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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KINDER MORGAN ALTAMONT LLC and
COLORADO INTERSTATE GAS
COMPANY, L.L.C.

Defendants.

Civil Action No. 2:18-cv-00212-DBP

Magistrate Judge Dustin B. Pead

COMPLAINT

The United States of America, by authority of the Attorney General, and through the undersigned attorneys on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), files this Complaint, and alleges as follows:

NATURE OF ACTION

1. This is a civil action pursuant to Section 113(a)(3)(C) of the Clean Air Act, 42 U.S.C. § 7413(a)(3)(C), for alleged violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the implementing regulations at 40 C.F.R. Part 68, which are designed to prevent accidental releases of hazardous chemicals.

2. The United States seeks permanent injunctive relief and assessment of civil penalties against the Defendants, Kinder Morgan Altamont LLC (“Kinder Morgan Altamont”) and Colorado Interstate Gas Company, L.L.C. (“CIG”) (collectively “Defendants”), for violations arising from Kinder Morgan Altamont’s operation of its Altamont Gas Plant, located in Altamont, Utah (“Altamont Gas Plant”) and CIG’s operation of its Rawlins Station Gas Plant (“Rawlins Gas Plant”) located in Sinclair, Wyoming.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345 and 1355, and Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b).

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), because the Altamont Gas Plant is located in this district and because a substantial portion of the events giving rise to this claim occurred in this judicial district.

NOTICE AND AUTHORITY

5. Authority to bring this action is vested in the Attorney General of the United States under Section 305(a) of the Clean Air Act, 42 U.S.C. § 7605(a), and 28 U.S.C. §§ 516 and 519.

6. EPA has provided notice of the commencement of this action to the States of Wyoming and Utah, as provided for under Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b).

PARTIES

7. Plaintiff is the United States of America, acting at the request of the United States EPA, an agency of the United States.

8. Defendant Kinder Morgan Altamont is a Delaware corporation engaged in, among other things, natural gas processing and transportation.

9. Defendant CIG is a Delaware corporation engaged in, among other things, natural gas processing and transportation.

10. Defendants are “persons” within the meaning of Sections 113(b) and 302(e) of the Clean Air Act, 42 U.S.C. § 7413(b) and § 7602(e).

STATUTORY AND REGULATORY BACKGROUND

11. The Clean Air Act establishes a regulatory scheme designed to protect and enhance the quality of the nation’s air so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1).

12. The Clean Air Act requires the Administrator of EPA, *inter alia*, to promulgate regulations in order to prevent accidental releases of regulated substances. 42 U.S.C. § 7412(r).

13. Pursuant to 42 U.S.C. § 7412(r)(3), the Administrator has promulgated a list of regulated substances, with threshold quantities, and has defined the stationary sources that will be subject to the accident prevention regulations.

14. Pursuant to 42 U.S.C. § 7412(r)(3), the Administrator has promulgated chemical accident prevention regulations that address release prevention, detection, and correction requirements for listed regulated substances. *See* 40 C.F.R. Part 68.

15. These chemical accident prevention regulations require owners and operators of a stationary source that has more than a threshold quantity of a regulated substance in a process to develop and implement a risk management program, which must be described in a Risk Management Plan submitted to EPA and which includes a process hazard assessment, a prevention program, and an emergency response program. 40 C.F.R. § 68.150.

16. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3, define a “stationary source” as any buildings, structures, equipment, installations, or substance-emitting stationary activities which belong to the same industrial group, are located on one or more contiguous properties, are under the control of the same person, and from which an accidental release may occur.

17. “Process” is defined in 40 C.F.R. § 68.3 to mean “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or any combination of these activities.” “Covered process” means “a process that has a regulated hazardous substance present in more than a threshold quantity as determined under [40 C.F.R.] § 68.115.” 40 C.F.R. § 68.3.

18. The regulations at 40 C.F.R. part 68 separate the covered processes into three categories, designated as Program 1, Program 2, and Program 3, and set forth specific requirements for owners and operators of stationary sources with processes that fall within the respective programs.

19. Pursuant to 40 C.F.R. § 68.10(d), a covered process is subject to Program 3 requirements if the process does not meet one or more of the Program 1 eligibility requirements set forth in 40 C.F.R. § 68.10(b), and if either of the following conditions is met: (a) the process is listed in one of the specific North American Industry Classification System codes found at 40 C.F.R. § 68.10(d)(1); or (b) the process is subject to the United States Occupational Safety and Health Administration (“OSHA”) process safety management standard set forth in 29 C.F.R. § 1910.119.

