

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

Gateway Gathering and Marketing Co.
Houston, Texas

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DOCKET NO. CAA-06-2024-3379

RESPONDENT

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the "CAA" or the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. Gateway Gathering and Marketing Co. ("Gateway" or "Respondent") is a corporation doing business in the State of Texas. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the "CAFO" without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the Act, 42 U.S.C. § 7413(a)(1)(B).

6. EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), on February 1, 2023, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (the "NOVOC") and provided a copy of the NOVOC to the State of Texas. In the NOVOC, EPA provided notice to both Respondent and the State of Texas that EPA found Respondent committed the alleged violations of the Texas State Implementation Plan ("SIP") described in Section E of this CAFO and provided Respondent an opportunity to confer with EPA.

8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

10. The Act is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

11. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs and federally-enforceable permits.

a. Texas State Implementation Plan

12. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain air pollutants. Section 109(b) of the CAA, 42 U.S.C. § 7409(b), provides that the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

13. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS, and to submit it to the Administrator of EPA for approval.

14. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a permit by rule (“PBR”) program, which can be found at 30 Tex. Admin. Code Chapter 106 – Permits by Rule. *See* 40 C.F.R. § 52.2270(c).

15. Subchapter O of Chapter 106 of the Texas Administrative Code regulates permitting by rule for oil and gas facilities that produce more than a de minimis level of emissions. *See* 30 Tex. Admin. Code §§ 106.4(a) and 106.351-59. Additional regulations applicable to such facilities are also located in Subchapters A and V of Chapter 106 of the Texas Administrative Code. The permit by rule program includes the following requirements relevant to this CAFO:

a. “The emissions from the facility shall comply with all rules and regulations of the [Texas Commission on Environmental Quality] and with the intent of the Texas Clean Air Act (TCAA), including protection of health and property of the public, and all emissions control equipment shall be maintained in good condition and operated properly during operation of the facility.” 30 Tex. Admin. Code § 106.4(c).

b. “All representations with regard to construction plans, operating procedures, and maximum emission rates in any certified registration under this section become conditions upon which the facility permitted by rule shall be constructed and operated.” 30 Tex. Admin. Code § 106.6(b).

c. “It shall be unlawful for any person to vary from such representation if the change will cause a change in the method of control of emissions, the character of

the emissions, or will result in an increase in the discharge of the various emissions, unless the certified registration is first revised.” 30 Tex. Admin. Code § 106.6(c).

d. Tex. Admin. Code § 106.352(l) applies “to new and modified facilities” and provides that “[a]ny oil or gas production facility, carbon dioxide separation facility, or oil or gas pipeline facility consisting of one or more tanks, separators, dehydration units, free water knockouts, gunbarrels, heater treaters, natural gas liquid recovery units, or gas sweetening and other gas conditioning facilities . . . are permitted by rule” for “those facilities named which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids found in geologic formations beneath the earth’s surface.”

16. The Texas SIP also includes authorization for Texas to establish a program for standard permits, which can be found at 30 Tex. Admin. Code Chapter 116, Subchapter F – Standard Permits. See 40 C.F.R. § 52.2270(c).

17. Subchapter F of Chapter 116 of the Texas Administrative Code regulates standard permits for air pollution control projects that reduce or maintain authorized emission rates for existing facilities. This Subchapter also establishes standards for emission control equipment. See 30 Tex. Admin. Code §§ 116.601-620. The standard permit regulations include the following requirements relevant to this CAFO:

a. 30 Tex. Admin. Code § 116.620(b)(1) requires “[f]loating roofs or equivalent controls” on “all new or modified storage tanks. . . .”; however, 30 Tex. Admin. Code § 116.620(b)(1)(D)(i) and (ii) provide that “[i]n lieu of a floating roof, tank emissions may be routed to a destruction device such that a minimum VOC destruction

efficiency of 98% is achieved; or a vapor control system such that a minimum VOC recovery efficiency of 95% is achieved.”

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

18. Respondent owns and/or operates the oil and natural gas handling facilities listed in Appendix A, which are located in the Texas Permian Basin (the “Facilities”).

19. Respondent is the owner and/or operator of the Facilities within the meaning of 40 C.F.R. § 51.100(f).

20. At all times relevant to this proceeding, Respondent owned and/or operated units that emit Volatile Organic Compounds (“VOCs”) at the Facilities, which handle oil and gas.

