clean Air Act,</b>
	)	<b>42 U.S.C. §§ 7412(r) and 7413</b>
<b>Facilities Listed in Appendix A,</b>	)	
	)	
<b>Facilities.</b>	)	

**FINAL ORDER**

Pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” codified at 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ORDERED to pay \$93,000 and otherwise to comply with the terms of the referenced Consent Agreement.

**Effective Date**

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

Date: 8/28/13



Renee Sarajian  
Regional Judicial Officer/Presiding Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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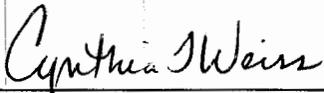
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MarkWest Liberty Midstream )  
& Resources, LLC )  
601 Technology Drive, Suite 130 )  
Canonsburg, Pennsylvania 15342, )  
Respondent. )  
Certificate of Service )  
Facilities Listed in Appendix A, )  
Facilities. )

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Complainant's, the United States Environmental Protection Agency's, Consent Agreement and Final Order with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Administrative Order, along with its enclosures and/or attachments, were sent via certified mail, return receipt requested, to:

Christopher Rimkus, Esquire  
MarkWest Energy Partners, L.P.  
1515 Arapahoe Street, Tower 1  
Suite 1600  
Denver, Colorado 80202

Date: August 28, 2013

  
Cynthia T. Weiss  
Senior Assistant Regional Counsel  
Counsel for Complainant  
(215) 814-2659