



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 24, 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7001 0360 0003 6675 0899

Mr. Garrett Scribner
Environmental Manager
DCP Midstream—Rock Creek Natural Gas Plant
9101 Highway 136
Borger, TX 79007

Re: Administrative Order Docket Number: CWA-06-2012-1814
Permit Number: TX0009172

Dear Mr. Scribner:

Enclosed is an Administrative Order (AO) issued to DCP Midstream for violation of Section 301(a) of the Clean Water Act (CWA) 33 U.S.C. § 1311(a). Violations alleged were identified during our review of Discharge Monitoring Reports submitted by the Rock Creek Natural Gas Plant to the Environmental Protection Agency (EPA). The violations alleged include, but are not limited to, the following:

- a) Failure to meet effluent limitations for Total Residual Chlorine and Biochemical Oxygen Demand; and
- b) failure to achieve final effluent limitation for Total Residual Chlorine no later than twelve months from the effective date of the permit.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of the AO. The AO also contains information demand deadlines. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2012-1814 and NPDES Permit Number TX0009172 on your response.

Re: Administrative Order
DCP Midstream

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If you have any questions, please contact Ms. Emma Cornelius, of my staff,
at (214) 665-6479.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Ms. Laurie Whatley, Area Manager
GPM Gas Corporation—Rock Creek Plant
1000 West 10th Street
Borger, TX 79007

Ms. Susan Johnson, Manager
Enforcement Section I (MC169)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Program Manager
Environmental Services
Railroad Commission of Texas
1701 North Congress Avenue
P.O. Box 12967
Austin, TX 78701-2967



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733
FINDINGS OF VIOLATION, ORDER FOR COMPLIANCE,
AND INFORMATION DEMAND

Docket Number: CWA-06-2012-1814, NPDES Permit No.: TX0009172

Statutory Authority

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

Findings

1. DCP Midstream ("Respondent") is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated a natural gas processing plant known as the "Rock Creek Gas Plant" located at 1000 West 10th Street in Borger, Hutchinson County, Texas ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for Respondent is 9101 Highway 136, Borger, TX 79007.
3. At all relevant times, the facility was a "point source" of "discharge" of "pollutants" to an unnamed tributary of Rock Creek, thence to Rock Creek, thence to the receiving waters of the Canadian River below Lake Meredith, thence to Segment No. 0101 of the Canadian River Basin, which is considered a "water of the United States" within the meaning of Section 502(12) and (14) of the Act, 33 U.S.C. § 1362(12), (14) and 40 C.F.R. § 122.2.
4. Because Respondent owned or operated a facility that acted as a point source of discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
7. Respondent applied for and was issued NPDES Permit Number TX0009172 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on June 1, 2009. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
8. Part 1.A of the permit places certain limitations on the quality and quantity of effluent discharged by the Respondent. The relevant discharge limitations are listed in Attachment A, which is incorporated by reference.
9. Parts III.C and III.D of the permit require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. Parts III.C and III.D also require Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Noncompliance Reports when appropriate.
10. Certified DMRs filed by Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in Part 1.A of the permit. The discharge of pollutants that exceeded the permit limitations are specified in Attachment B, which is incorporated by reference.
11. On February 6, 2012, a file review was conducted by representatives of the EPA. As a result of the review, it was found that Part 1.A of the permit was violated in that Respondent exceeded the permit limitations for Biochemical Oxygen Demand and Total Residual Chlorine, as outlined in Attachment B.
12. Each violation of the conditions of the permit was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

General Provisions

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, EPA hereby orders Respondent to take the following action:

A. Within thirty (30) days of the effective date of this Order, Respondent shall take such steps as necessary to comply with the effluent limitation provisions of the permit cited herein.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent must certify compliance with terms and conditions of the permit.

B. Within thirty (30) days of the effective date of this Order, Respondent shall provide EPA with a list of all mechanical, management and operational deficiencies and a narrative describing the specific actions taken to correct all cited violations.

C. In the event it will take Respondent longer than thirty (30) days to achieve compliance, a listing of all non-compliance related deficiencies and a schedule for repair/correction for each deficiency shall be submitted to the EPA for review and approval.

D. Any approved compliance schedule will be incorporated and reissued in a future administrative order.

E. To ask questions or comment on this matter, please contact Mr. Robert Houston or Ms. Emma Cornelius, of my staff, at (214) 665-8565 or (214) 665-6479.

F. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ms. Emma Cornelius
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

You have the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, provides the grounds for such review.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known. EPA reserves the right to seek any remedy available under the law that it deems appropriate. Failure to comply with this Section 309(a)(3) Compliance Order, or the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

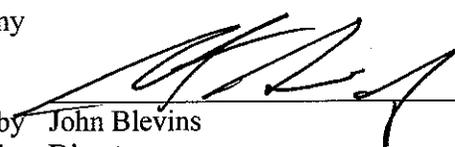
This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remain in full force and effect.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by Respondent.

JUL 24 2012

Date


John Blevins
Director
Compliance Assurance and
Enforcement Division