21. The Facilities are subject to the State of Texas’s Permits by Rule program for oil and gas facilities under Subchapter O of Chapter 106 of the Texas Administrative Code or the State of Texas’s Standard Permits program under Subchapter F of Chapter 116 of the Texas Administrative Code, as specified in Appendix A.

22. The Texas Commission on Environmental Quality (“TCEQ”) issued air permits to the Respondent, listed in Appendix A, under the SIP-approved Permits by Rule or Standard Permit program. The permits cover various emission units at the Facilities, including process equipment, vapor recovery systems, combustors, and tanks.

23. Respondent is required to operate in compliance with certain provisions of the Texas SIP and Respondent is required by the Facilities’ permits identified in Appendix A to control the emission of waste gas streams from the Facilities.

24. EPA contracted helicopter flyovers of the Permian Basin between August 25 and September 12, 2020, and between July 12, 2022, and August 15, 2022, to assess energy extraction facility emissions using Optical Gas Imaging (“OGI”) technology.

25. Flyovers of the Facilities at issue in this CAFO were conducted on September 1, 2020, and July 15, 2022. Appendix A identifies EPA’s observations at each Facility.

26. On March 30, 2021, and November 22, 2022, EPA sent Respondent OGI video captures showing potentially unauthorized hydrocarbon emissions from process equipment and vapor recovery systems at the Facilities. EPA asked Respondent to verify ownership, provide current site-specific permit information and inspection records, and take any necessary corrective action to address unauthorized hydrocarbon emissions at each facility. EPA considered information provided by Respondent to determine whether violations occurred at the Facilities.

27. On April 12, 2021, and December 7, 2022, Respondent provided information to EPA that corrective actions were completed at the Facilities listed in Appendix A to address some of the compliance issues observed during the flyovers.

28. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violations alleged herein. On February 1, 2023, EPA sent Respondent the NOVOC and provided a copy to the State of Texas, in accordance with Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

29. On February 10, 2023, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

30. Respondent subsequently provided multiple submittals of additional information to EPA, including documentation verifying corrective actions taken at the Facilities, as well as information relating to Respondent's plan to implement an enhanced autonomous monitoring program.

E. ALLEGED VIOLATIONS

31. EPA has conducted a comprehensive review of the facility-specific information gathered based upon observations made from the OGI video captures, facility permitted operations, and information provided by Respondent. Based on this review, EPA alleges the following violations for the Facilities:

- a. Respondent violated 30 Tex. Admin. Code § 106.4(c) by failing to maintain the Facilities' emissions control equipment in good condition and properly operate such equipment.
- b. Respondent violated 30 Tex. Admin. Code § 106.6(b) by failing to operate equipment consistent with operating procedures in the Facilities' certified registrations.
- c. Respondent violated 30 Tex. Admin. Code § 106.6(c) by varying from representations in the Facilities' certified registrations regarding emissions at the Facilities.
- d. Respondent violated 30 Tex. Admin. Code § 116.620(b)(1)(D)(ii) by failing to route emissions from a tank without a floating roof to a destruction device such that a minimum VOC destruction efficiency of 98% is achieved or to a vapor recovery system such that a minimum VOC recovery efficiency of 95% is achieved.

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

a. General

32. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty, as stated below;
- d. consents to the issuance of any specified compliance or corrective action order¹;
- e. consents to the conditions specified in this CAFO;
- f. consents to any stated Permit Action;
- g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
- h. waives its rights to appeal the Final Order included in this CAFO.

33. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, subparagraphs (d) and (f) are not applicable to this particular case.

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;

c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);

d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Texas;

e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and

f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to these Facilities, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

b. Penalty Assessment and Collection

34. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violations, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$122,895 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

35. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO; and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment.

For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. FedEx), payment should be remitted to:

U.S. Bank
U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 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"

For Automated Clearinghouse (also known as "remittance express" or "REX"):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 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

For Online Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number CAA-06-2024-3379 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2024-3379. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Benjamin Donaldson
U.S. EPA Region 6
Donaldson.Benjamin@epa.gov

And

Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

36. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).
 - b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), which shall accrue from the date

the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph (a) of this Paragraph.

37. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including, but not limited to, attorney's fees incurred by the United States for collection proceedings.

38. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

c. Conditions of Settlement

39. Facility Review. Respondent shall perform the following facility review at each

Facility:

a. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall conduct a permitting and operations review in accordance with Section I of Appendix B.

b. Within sixty (60) days of the Effective Date of this CAFO, Respondent shall complete a site inspection in accordance with Section II of Appendix B.

c. Within sixty (60) days of Respondent completing the permitting and operations review and site inspections described in subparagraphs (a) and (b) of Paragraph 39, Respondent shall complete an engineering assessment, in accordance with Section III of Appendix B.

40. Compliance Monitoring. Respondent shall perform the following compliance monitoring:

a. Respondent shall conduct optical gas imaging (“OGI”) surveys at each Facility, indicated in Appendix A, in accordance with Section I of Appendix C (hereinafter “OGI Survey”) quarterly, with at least forty-five (45) days between consecutive OGI Surveys, for a period of one (1) year from the Effective Date of this CAFO. The initial OGI Survey shall be conducted within sixty (60) days of the Effective Date of this CAFO.

b. Within sixty (60) days of the Effective Date of this CAFO, Respondent shall install and operate monitoring equipment in accordance with Sections II and III of Appendix C for a period of one (1) year from the Effective Date of this CAFO.

41. Letter Report. Within one (1) year of the Effective Date of this CAFO, and no earlier than eleven (11) months after the Effective Date of this CAFO, Respondent shall send a letter report to EPA ("Letter Report") containing all information identified in Section I of Appendix D. The Letter Report shall be emailed to:

Benjamin Donaldson
Donaldson.Benjamin@epa.gov

42. EPA reserves the right to pursue enforcement of any violations identified as a result of Paragraphs 39 through 41 ("Conditions of Settlement").

d. Additional Terms of Settlement

43. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 39 through 41 of this CAFO are completed (the "Tolling Period") shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the "Tolled Claims"). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

44. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 43 of this CAFO, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facilities. Simultaneously with such notice, Respondent shall provide

written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

45. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. *See* 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

46. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

47. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

48. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: Lannen.Justin@epa.gov

To Respondent: keithstephenson@gatewaygathering.com

49. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 37 of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

50. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at Chalifoux.Jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:

i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order per Section H of this CAFO; and

ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

51. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Sections D and E above.

52. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraphs 39 through 41 of this CAFO (including payment of any stipulated penalties owed),

then Complainant may compel Respondent to perform the conditions in Paragraphs 39 through 41, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

53. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

54. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraphs 40-42 is restitution, remediation, or required to come into compliance with the law.

55. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.


56. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

57. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$121,275 per day of violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

The foregoing Consent Agreement In the Matter of Gateway Gathering and Marketing Co.,
Docket No. CAA-06-2024-3379, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: 9/25/2024


Keith Stephenson
President
Gateway Gathering and Marketing Co.

FOR COMPLAINANT:

Date: September 25, 2024

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

APPENDIX A: FACILITIES
Gateway Gathering and Marketing Co
CAA-06-2024-3379

Site Identity	TCEQ Regulated Entity No.	Permit Number	Application Type	Flyover Date	Flyover Video ID	EPA Team Observations of Flyover Video Capture
Raven Truck Station #1	RN109774166	146665	PBR	9/1/2020	882	Tank Hatch Emissions
Z&T Section 20 North Compressor Station	RN109826123	159308	STD	7/15/2022	278-1	Pressure Relief Valve Emissions

APPENDIX B: FACILITY REVIEW

I. Permitting and Operations Review

Respondent shall conduct a permitting and operations review, which shall consist, at a minimum, of the following:

1. For any Facilities acquired in the six (6) months prior to the flyover, obtain and review appropriate historical environmental compliance documentation for each site to ascertain potential on-going compliance issues for all equipment and process controls at each Facility. Records to review may include, but are not limited to, the following: permit applications by former owners, equipment inventories provided by former owners or completed as part of the new acquisition, excess emissions reports, flare operation records, leak detection and repair ("LDAR") survey reports, federal rule reporting and exemption status (e.g., New Source Performance Standards ("NSPS") Subparts OOOO and OOOOa reporting), spill and emergency response plans and records, well-completion information, and other information necessary to confirm the compliance status of all Facility operations. Ensure that appropriate documentation, such as the Change of Name/Ownership Form, have been submitted to the Texas Commission on Environmental Quality ("TCEQ").

