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THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA, THE STATE OF NORTH DAKOTA, AND THE STATE OF WYOMING, Plaintiffs, v. MPLX LP, Defendant.	**COMPLAINT** Case No. 2:23cv252

Plaintiffs, the United States of America, by and through the Attorney General of the United States, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), the State of Wyoming, on behalf of the Wyoming Department of Environmental Quality ("WY DEQ"), and the State of North Dakota, on behalf of the North Dakota Department of Environmental Quality ("NDDEQ") (together, the "Plaintiffs"), file this complaint and allege as follows:

STATEMENT OF THE CASE

1. This is a civil action against Defendant MPLX LP, pursuant to Section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(b), to obtain civil penalties and injunctive relief for violations of New Source Performance Standards ("NSPS") and National Emissions Standards for Hazardous Air Pollutants ("NESHAP"), Sections 111(e) and 112 of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7411(e) & 7412, regulations promulgated thereto, and state law.

2. Specifically, Defendant failed to comply with the following NSPS regulations – and corresponding state regulations – at natural gas processing plants in Utah on the Uintah and Ouray Indian Reservation and in North Dakota and Wyoming: the Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after August 23, 2011 and on or before September 18, 2015, 40 C.F.R. Part 60, subpart OOOO ("NSPS Subpart OOOO") and the Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015, 40 C.F.R. Part 60, Subpart OOOOa ("NSPS Subpart OOOOa"). Defendant also failed to comply with the following NESHAP regulations – and corresponding state regulations – at compressor stations in North Dakota and Utah: the National Emissions Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities, 40 C.F.R. Part 63, Subpart HH ("Subpart HH") and the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. Part 63, Subpart ZZZZ ("Subpart ZZZZ").

JURISDICTION AND VENUE

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

4. This Court has supplemental jurisdiction over the state law claims asserted by North Dakota and Wyoming pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this judicial district pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b), 1391(c), and 1395(a), because the violations that constitute the basis of this Complaint occurred in, and Defendant conducts business in, this judicial district.

AUTHORITY AND NOTICE

6. The United States has authority to bring this action on behalf of the Administrator of EPA pursuant to 28 U.S.C. §§ 516, 519, and Section 305 of the CAA, 42 U.S.C. § 7605.

7. NDDEQ is the executive branch agency of North Dakota state government vested by statute with the responsibility for administering and enforcing the state's air pollution control laws, the rules promulgated thereunder, and related permits under N.D.C.C. ch. 23.1-06.

8. WY DEQ is the executive branch agency of Wyoming state government vested by statute with the responsibility for administering and enforcing the Wyoming Environmental Quality Act, the rules promulgated thereunder, and related permits under Wyo. Stat. Ann. §§ 35-11-104 and -109 to -110.

9. Notice of the commencement of this action has been given to the appropriate air pollution control agencies in the states of North Dakota and Wyoming as required by Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

DEFENDANT

10. Defendant is a Delaware limited partnership with corporate headquarters in Findlay, Ohio.

11. Defendant is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

12. Defendant owns and operates natural gas processing plants located in Stark County, North Dakota (Belfield Gas Plant), Mountrail County, North Dakota (Robinson Lake Gas Plant and Stanley Compressor Station), Uintah County, Utah (Ironhorse Complex Gas Plant), Sweetwater County, Wyoming (Blacks Fork Gas Plant), and Sweetwater County, Wyoming (Vermillion Gas Plant) (collectively "Subject Gas Plants").

13. Defendant owns and operates compressor stations located on the Uintah and Ouray Indian Reservation in Utah, including the Chapita Compressor Station, Coyote Wash Compressor Station, Island Compressor Station, and Wonsits Valley Compressor Station (collectively "Subject Compressor Stations").

14. Prior to Defendant's ownership and operatorship, the Subject Compressor Stations and the Subject Gas Plants were owned and/or operated by Andeavor Logistics, LP ("Andeavor"), formerly known as Tesoro Logistics, LP, from approximately December 2014 until MPLX merged with Andeavor on July 30, 2019. Prior to Tesoro Logistics, LP's, ownership, the Subject Compressor Stations and Subject Gas Plants were owned and/or operated by QEP Field Services, LLC ("QEPFS"). Hereinafter, the entities listed in this Paragraph are collectively referred to as "Defendant's Predecessors."