20. Pursuant to 40 C.F.R. § 68.12(d) the owner or operator of a stationary source that is subject to Program 3 prevention requirements must undertake certain tasks including, but not limited to: development and implementation of a management system (as provided in 40 C.F.R. § 68.15); the development and implementation of prevention program requirements, which include the compilation of process safety information, written standard operating procedures, training, a mechanical integrity program, management of change procedures, and pre-startup safety review procedures (as provided in 40 C.F.R. §§ 68.65-68.87); and the development and implementation of an emergency response program (as provided in 40 C.F.R. §§ 68.90-68.95).

21. 40 C.F.R. Part 68 further subjects the owner and operator of a stationary source that has more than a threshold quantity of a regulated substance in a covered process to the Subpart D Program 3 Prevention Program Requirements, 40 C.F.R. §§ 68.65-195(b). These requirements include, *inter alia*, the following:

- a. Compilation of process safety information, including materials of construction. 40 C.F.R. § 68.65(d)(1)(i);
- b. Documentation that equipment complies with recognized and generally accepted good engineering practices. 40 C.F.R. § 68.65(d)(2);
- c. Establishment of a system to address process hazard analysis findings and recommendations promptly. 40 C.F.R. § 68.67(e);
- d. Performance of inspections and tests to evaluate mechanical integrity of process equipment. 40 C.F.R. § 68.73(d);
- e. Correction of deficiencies in equipment that are outside acceptable limits related to process safety. 40 C.F.R. § 68.73(e);
- f. Preparation of an incident investigation report that includes any recommendations resulting from the investigation, 40 C.F.R. § 68.81(d);
- g. Establishment of a system to address and resolve incident report findings promptly. 40 C.F.R. § 68.81(e);
- h. Submission of correct emergency contact information within one month of any change in the emergency contact information required under 40 C.F.R. § 68.160(b)(6). 40 C.F.R. § 195(b).

22. Pursuant to 42 U.S.C. § 7413(b), the Administrator may commence a civil action against any person that is the owner or operator of an affected source, to obtain civil penalties and injunctive relief whenever such person has violated or is violating any requirement or prohibition of the Clean Air Act, including the requirements of 42 U.S.C. § 7412 and its implementing regulations, including 40 C.F.R. Part 68.

GENERAL ALLEGATIONS

A. Altamont Gas Plant

23. At all times relevant to this Complaint, Defendant Kinder Morgan Altamont owned and operated a natural gas processing plant identified as the Altamont Gas Plant, located at 17790 West 3750 North, Altamont, Utah, 84001. The Altamont Gas Plant consists of a natural gas processing plant, including buildings, vessels, and interconnected piping.

24. The Altamont Gas Plant gathers, fractionates, and further processes field gas from gas production fields. The gas plant's primary function is to recover liquid hydrocarbons from the gas stream entering the plant from the gas collection area.

25. The Altamont Gas Plant has an approximate processing capacity of 60 million cubic feet of natural gas per day.

26. The Altamont Gas Plant is a "stationary source" as defined by 40 C.F.R. § 68.3.

27. Flammable mixture is a "regulated substance" pursuant to 42 U.S.C. § 7412(r), and 40 C.F.R. §§ 68.3 and 68.130, and listed in 40 C.F.R. § 68.130, Table 1, with a threshold quantity of 10,000 pounds.

28. Propane is a "regulated substance" pursuant to 42 U.S.C. § 7412(r), and 40 C.F.R. §§ 68.3 and 68.130, and listed in 40 C.F.R. § 68.130, Table 1, with a threshold quantity of 10,000 pounds.

29. At all times relevant to this Complaint, the Altamont Gas Plant listed flammable mixture [CAS # 00-11-11] and propane [CAS # 74-98-6] as exceeding Risk Management Plan threshold quantities in its processes.

30. At all times relevant to this Complaint, the Altamont Gas Plant Risk Management Plan identified 5,999,050 pounds of flammable mixture and 46,398 pounds of propane contained in its gas processing operations at the plant.

31. At all times relevant to this Complaint, the Altamont Gas Plant used greater than threshold quantities of regulated substances in storage or handling of such substances, and therefore is a “covered process” as defined by 40 C.F.R. § 68.3.