2. For all the Facilities, review current air permit representations (*i.e.*, applications), current equipment inventories, current reported production and emissions data (for all operating scenarios), and all maintenance and operating logs and repair/replacement work orders generated within the eighteen (18) months preceding the Effective Date (including those from past owners), in order to evaluate and ascertain current or possible recurring noncompliance issues associated with equipment and process controls at the Facilities.

3. For all the Facilities, review operation and maintenance procedures for inspecting process equipment at each of the Facilities, and update the procedures, as necessary, to ensure that problems are timely identified and addressed to minimize emissions from process equipment. If Respondent does not have such procedures, Respondent shall create such procedures. Respondent shall ensure these procedures include, at a minimum, the following:

a. the use of a standard site inspection checklist during regular inspections that requires evaluation of the following: flares, separators, tank batteries, compressors, fuel skid, spill containment, solid waste and chemical storage, and miscellaneous Facility-wide operations;

b. a quality control program that ensures the quality, efficiency, and performance of Facility maintenance activities; and

c. appropriate and regular training for personnel implementing the operation and maintenance procedures.

II. Site Inspections

Respondent shall conduct a site inspection that consists, at a minimum, of the following at each Facility:

1. For all tanks
 - a. Inspect and evaluate oil and water storage tanks and associated hatches, valves, gaskets, and pressure relief devices.
 - b. Evaluate whether the materials used are compatible with the gas compositions and whether they will deteriorate at unexpected rates.
 - c. Evaluate whether emergency pressure relief devices are set at the proper pressure set points.
2. For the flare and the combustor
 - a. Evaluate whether the flare and combustor are operating with a continuous pilot flame and that flame arrestors are properly installed.
 - b. Evaluate whether technology upgrades should be made to the flare and the combustor.
 - c. Evaluate whether reconfiguration of flare tips and installation of thermocouples with Supervisory Control and Data Acquisition capability, auto ignitors with pilots, air assist packages, and pressure gauges for flame arrestors would be appropriate.
3. Evaluate the operation of tanks, separators, compressors, vapor recovery units/towers, and other operational equipment.
 - a. Inspect and address liquid leaks and staining at the tank batteries and compressor pad, particularly near flares, combustors, storage tanks, and separators.
 - b. Evaluate whether equipment inventories and process operational descriptions for each site are current.
 - c. Evaluate whether there are unauthorized emissions during normal operations by conducting an OGI survey in accordance with Section I of Appendix C.

III. Engineering Assessment

Respondent shall conduct an engineering assessment that consists, at a minimum, of the following at each Facility:

1. Performed by a Professional Engineer with experience conducting an engineering and design assessment of oil and gas handling and production facilities.

2. Use condensate and gas samples, equipment inventories, and equipment throughput to perform process flow modeling (e.g., ProMax modeling) and evaluate whether site equipment and design sufficiently address vapor emissions and meet regulatory requirements.

3. Evaluate whether all emissions sources, including process equipment fire tubes, pneumatic pumps, and pneumatically actuated control valves, have been identified and accounted for in determining total emissions.

4. Based on the preliminary compliance review and site inspections, re-evaluate whether the Facilities are properly permitted and determine whether Respondent should prepare additional permit applications or revisions to existing permits.

5. Evaluate whether flares are operated and maintained in conformance with their designs, including recommendations and specifications provided by the flare manufacturers, and in a manner consistent with good air pollution control practices for minimizing emissions.

6. Use engineering assessment results to revise the equipment specifications and process configuration to ensure vapor control systems, where required, adequately handle maximum instantaneous vapor emissions, including working, breathing, or flashing losses from the tank battery.

7. Based on the Facility Review, Site Inspection, and Engineering Assessment, evaluate the sufficiency of each Facility's spill containment adequacy and retention capacity.

APPENDIX C: COMPLIANCE MONITORING

I. OGI Survey

Respondent shall conduct an OGI camera survey ("OGI Survey") at each Facility that includes, at a minimum, the following procedures:

1. The OGI Survey shall be conducted using an OGI camera designed for and capable of detecting hydrocarbon and VOC emissions, performed by trained personnel or third parties, who maintain proficiency through regular use of the OGI camera. The OGI Survey shall be conducted during normal operations to detect any visible emissions, including while and immediately after hydrocarbon liquids are being sent to the tanks from all associated well production operations.

2. The OGI Survey shall consist of an inspection of all equipment and components at the Facility, including tanks and associated hatches, valves, gaskets, and pressure relief devices; control devices; compressors; separators; vapor recovery units/towers, and vapor control piping.

