

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2017 MAY -9 AM 10: 59

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
EP Energy E&P Company, L.P.)
1001 Louisiana Street , Suite 2322C)
Houston, TX 77002)
Respondent)

Docket No.: CERCLA-08-2017-0003

COMBINED COMPLAINT AND
CONSENT AGREEMENT

STATUTORY AUTHORITY

1. This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits set forth at 40 C.F.R. part 22.
2. The EPA is authorized to issue civil administrative actions and assess civil penalties for violations of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9601, et seq., and its implementing regulations.
3. The EPA and EP Energy E&P Company, L.P. (Respondent) (collectively referred to as the "parties") have agreed to the settlement of this matter before the filing of a complaint as authorized by 40 C.F.R. § 22.13(b), and to execute this Combined Complaint and Consent Agreement (CCCA) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) to simultaneously commence and conclude this matter upon issuance of a final order.

COMPLAINT

General Allegations

4. The undersigned EPA officials have been properly delegated the authority to issue this action.

EP Energy CERCLA § 103(a) CCCA

5. Respondent is a "person" as that term is defined by section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
6. Respondent is an owner and/or operator of the Babcock 2-12 B4 Well site which is located in the southwest quarter of the southwest quarter of Section 12, Township 2 South, Range 4 West, Uintah Principal Meridian, near Altamont, Utah (Facility).
7. On July 17, 2016, approximately 363 bbls (15,250 gal.) of 15% hydrochloric acid (HCL) or 16,569 pounds of HCL were released on to the ground from Respondent's Facility.
8. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires that a person in charge of a facility, as soon as he or she has knowledge of a release of a hazardous substance from such facility or vessel in an amount equal to or greater than the reportable quantity (RQ), immediately notify the National Response Center (NRC).
9. HCL is a hazardous substance as defined under section 101(14) of CERCLA, 42 U.S.C. § 9601(14) with a RQ of 5,000 pounds as set forth in 40 C.F.R. part 302, Table 302.4. Since 16,549 pounds of HCL were released, immediate notification to the NRC was required.
10. Respondent did not immediately notify the NRC of the HCL release at the Facility as soon as Respondent had knowledge of the release.
11. Respondent violated the notification requirements of section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

CONSENT AGREEMENT

12. Respondent admits to the EPA's jurisdiction and venue over the matters contained in this CCCA, however, Respondent neither admits nor denies the EPA's specific factual allegations contained herein.

Civil Penalty

13. Pursuant to section 109(a)(1)(A) of CERCLA, 42 U.S.C. § 9609(a)(1)(A), the EPA has considered the nature, circumstances, extent and gravity of the Respondent's violations; the Respondent's prior compliance history; the Respondent's degree of culpability; the Respondent's economic benefit or savings resulting from the violations; the Respondent's ability to pay the proposed penalty; and any other matters that justice requires, and has determined that an appropriate civil penalty to settle this action is \$9,952.00.

14. Respondent consents, for the purpose of settlement, to the issuance of a final order and to the payment of the civil penalty cited in the foregoing paragraph.

15. Within thirty (30) days of receiving a signed final order in this matter, the payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount, payable to "*EPA Hazardous Substance Superfund*," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Federal Express, Airborne, or other commercial carrier:

U.S. Bank
Government Lockbox 979076
U.S. EPA Superfund payments
1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, MO 63101
Attn: Craig Steffen, (513) 487-2091

Wire Transfers:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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 "

ACH Transactions made through Vendor Express:

U.S. Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format, Transaction Code 22, checking

There is now an On Line Payment Option, available through the U.S. Department of Treasury. This payment option can be accessed from the information below:

www.pay.gov – see following link for additional instructions if using this method: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>

A copy of the check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent to both:

Steven A. Ramirez
EPA Region 8, 8ENF-AT-TP
1595 Wynkoop Street
Denver, CO 80202-1129

and

Melissa Haniewicz
Regional Hearing Clerk
EPA Region 8, 8RC
1595 Wynkoop Street
Denver, CO 80202-1129

16. In the event Respondent fails to pay or does not pay the full amount of its civil penalty by

the due date, Respondent shall pay interest and late charges as specified below.

Interest and Late Fees

17. If the payment of the penalty is not received by the specific due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717 and will continue to accrue until payment in full is received (i.e., on the 1st late day, 30 days of interest will have accrued). A late payment or handling charge of fifteen dollars (\$15.00) shall be assessed the 31st day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount not paid within 90 days of the due date. Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.

GENERAL PROVISIONS

18. Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this CCCA pursuant to 40 C.F.R. § 22.15. By signing and returning this CCCA to the EPA, Respondent waives the opportunity for a hearing pursuant to section 554 of the Administrative Procedure Act, 5. U.S.C. § 554.

19. This CCCA, upon incorporation into a final order, applies to and is binding upon the EPA and upon Respondent and Respondent's officers, directors, employees, agents, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter the Respondent's responsibility under this CCCA.

EP Energy CERCLA § 103(a) CCCA

20. Nothing in this CCCA shall relieve Respondent of its duty to comply with CERCLA and its implementing regulations. Furthermore, this CCCA and any subsequently issued final order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to a federal, state or local permit.

21. Failure by Respondent to comply with any of the terms of this CCCA shall constitute a breach of the agreement and may result in referral of the matter to the U.S. Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

22. Nothing in this CCCA shall be construed as a waiver by the EPA of its authority to seek costs, interest, or any appropriate penalty, not inconsistent with this CCCA, associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the provisions of this CCCA.

23. Each undersigned representative of the parties to this CCCA certifies that he or she is fully authorized by the party represented to execute and legally bind the party to the terms and conditions of this CCCA.

24. The parties agree to submit this CCCA to the Regional Judicial Officer (RJO), with a request that it be incorporated into a final order.

25. This CCCA, upon incorporation into a final order by the RJO and full satisfaction by the parties, shall be a complete and full civil settlement of the violations alleged herein.

26. Respondent agrees that the penalty specified in this CCCA and any interest or charges paid shall not be deductible for purposes of local, state, or federal taxes.

27. Each party agrees to bear its own costs and attorney fees in connection with these

matters.

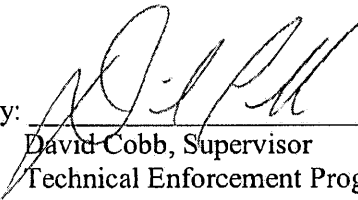
28. This CCCA contains all terms of the settlement agreed to by the parties.

EFFECTIVE DATE

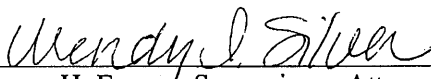
29. This CCCA shall become effective upon the date of the Final Order.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant

Date: 4/13/17

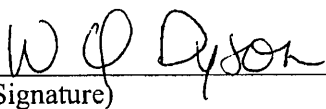
By: 
David Cobb, Supervisor
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date: 4/13/17

By: 
for James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

EP Energy E&C Company, L.P.,
Respondent

Date: 4/11/17

By: 
(Signature)
W. Q. DYSON, VP, Operations
(Printed Name and Title)

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT and FINAL ORDER** in the matter of **EP ENERGY E&P COMPANY, LP; DOCKET NO.: CERCLA-08-2017-0003** was filed with the Regional Hearing Clerk on May 9, 2017.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Marc Weiner, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on May 9, 2017, to:


Respondent

Pilar Grantham
Senior Counsel
EP Energy
1001 Louisiana
Houston, Texas 77002

And emailed to:

Jessica Chalifoux
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

May 9, 2017


Melissa Haniewicz
Regional Hearing Clerk