32. The gas processing operation at the Altamont Gas Plant is subject to the OSHA process safety management standard of 29 C.F.R. § 1910.119. Therefore, pursuant to 40 C.F.R. § 68.10(d)(2), this process is also subject to the Program 3 chemical accident prevention provisions, 40 C.F.R. §§ 68.67-87.40.

33. On September 17, 2014, EPA notified the Altamont Gas Plant of EPA’s upcoming October 1, 2014 compliance review.

34. EPA conducted an inspection of the Altamont Gas Plant on October 1, 2014.

35. EPA notified Kinder Morgan, Inc. of the Altamont Gas Plant violations by letter dated February 26, 2016.

B. Rawlins Station Gas Plant

36. At all times relevant to this Complaint, Defendant CIG owned and operated a natural gas processing plant identified as the Rawlins Station Gas Plant, located at 230 Plant Road, Sinclair, Wyoming, 82334. The Rawlins Station Gas Plant consists of a natural gas processing plant, including buildings, vessels, and interconnected piping.

37. The Rawlins Station Gas Plant gathers, fractionates, and further processes field gas from gas production fields. The gas plant’s primary function is to recover liquid hydrocarbons from the gas stream entering the plant from the gas collection area.

38. At all times relevant to this Complaint, the Rawlins Station Gas Plant had an approximate processing capacity of 190 million standard cubic feet of natural gas per day.

39. The Rawlins Station Gas Plant is a “stationary source” as defined by 40 C.F.R. § 68.3.

40. At all times relevant to this Complaint, the Rawlins Station Gas Plant listed flammable mixture [CAS-00-11-11] as exceeding Risk Management Program threshold quantities in its processes at the plant.

41. The Rawlins Station Gas Plant’s Risk Management Plan identifies 6,499,444 pounds of flammable mixture contained in its gas processing operations.

42. At all times relevant to this Complaint, the Rawlins Station Gas Plant used greater than threshold quantities of regulated substances in storage or handling of such substances, and therefore is a “covered process” as defined by 40 C.F.R. § 68.3.

43. The gas processing operation at the Rawlins Station Gas Plant is subject to the OSHA process safety management standard of 29 C.F.R. § 1910.119. Therefore, pursuant to 40 C.F.R. § 68.10(d)(2), this process is also subject to the Program 3 chemical accident prevention provisions, 40 C.F.R. §§ 68.67-87.40.

44. On March 2, 2015, EPA notified the Rawlins Station Gas Plant of EPA’s upcoming March 24 and 25, 2015 compliance inspection.

45. EPA conducted an inspection of the Rawlins Station Gas Plant on March 24 and 25, 2015.

46. EPA notified Kinder Morgan, Inc. of the Rawlins Station Gas Plant violations by letter dated February 26, 2016.

FIRST CLAIM FOR RELIEF
(Clean Air Act Chemical Accident Prevention Provisions)
Altamont Gas Plant

47. The allegations of the foregoing Paragraphs 1 through 46 are re-alleged and incorporated herein by reference.

48. The EPA inspection of the Altamont Gas Plant on October 1, 2014, revealed multiple violations of the chemical accident prevention provisions of 40 C.F.R. Part 68, as described below.

49. Section 65 of 40 C.F.R. Part 68 requires owners and operators to document that equipment complies with recognized and generally accepted good engineering practices. 40 C.F.R. § 68.65.

50. Kinder Morgan Altamont violated 40 C.F.R. § 68.65 by failing to document use of correct materials of construction for the distance piece (a component within the compressor that allows for separation of lubrication oil and compression gas) on compressors in accordance with recognized and generally accepted good engineering practices, including the Ingersoll-Rand material specifications calling for American Society for Testing and Materials (“ASTM”) A48 Class 50, as of the date of the EPA inspection on October 1, 2014.

51. At the time of the EPA inspection, the material for the distance piece in use was identified by Kinder Morgan Altamont as ASTM A48 Class 25, a harder material than ASTM A48 Class 50 material, and is a material more susceptible to brittle fracture. On April 14, 2016, Kinder Morgan Altamont identified the distance piece material as ASTM A48, Class 30. Neither material identified by Kinder Morgan Altamont was consistent with recognized and generally accepted good engineering practices.

52. Section 68.73(d)(1) and (2) of 40 C.F.R. Part 68 requires performance of inspections and tests on process equipment and that inspection and testing procedures follow recognized and generally accepted good engineering practices.