Conducting the OGI Survey

3. At least once each monitoring day, each operator must record a verification video to demonstrate the OGI camera is capable of detecting hydrocarbon and VOC emissions.

4. For all OGI Surveys, maintain a survey log electronically in an Excel spreadsheet that includes, at a minimum, the following:

- a. Site name and GPS coordinates;
- b. OGI camera operator name;
- c. Weather conditions at the start and end of each survey, including ambient temperature, wind speed, relative humidity, and sky conditions;
- d. Identification of the OGI camera used to conduct the survey, including make and model;
- e. Date and approximate start and end times; and
- f. Description of any visible emissions observed with the OGI camera.

5. If hydrocarbon emissions (including VOCs) are observed, at a minimum capture a 10-second video clip of the emissions, including the emitting component, and keep the video clip with the rest of the OGI Survey documentation. The emitting component must be identified for repair, and the date, time, and location of the observed emissions must be recorded in the

survey log referenced in Paragraph 4 of this Section.

6. An emitting component shall be repaired as soon as practicable, but no later than fifteen (15) days after initial observation. Any absence of pilot flame at a control device, or other indication of improper operation, shall be corrected and the control device returned to proper operation as soon as practicable. No later than fifteen (15) days after an emitting component is repaired, Respondent shall verify all corrective actions by capturing, at a minimum, a 10-second video clip using an OGI camera to demonstrate the component is not emitting. The video clip must be kept with the rest of the OGI Survey documentation. The date and description of the corrective action, as well as the date of corrective action verification using an OGI Survey, must be recorded in the survey log referenced in Paragraph 4 of this Section.

Quality Assurance and Quality Control

7. The Facility must have or establish a written process which ensures the validity of the monitoring data. Examples may include routine review and sign-off of the monitoring data by the camera operator's supervisor, periodic comparative monitoring using a different camera operator as part of a continuing training verification plan, or other due-diligence procedures.

Reporting

8. The Facility must submit the following records to EPA once every two months pursuant to the requirements in Paragraph 9 of this Section, but no later than thirty (30) days after conducting each OGI Survey:

- a. Survey logs for all OGI Surveys;
- b. All video footage for each OGI Survey, including, but not limited to, all video clips recorded or captured pursuant to Paragraphs 3, 5, and 6 of Section I of Appendix C; and
- c. Record of corrective actions.

9. Upload all required records in Paragraph 8 of this Section to an electronic folder provided by EPA. Respondent shall contact the enforcement officer identified in Paragraph 41 of Section F (Conditions of Settlement) to make arrangements to upload the required records.

II. 24-hour Methane Detection and Site Link Flare Monitoring

Respondent shall perform autonomous flare monitoring and methane detection at the Facilities indicated in Appendix A in accordance with the following requirements:

1. Use manufacturer's recommendation to install, calibrate, maintain, and operate an autonomous methane detection camera with quantification and alarming capabilities that continuously monitors each emission source at each of the Facilities (collectively "24hr Methane Detection Cameras"). The methane detection camera shall use the same pollutant detection and monitoring capability as a standard OGI camera.

2. Use manufacturer's recommendation to install, calibrate, maintain, and operate an autonomous flare monitor with alarming capabilities that continuously monitors each flare and each combustor at each of the Facilities (collectively "Site Link Flare Monitors").

3. The 24hr Methane Detection Cameras shall pan each of the Facilities in 10-minute intervals, monitoring for emissions such that each piece of equipment is observed for a duration of two (2) minutes during each Interval. Any methane detected shall be quantified.

4. The Site Link Flare Monitors shall continuously monitor the pilot and the destruction and removal efficiency of each flare and each combustor. Monitoring of the destruction and removal efficiency of each flare and combustor at the Facilities shall be done via a Method 22 visual determination.

5. The 24hr Methane Detection Cameras and the Site Link Flare Monitors must be operated and function continuously except during instances of planned or unplanned maintenance or malfunction of the 24hr Methane Detection Cameras or the Site Link Flare Monitors. If a 24hr Methane Detection Camera is identified as malfunctioning, respondent shall correct the malfunction within 10 days. If a Site Link Flare Monitor is identified as malfunctioning, Respondent shall correct the malfunction within five (5) days. Respondent shall record all dates, locations, durations, and causes of 24hr Methane Detection Camera or Site Link Flare Monitor malfunctions.