STATUTORY AND REGULATORY BACKGROUND

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

A. National Ambient Air Quality Standards for Ozone

16. Section 108 of the CAA, 42 U.S.C. § 7408, directs the Administrator of EPA to identify those air pollutants which "may reasonably be anticipated to endanger public health or welfare" and to issue air quality criteria for those pollutants based on "the latest scientific knowledge" about the effects of the pollutants on public health and the environment. The pollutants identified as such are called "criteria pollutants."

17. Section 109 of the CAA, 42 U.S.C. § 7409, requires the Administrator of EPA to promulgate regulations establishing National Ambient Air Quality Standards ("NAAQS") for criteria pollutants. The primary NAAQS must be set at the level "requisite to protect the public health" with an adequate margin of safety, and the secondary standard is intended to protect "the public welfare." According to Section 302(h) of the CAA, 42 U.S.C. § 7602(h), public welfare effects are "effects on soils, water, crops, vegetation" and other environmental impacts including, but not limited to, effects on animals, wildlife, property, and "effects on economic values."

18. NAAQS are implemented within air quality control regions (or "areas") throughout individual states. An area with an ambient air concentration that meets the NAAQS for a particular criteria pollutant is an "attainment" area. An area with ambient air concentrations that exceed the NAAQS is a "nonattainment" area. An area that cannot be classified due to insufficient data is "unclassifiable."

19. In 2008, EPA established a primary and secondary NAAQS for ozone of 0.075 parts-per-million ("ppm") (measured as an 8-hour average). 73 Fed. Reg. 16,436 (Mar. 27,

2008). In 2015, EPA lowered the primary and secondary NAAQS for ozone to 0.070 ppm (measured as an 8-hour average). 80 Fed. Reg. 65,292 (Oct. 26, 2015).

20. EPA designated the Uintah Basin in Utah as being in marginal nonattainment with the 2015 ozone NAAQS. *See* 83 Fed. Reg. 25,776, 25,837 (June 4, 2018).

21. EPA designated the Upper Green River Basin Area in Wyoming as being in marginal nonattainment with the 2008 ozone NAAQS. *See* 77 Fed. Reg. 30,088, 30,157 (May 21, 2012).

22. The potential adverse effects on human health of ozone pollution are well known. Epidemiological studies reviewed by EPA in setting the ozone NAAQS indicate that potential adverse effects on human health of short-term exposures to ground-level ozone include lung function diminution, respiratory symptoms, and pulmonary inflammation. 73 Fed. Reg. at 16,445. The American Thoracic Society has noted that individuals uniquely at much higher risk for adverse health effects from ozone exposure include children, people with respiratory illness, the elderly, outdoor workers, and healthy children and adults who exercise outdoors. *Id*. at 16462.

B. New Source Performance Standards

23. Section 111(b) of the Act authorizes the Administrator of EPA to promulgate standards of performance applicable to "new sources" within categories of sources that cause "air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b).

24. A "new source" under Section 111 is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will be applicable to such source. 42 U.S.C. § 7411(a)(2).

25. A "stationary source" is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).

26. A "modification" is "any physical change in . . . a stationary source which increases the amount of any air pollutant emitted by such source." 42 U.S.C. § 7411(a)(4).

27. In 1979, EPA listed "Crude Oil and Natural Gas Production" as a source category that contributes significantly to air pollution and for which standards of performance would be established. 44 Fed. Reg. 49,222, 49,226 (Aug. 21, 1979).

28. It is unlawful for owners and operators of any new source to operate in violation of applicable standards of performance after the standards have gone into effect. 42 U.S.C. § 7411(e).

29. The term "owner or operator" is defined as any person who owns, leases, operates, controls, or supervises a stationary source. 42 U.S.C. § 7411(a)(5).

30. EPA delegated authority to implement and enforce NSPS requirements to North Dakota. 84 Fed. Reg. 3,108 (Feb. 11, 2019). The federal NSPS requirements are incorporated unchanged into state regulations. *Id.*; N.D. Admin. Code ch. 33.1-15-12.

31. EPA delegated authority to implement and enforce NSPS requirements to Wyoming. *See* 79 Fed. Reg. 60,993 (Oct. 9, 2014); 40 C.F.R. § 60.4(c).