53. Kinder Morgan Altamont violated 40 C.F.R. § 68.73(d)(1) by failing to perform inspections and tests on at least three process piping circuits selected by EPA for review during its inspection of the Altamont Plant. At the time of the EPA inspection, Kinder Morgan Altamont had no record of inspections and tests ever having been performed on piping circuits identified as 3"FL-144-A, 8"GH-79-B. At the time of the EPA inspection, Kinder Morgan Altamont did not have a record of visual inspection ever having been performed on piping circuit 2"LH-125-A.

54. Kinder Morgan Altamont violated 40 C.F.R. § 68.73(d)(1) by failing to perform inspections and tests on at least two pressure vessels, identified as V-14 and V-16E. At the time of the EPA inspection, Kinder Morgan Altamont had failed to perform an external inspection at an acceptable frequency consistent with recognized and generally accepted good engineering practices. At the time of the EPA inspection, the most recent external inspection of V-14 was 2001.

55. Kinder Morgan Altamont violated 40 C.F.R. § 68.73(d)(2) by failing to perform inspections and tests in accordance with recognized and generally accepted good engineering practices. Kinder Morgan Altamont failed to analyze data collected from inspection and testing of process equipment in accordance with recognized and generally accepted good engineering practices, such as American Petroleum Institute, Pressure Vessel Inspection Code 510 and American Petroleum Institute, Piping Inspection Code 570. At the time of the EPA inspection, the Altamont Gas Plant's integrity management software, AIM², included several pieces of

equipment with analysis indicating overdue retirement dates and overdue next inspection dates, yet the equipment was still in operation.

56. Section 68.81(a), (d)(5) of 40 C.F.R. Part 68 requires investigation of each incident which resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance, and that such report shall be prepared at the conclusion of the investigation and shall include any recommendations resulting from the investigation. 40 C.F.R. § 68.81(a), (d)(5).

57. Kinder Morgan Altamont experienced the failure of a distance piece on an Ingersoll-Rand compressor that resulted in a fire at the Altamont Gas Plant on November 3, 2012.

58. Kinder Morgan Altamont began an incident investigation on November 3, 2012, of the fire/explosion that occurred when a distance piece on an Ingersoll-Rand compressor failed. As part of the investigation, Kinder Morgan Altamont's metallurgy laboratory concluded that the distance piece failed by brittle overload caused by normal operational loads. The metallurgy laboratory also concluded that the materials of construction for the distance piece did not meet the manufacturer's specifications.

59. On information and belief, a total of nine Ingersoll-Rand compressors were in operation at the Altamont Gas Plant at the time the EPA inspection.

60. Kinder Morgan Altamont violated 40 C.F.R. § 68.81(d)(5) by failing to include in the November 3, 2012 incident investigation report a recommendation to test all other similar compressors to ensure the distance pieces have safe and acceptable materials of construction.

61. Section 68.81(e) of 40 C.F.R. Part 68 requires the owner or operator to establish a system to address and resolve promptly the incident report findings and recommendations, and to document the resolutions and corrective actions. 40 C.F.R. § 68.81(e).

62. One of the recommendations for corrective action included in the November 3, 2012 incident investigation report was to add the inspection of the distance piece to the semi-annual and annual inspections. On information and belief, the semi-annual and annual inspections are a visual inspection of the distance piece to look for cracks and/or abnormalities around every 4,000 service hours for the semi-annual inspection and around every 8,000 service hours for the annual inspection.

63. On information and belief, at the time of the EPA inspection on October 1, 2014, for at least two compressors, the recommendation to inspect distance pieces visually was not being implemented and/or documented, as shown below:

K1C Compressor

Date of Compressor Inspection	Compressor Service Hours	Distance Piece Inspection Documented?
1/25/13	Info not available	yes
11/11/13	124,879	no
3/26/14	12,577	yes
8/26/14	Listed as 2K hr inspection	no

K3B Compressor

Date of Compressor Inspection	Compressor Service Hours	Distance Piece Inspection Documented?
1/25/13	Info not available	yes
4/9/14	7,447 (listed as 4000 hr)	no

64. Kinder Morgan Altamont violated 40 C.F.R. § 68.81(e) by failing to address and resolve promptly the November 3, 2012 incident investigation report findings and recommendations. At the time of the EPA inspection, Kinder Morgan Altamont had not

performed and/or documented all resolutions and corrective actions, including inspection of distance pieces visually, as recommended in the November 3, 2012 incident investigation report.

65. Kinder Morgan Altamont's failure to comply with the requirements of the chemical accident prevention provisions of 40 C.F.R. Part 68 violated 42 U.S.C. § 7412(r).