6. Respondent shall record all dates, locations, durations, and causes of each instance when a 24hr Methane Detection Camera or a Site Link Flare Monitor:

- a. measures methane using autonomous LDAR at 5kg/hr within 100 meters from process equipment conduct;
- b. detects methane emissions from any component associated with the tank vapor control system;
- c. indicates poor combustion at a combustion equipment exhaust stack; and/or
- d. indicates the absence of a pilot flame and/or an unlit pilot.

7. At any time after the completion of Paragraph 1 of this Section, if (i) any 24hr Methane Detection Camera or Site Link Flare Monitor records any instance of Paragraph 6(a) or (c) in this Section, such record shall require a site investigation. Respondent shall complete, within five (5) days of such record, the site investigation and, within ten (10) days, all necessary

corrective action. Each site investigation shall be documented with a record that includes the results of the site investigation, and any corrective actions taken to address the cause of each instance of Paragraph 6(a) or (c).

8. At any time after the completion of Paragraph 1 of this Section, if any 24hr Methane Detection Camera or Site Link Flare Monitor records any instance of Paragraph 6(b) in this Section, such record shall require a site investigation. Respondent shall complete, within ten (10) days of such record, the site investigation and all necessary corrective action. Each site investigation shall be documented with a record that includes the results of the site investigation, and any corrective actions taken to address the cause of each instance of Paragraph 6(b).

9. At any time after the completion of Paragraph 1 of this Section, if any 24hr Methane Detection Camera and Site Link Flare Monitor records any instance of Paragraph 6(d) in this Section, such record shall require a site investigation. Within eight (8) hours of such record, Respondent shall initiate the site investigation and complete all necessary corrective action to ensure the pilot is lit and a pilot flame is present. Within twenty-four (24) hours of such record, Respondent shall complete the investigation and any remaining corrective actions necessary to ensure proper operation of the flare. Each site investigation shall be documented with a record that includes the results of the site investigation and any corrective actions taken to address the instance of the unlit pilot and/or absence of a pilot flame.

10. The Facility must submit all records made pursuant to Paragraphs 5, 6, 7, 8, and 9 of this Section to EPA on a monthly basis within twenty-one (21) days of the end of each month. The Facility must upload the records to an electronic folder provided by EPA. Respondent shall contact the enforcement officer identified in Paragraph 41 of Section F (Conditions of Settlement) to make arrangements to upload the required records.

III. Tank Pressure Monitoring

Respondent shall conduct tank pressure monitoring at the Facilities indicated in Appendix A in accordance with the following requirements:

1. Use manufacturer's recommendation to install, calibrate, maintain, and operate an electronic pressure transducer(s) at each tank system (collectively, "Tank Pressure Monitors") and a position sensor at each associated tank system thief hatch (collectively, "Thief Hatch Tilt Sensors").

2. Tank Pressure Monitors and Thief Hatch Tilt Sensors shall record data at least once every minute with a data transmission at least every hour to a central monitoring station.

3. Tank Pressure Monitors and Thief Hatch Tilt Sensors must be operated and function continuously except during instances of planned or unplanned maintenance or malfunction of the Tank Pressure Monitors or the Thief Hatch Tilt Sensors. If a Tank Pressure Monitor or Thief Hatch Tilt Sensor is identified as malfunctioning, Respondent shall correct the malfunction within ten (10) days from the date on which the malfunction was detected.

Respondent shall record all dates, locations, durations, and causes of Tank Pressure Monitor or Thief Hatch Tilt Sensor malfunction.

4. After the Tank Pressure Monitors and Thief Hatch Tilt Sensors are installed pursuant to Paragraph 1 of this Section, Respondent shall evaluate calibration and optimize the Tank Pressure Monitors and Thief Hatch Tilt Sensor to ensure that the data produced by the monitors are accurate.

5. After the Tank Pressure Monitors and Thief Hatch Sensors are calibrated and optimized pursuant to Paragraph 4 of this Section, Respondent shall:

a. conduct an OGI Survey during a pressure test to determine the leak point of each tank system. During the pressure test, Respondent shall pressurize the tank system up to the highest point at which the pressure relief devices are not emitting ("leak point"). The leak point shall be no greater than the lowest set point of any pressure relief device; and

b. determine the trigger point, which must be at least two ounces per square inch below the lowest set point of any pressure relief device in the tank system and less than the leak point (e.g., if a tank is equipped with a thief hatch with a set point of 16 oz/in² and a pressure relief valve ("PRV") with a set point of 14 oz/in², the trigger point can be no greater than 12 oz/in²).