1. NSPS Subpart OOOO

32. In 2012, EPA promulgated NSPS Subpart OOOO pursuant to Section 111 of the CAA. 77 Fed. Reg. 49,490 (Aug. 16, 2012).

33. Each of the NSPS Subpart OOOO standards, which include 40 C.F.R. §§ 60.5360–5430, is a "standard of performance" within the meaning of Section 111(a)(1) of the CAA, 42 U.S.C. § 7411(a)(1), or a "design, equipment, work practice, or operational standard, or combination thereof" under Section 111(h) of the CAA, 42 U.S.C. § 7411(h).

34. NSPS Subpart OOOO applies to "affected facilities" for which owners or operators commence construction, modification or reconstruction after August 23, 2011, and on or before September 18, 2015. 40 C.F.R. § 60.5365.

35. Affected facilities are required to be in compliance with the standards of NSPS Subpart OOOO by October 15, 2012, or upon startup, whichever is later. 40 C.F.R. § 60.5370.

36. An "affected facility" in an onshore natural gas processing plant for purposes of NSPS Subpart OOOO is "[t]he group of all equipment, except compressors, within a process unit." 40 C.F.R. § 60.5365(f).

37. NSPS Subpart OOOO defines "onshore" as all facilities except those that are located in the territorial seas or on the outer continental shelf. 40 C.F.R. § 60.5430.

38. NSPS Subpart OOOO defines "natural gas processing plant" as any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. 40 C.F.R. § 60.5430.

39. NSPS Subpart OOOO defines "process unit" as "equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products." 40 C.F.R. § 60.5430.

40. NSPS Subpart OOOO defines "equipment" as each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector (as those terms are defined in 40 C.F.R. part 60) that is in volatile organic compound ("VOC") service or in wet gas service, and any device or system required by NSPS Subpart OOOO. 40 C.F.R. § 60.5430.

41. A "modification" is "any physical change in . . . a stationary source which increases the amount of any air pollutant emitted by such source." 42 U.S.C. § 7411(a)(4).

42. The addition or replacement of equipment for process improvement which increases emissions is a "modification" under 42 U.S.C. § 7411(a)(4) and 40 C.F.R. § 60.2 and triggers the applicability of NSPS Subpart OOOO, unless the equipment addition or replacement is accomplished without a "capital expenditure," 40 C.F.R. § 60.5365(f)(1), as that term is defined in 40 C.F.R. Part 60.

43. NSPS Subpart OOOO incorporates certain provisions of 40 C.F.R. Part 60, Subpart VVa ("NSPS Subpart VVa") by reference, including Sections 60.482–1a(a), (b), and (d), 60.482–2a and 60.482–4a through 60.482–11a, 60.485a, 60.486a, and 60.487a, except as provided in Sections 60.5401, 60.5421, 60.5422, and 60.5400(f) of NSPS Subpart OOOO. 40 C.F.R. § 60.5400(a), (d), and (e). These NSPS Subpart VVa provisions include requirements for monitoring equipment such as pumps, valves, and connectors for leaks of air pollutants, repairing leaks, recordkeeping, and reporting to regulators, as described in more detail below.

44. Owners or operators of natural gas processing plants subject to NSPS Subpart OOOO must use "Method 21" of 40 C.F.R. Part 60, Appendix A, to monitor equipment for leaks. 40 C.F.R. §§ 60.5400(d), 60.485a. As applicable here, for purposes of NSPS Subpart OOOO, a leak is detected from pumps in natural gas processing plants if the detection instrument reading is 2,000 ppm or greater, and from valves, connectors, and closed vent system equipment, if the detection instrument reading is 500 ppm or greater. 40 C.F.R. §§ 60.482-2a, 60.487-7a, 60.482-11a.

2. NSPS Subpart OOOOa

45. In 2016, EPA amended NSPS Subpart OOOO. 81 Fed. Reg. 35,898 (June 3, 2016). Each of these standards is a "standard of performance" within the meaning of Section

111(a)(1) of the CAA, 42 U.S.C. § 7411(a)(1), or a "design, equipment, work practice, or operational standard, or combination thereof" under Section 111(h) of the CAA, 42 U.S.C. § 7411(h). These standards were codified at 40 C.F.R. §§ 60.5360a-5430a.

46. NSPS Subpart OOOOa applies to "affected facilities" for which owners or operators commence construction, modification or reconstruction after September 18, 2015. 40 C.F.R. § 60.5365a.

47. Affected facilities must comply with the requirements of NSPS Subpart OOOOa no later than August 2, 2016, or upon startup, whichever is later. 40 C.F.R. § 60.5370a.