66. As provided in Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the violations set forth above subject Kinder Morgan Altamont to injunctive relief and civil penalties of up to \$25,000 per day for each violation of the Clean Air Act. Under the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, Kinder Morgan Altamont is liable for civil penalties of up to \$37,500 per day per violation occurring on and after January 12, 2009, and \$51,570 per day per violation occurring on and after November 2, 2015. 40 C.F.R. § 19.4.

**SECOND CLAIM FOR RELIEF
(Clean Air Act Chemical Accident Prevention Provisions)
Rawlins Station Gas Plant**

67. The allegations of Paragraphs 1 through 46 are realleged and incorporated herein by reference.

68. During its inspection of the Rawlins Station Gas Plant on March 24 and 25, 2015, EPA discovered multiple violations of the chemical accident prevention provisions of 40 C.F.R. Part 68, including, but not limited to, violations as described below.

69. Section 65(d) of 40 C.F.R. Part 68 requires owners and operators to maintain a compilation of written process safety information to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by those processes involving regulated substances. Pursuant to 40 C.F.R. § 68.65(d)(1)(i) and (ii),

required process safety information includes, *inter alia*, materials of construction and piping and instrument diagrams.

70. At the time of the EPA inspection, CIG did not have materials of construction in the documentation relating to pressure vessels in the natural gas liquids (“NGL”) storage area at the Rawlins Station Gas Plant.

71. CIG violated 40 C.F.R. § 68.65(d)(1)(i) by failing to include materials of construction in documentation relating to pressure vessels in the NGL storage area at the Rawlins Station Gas Plant.

72. At the time of the EPA inspection, CIG’s piping and instrument diagram for the flammable mixture process at the Rawlins Station Gas Plant identified T-18 (tank 18) as a pressure vessel.

73. At the time of the EPA inspection, Rawlins Station Gas Plant personnel identified T-18 (tank 18) as an atmospheric tank.

74. CIG violated 40 C.F.R. § 68.65(d)(1)(ii) by failing to identify accurately T-18 in the piping and instrument diagram for the flammable mixture process at the Rawlins Station Gas Plant.

75. Section 65(d)(2) of 40 C.F.R. Part 68 requires owners and operators to document that equipment complies with recognized and generally accepted good engineering practices. 40 C.F.R. § 68.65(d)(2).

76. At the time of the EPA inspection, EPA observed a steel plate welded to the cylindrical shell of each of pressure vessels V-6 and V-7. This type of repair or alteration requires an R Stamp per American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Div. 1. At the time of the EPA inspection, CIG was unable to provide R

Stamps or similar documentation. In addition, the shop drawing for pressure vessels V-6 and V-7 did not show the welded plates. At the time of the EPA inspection, CIG did not have documentation available to confirm the vessels were designed, repaired, inspected, tested and operated in accordance with recognized and generally accepted good engineering practices.

77. CIG violated 40 C.F.R. § 68.65(d)(2) by failing to document that pressure vessels V-6 and V-7 complied with recognized and generally accepted good engineering practices.

78. Section 68.67(e) of 40 C.F.R. Part 68 requires owners and operators to establish a system to address promptly the process hazard analysis team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

79. At the time of the EPA inspection, three (3) recommendations of the Rawlins Station Gas Plant's process hazard analysis were not resolved in a timely manner and documented. All three (3) recommendations were associated with the "BTU Control Station" (Node 17). These recommendations were:

- (a) Ensure any recommendations from the flare study have been addressed;
- (b) Consider the addition of a Level Alarm High; and
- (c) Consider the addition of a continuous flare system purge that sweep[s] all major headers (fuel gas with rotameters etc.).

80. CIG violated the requirements of 40 C.F.R. § 68.67(e) by failing to resolve in a timely manner and to document resolution of the three recommendations of the process hazard analysis, as identified in paragraph 76, above.

81. Section 68.73(d)(1) and (2) of 40 C.F.R. Part 68 require performance of inspections and tests on process equipment and that inspection and testing procedures follow recognized and generally accepted good engineering practices.

82. Section 68.73(d)(3) of 40 C.F.R. Part 68 requires that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturer's recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

83. At the time of the EPA inspection in March 2015, CIG had failed to perform inspections and tests on a piece of process instrumentation, identified as U-8342, level indicator. At the time of the EPA inspection in March 2015, CIG did not have any test report for instrument U-8342.