6. Respondent shall record all dates, locations, durations, and causes of each instance when a Tank Pressure Monitor records a measurement that exceeds the trigger point or a Thief Hatch Tilt Sensor indicates a thief hatch is open.

7. At any time after the completion of Paragraph 5 of this Section, if (i) any Tank Pressure Monitor records two (2) or more measurements in a 48-hour period that exceed the trigger point, or (ii) a measurement that exceeds the trigger point continuously for a duration of one (1) minute or longer, or (iii) a Thief Hatch Tilt Sensor indicates a thief hatch is open, such record shall require a site investigation. Respondent shall complete within ten (10) days of such record, the site investigation and all necessary corrective action. Each site investigation shall be documented with a record that includes the results of the site investigation, any observation of VOC emissions observed, and any corrective actions taken to address observations of VOC emissions or any instances of malfunction of the Tank Pressure Monitors or Thief Hatch Tilt Sensors.

8. The Facility must submit all records made pursuant to Paragraphs 3, 6, and 7 of this Section to EPA on a monthly basis within twenty-one (21) days of the end of each month. The Facility must upload the records to an electronic folder provided by EPA. Respondent shall contact the enforcement officer identified in Paragraph 41 of Section F (Conditions of Settlement) to make arrangements to upload the required records.

APPENDIX D

I. Letter Report Requirements

Respondent shall provide a Letter Report to EPA containing the following information for at each of the Facilities:

1. Explain the scope of the Facility Review, provide a summary of the Facility Review process, and explain any obstacles encountered.
2. State the period of time covered by the Facility Review and list the date(s) when any on-site portion of the Facility Review was conducted.
3. Identify the Facility Review team members, including names, titles, and summaries of qualifications.
4. Identify any representatives of EPA or Respondent who observed any portion of the Facility Review.
5. Include a copy of the results of the Engineering Assessment conducted pursuant to Section III of Appendix B. Include documentation of the condensate and gas samples used to perform process flow modeling, as well as the results of the process flow modeling, pursuant to Paragraph 2 of Section III of Appendix B and the results of quality assurance and quality control analyses conducted for the condensate and gas samples.
6. Include a written explanation of the instances of non-compliance noted during the Facility Review, and the areas of concern identified during the course of the Facility Review, regardless of whether they require corrective action or merit further review or evaluation for potential environmental or regulatory impacts.
7. A statement of whether Respondent is applying for, or will apply for, new or modified permits, repairing or replacing any equipment in accordance with the Facility Review.
8. A description of the following steps that Respondent has taken or will take:
 - a. A schedule for promptly addressing deficiencies identified in the Facility Review and Compliance Monitoring.
 - b. A list of new equipment and piping to be procured, including flares, combustors, tank hatches, pressure relief valves, piping, and gaskets.
 - c. The repair, replacement, upgrading, and/or installation of equipment, including flares, combustors, tank pressure relief valves, tank hatches and gaskets, and compressors.

d. The replacement of any piping, valves, flame arrestors, or other equipment that is inadequately sized for the flow of condensate and volume of emissions.

e. The addition, upgrading, or replacement of spill containment capability.

9. An estimation of the total emission reductions for specific actions taken or improvements made or planned to be made.

10. Confirmation that there are no unauthorized emissions during normal operations for newly installed equipment (e.g., conduct OGI Camera Surveys to detect and correct any visible emissions).

FILED

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**REGIONAL HEARING CLERK
EPA REGION 6**

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

Gateway Gathering and Marketing Co.
Houston, Texas

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DOCKET NO. CAA-06-2024-3379

RESPONDENT

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Gateway Gathering and Marketing Co. is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated _____

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the addressees:

Copy via Email to Complainant - READ RECEIPT REQUESTED

Lannen.Justin@epa.gov

Copy via Email to Respondent – READ RECEIPT REQUESTED

keithstephenson@gatewaygathering.com
Gateway Gathering and Marketing Co.
16225 Park Ten Place, Suite 450
Houston, TX 77084

Office of Regional Counsel
U.S. EPA, Region 6
Dallas, Texas