48. An "affected facility" in an onshore natural gas processing plant for purposes of NSPS Subpart OOOOa is "[t]he group of all equipment within a process unit." 40 C.F.R. § 60.5365a(f).

49. NSPS Subpart OOOOa defines "onshore" as all facilities except those that are located in the territorial seas or on the outer continental shelf. 40 C.F.R. § 60.5430a.

50. NSPS Subpart OOOOa defines "natural gas processing plant" as any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. 40 C.F.R. § 60.5430a.

51. NSPS Subpart OOOOa defines "process unit" as "components assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products." 40 C.F.R. § 60.5430a.

52. NSPS Subpart OOOOa defines "equipment" as "each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or

in wet gas service, and any device or system required by those same standards and requirements in this subpart." 40 C.F.R. § 60.5430a.

53. The addition or replacement of equipment for process improvement which increases emissions is a "modification" under 42 U.S.C. § 7411(a)(4) and 40 C.F.R. § 60.2 and triggers the applicability of NSPS Subpart OOOOa, unless the equipment addition or replacement is accomplished without a "capital expenditure," 40 C.F.R. § 60.5365a(f)(1), as that term is defined in 40 C.F.R. Part 60.

54. NSPS Subpart OOOOa incorporates certain provisions of NSPS Subpart VVa by reference, including Sections 60.482–1a(a), (b), (d) and (e), 60.482–2a and 60.482–4a through 60.482–11a, 60.485a, 60.486a, and 60.487a, except as provided in Sections 60.5401a, 60.5421a, 60.5422a, and 60.5400a(f) of NSPS Subpart OOOOa. 40 C.F.R. §§ 60.5400a(a), (d), and (e). These NSPS Subpart VVa provisions include requirements for monitoring equipment such as pumps, valves, and connectors for leaks of air pollutants, repairing leaks, recordkeeping, and reporting to regulators, as described in more detail below.

55. Owners or operators of natural gas processing plants subject to NSPS Subpart OOOOa must use "Method 21" of 40 C.F.R. Part 60, Appendix A, to monitor equipment for leaks. 40 C.F.R. §§ 60.5400a(d), 60.485a. As applicable here, for purposes of NSPS Subpart OOOOa, a leak is detected from pumps in natural gas processing plants if the detection instrument reading is 2,000 ppm or greater, and from valves, connectors, and closed vent system equipment, if the detection instrument reading is 500 ppm or greater. 40 C.F.R. §§ 60.482-2a, 60.487-7a, 60.482-11a.

3. <u>NSPS Subpart VVa</u>

56. NSPS Subpart VVa applies to affected facilities in the synthetic organic chemicals manufacturing industry. 40 C.F.R. § 60.480a(a)(1).

57. NSPS Subpart VVa sets forth general standards for owners and operators subject to NSPS Subpart VVa and, among other things, specifies at 40 C.F.R. § 60.482-1a(b) that methods of compliance determination include review of records and reports, review of performance test results, and inspection using the methods and procedures specified in 40 C.F.R. § 60.485a. 40 C.F.R. § 60.482-1a.

58. NSPS Subpart VVa requires the owner and operator to monitor each pump monthly, with exceptions for pumps in vacuum or closed vent systems which do not apply to this case. 40 C.F.R. § 60.482-2a(a)(1).

59. NSPS Subpart VVa requires that the owner and operator demonstrate compliance for all valves in gas/vapor or light liquid service within 180 days of startup. 40 C.F.R. § 60.482-1a(a).

60. NSPS Subpart VVa requires owners and operators to monitor each valve in gas/vapor or light liquid service on a monthly basis to detect leaks until the valve does not leak for two successive months, at which point the valve may be monitored quarterly. 40 C.F.R. §§ 60.482-7a(a)(1) & 60.482-7a(c)(1)(i).

61. NSPS Subpart VVa requires owners and operators make a first attempt at repair of a leaking valve in gas/vapor or light liquid service within five calendar days of the date the leak is detected. 40 C.F.R. § 60.482-7a(d)(2).

62. NSPS Subpart VVa includes a requirement to repair a detected leak at a valve in gas/vapor or light liquid service within fifteen calendar days after the leak is detected. 40 C.F.R. § 60.482-7a(d)(1).

63. NSPS Subpart VVa requires that, if a leak is detected at a valve, the valve shall be monitored monthly until a leak is not detected for two successive months. 40 C.F.R. § 60.482-7a(c)(2).