84. At the time of the EPA inspection, CIG had failed to test/calibrate a Lower Explosive Limit ("LEL") sensor in the engine room at the Rawlins Station Gas Plant at a frequency consistent with applicable manufacturer's recommendations. At the time of the EPA inspection in March 2015, the last record of an annual calibration was for 2010.

85. CIG violated 40 C.F.R. § 68.73(d) by failing to perform inspections and tests of process equipment consistent with applicable manufacturer's recommendations and good engineering practices, including frequency, and more frequently if determined to be necessary by prior operating experience. The frequency of inspections and tests performed on pressure vessels at the Rawlins Station Gas Plant was not consistent with the applicable good engineering

practices. CIG's documentation indicated that at least twenty-nine (29) pressure vessels were not inspected and tested at the frequency required by good engineering practices. EPA's review of CIG's inspection records for six (6) pressure vessels during the EPA inspection on March 24 and 25, 2015, revealed that all six (6) pressure vessels were out of compliance, as identified below:

Vessel ID	Vessel Description	Last Internal Inspection	Last External Inspection	Last Online Inspection
HE-5	Glycol exchanger	No documentation available	Visual performed within 2 weeks of EPA inspection	No documentation available
V-5	Deprop reflux accumulator	No documentation available	No documentation available	1994 (Note the retirement date listed in AIM ² was 11/19/2008)
V-37-1	VTR propane treater	No documentation available	No documentation available	2005 UT readings
18-28	Deprop reboiler	No documentation available	Visual performed within 2 weeks of EPA inspection	No documentation available
31-3	Still tower (lean oil)	No documentation available	2010	2010
T-18	Catch all tank	No documentation available	No documentation available	No documentation available

86. Section 68.73(e) of 40 C.F.R. Part 68 requires owners and operators to correct deficiencies in equipment that are outside of acceptable limits (defined by the process safety information in 40 C.F.R. § 68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

87. CIG violated 40 C.F.R. § 68.73(e) by failing to correct deficiencies in equipment before further use or in a safe and timely manner with means necessary to assure safe operation. At the time of the EPA inspection, CIG's calculated retirement dates for piping circuits at the Rawlins Station Gas Plant showed that seventy-four (74) piping circuits were in operation past their calculated retirement dates.

88. Section 68.195(b) of 40 C.F.R. Part 68 requires owners and operators to submit to EPA correct emergency contact information within one month of any change in the emergency contact information required under 40 C.F.R. § 68.160(b)(6), which requires the name, title, telephone number, 24-hour telephone number, and, as of June 21, 2004, the e-mail address (if an e-mail address exists) of the emergency contact.

89. CIG's emergency contact for the Rawlins Station Gas Plant changed in January of 2015, when the contact employee left the Rawlins Station Gas Plant.

90. CIG submitted updated emergency contact information for the Rawlins Station Gas Plant to EPA on May 12, 2015, more than thirty (30) days after the emergency contact had changed.

91. CIG's failure to comply with the requirements of the chemical accident prevention provisions of 40 C.F.R. Part 68 violated 42 U.S.C. § 7412(r).

92. As provided in Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the violations set forth above subject CIG to injunctive relief and civil penalties of up to \$25,000 per day for each violation of the Clean Air Act. Under the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, Kinder Morgan Altamont is liable for civil penalties of up to \$37,500 per day per violation occurring on and after January 12, 2009, and \$51,570 per day per violation occurring on and after November 2, 2015. 40 C.F.R. § 19.4.

REQUEST FOR RELIEF

WHEREAS, the United States respectfully request that this Court:

a) Permanently enjoin Defendants from further violations of the Clean Air Act, 42 U.S.C. § 7412(r) and the chemical accident prevention regulations, 40 C.F.R. Part 68; Require Defendants to complete expeditiously all actions necessary to achieve and

maintain compliance with the Clean Air Act, 42 U.S.C. § 7412(r), and the chemical accident prevention regulations, 40 C.F.R. Part 68;

b) Assess civil penalties against Defendants up to the maximum amount provided in the Clean Air Act and Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended;

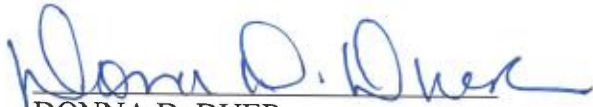
c) Award the United States its costs in this action; and

d) Grant the United States such other and further relief as the Court deems appropriate.

Respectfully submitted,

FOR THE UNITED STATES:

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