64. NSPS Subpart VVa requires that an owner or operator of an affected facility must identify connectors subject to NSPS Subpart VVa except for instrumentation systems and inaccessible, ceramic, or ceramic-lined connectors meeting the provisions of Section 60.482-11a(f). 40 C.F.R. § 60.482-11a(g).

65. NSPS Subpart VVa requires that an owner or operator of an affected facility shall initially monitor for leaks at connectors in gas/vapor or light liquid service within twelve months of startup. 40 C.F.R. § 60.482-11a(a).

66. NSPS Subpart VVa requires that an owner or operator of an affected facility shall subsequently re-monitor connectors in gas/vapor or light liquid service at a rate based upon the percentage of leaking connectors. 40 C.F.R. § 60.482-11a(b)(3).

67. NSPS Subpart VVa requires that an owner or operator of an affected facility shall keep a record of the start date and end date of each monitoring period for each process unit. 40 C.F.R. § 60.482-11a(b)(3)(v).

68. For purposes of 40 C.F.R. §§ 60.482-7a and 60.482-11a, a leak is detected if the detection instrument reading is 500 ppm or greater. 40 C.F.R. §§ 60.482-7a(b) & 60.482-11a(b)(2).

4. NSPS Subpart JJJJ

69. NSPS Subpart JJJJ applies to owners and operators of stationary spark ignition internal combustion engines. This includes "stationary [spark ignition internal combustion engines] that are modified or reconstructed after June 12, 2006, and any person that modifies or

reconstructs any stationary [spark ignition internal combustion engines] after June 12, 2006." 40 C.F.R. § 60.4230(a)(5).

70. NSPS Subpart JJJJ sets forth standards for owners and operators of spark ignition internal combustion engines to follow depending upon the horsepower and date of construction, reconstruction, or modification of the stationary spark ignition internal combustion engines. *See* 40 C.F.R. § 60.4233.

71. Owners and operators of stationary spark ignition internal combustion engines that are non-emergency natural gas engines with greater than or equal to 500 hp and manufactured after July 1, 2010, are subject to the emission standards set forth in Table 1 of NSPS JJJJ, which are: 1.0 grams per horsepower hour (g/hr/-hr) nitrogen oxide ("NO_x"), 2.0 g/hr-hr CO, and 0.7 g/hp-hr VOC. 40 C.F.R. §§ 60.4233 & 60.4236(a); Table 1, NSPS JJJJ.

72. Under NSPS JJJJ, owners and operators must conduct performance testing on stationary spark ignition internal combustion engines to ensure that the engines are meeting emissions standards, the performance tests must be conducted on three separate test runs as specified by 40 C.F.R. § 60.8(c). 40 C.F.R. § 60.4244(c).

73. The results of performance tests conducted under NSPS JJJJ are to be provided to EPA. *See* 40 C.F.R. § 60.8(a).

C. National Emission Standards for Hazardous Air Pollutants

74. Section 112 of the CAA, 42 U.S.C. § 7412, establishes a program for controlling emissions of hazardous air pollutants ("HAPs"), also known as air toxics, called the "NESHAPs," through the use of maximum achievable control technology ("MACT") to minimize HAP emissions. HAPs are pollutants which are known or suspected to cause cancer or other serious health effects such as birth defects or reproductive effects in humans.

75. HAPs are listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), and include benzene, toluene, ethyl benzene, xylenes, and hexane (five toxic air pollutants typically contained in emissions from oil and natural gas production facilities) and formaldehyde (typically emitted from compressor engines at such facilities).

76. A "major source" of HAPs is "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants." Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1); 40 C.F.R. § 63.2 (definition of "major source"). Section 112(n)(4) of the Act further provides that:

> Notwithstanding the provisions of subsection (a), emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from any other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources, and in the case of any oil or gas exploration or production well (with its associated equipment), such emissions shall not be aggregated for any purpose under this section.

42 U.S.C. § 7412(n)(4).

77. Pursuant to the authority under Section 112 of the CAA, 42 U.S.C. § 7412, the Administrator of EPA promulgated, as relevant to this action, 40 C.F.R. Part 63, Subpart A titled General Provisions (the "Subpart A regulations"), and two specific NESHAPs codified at 40 C.F.R. Part 63, Subpart HH and 40 C.F.R. Part 63, Subpart ZZZZ. The effective date of the Subpart HH regulations was June 17, 1999; the effective date of the Subpart ZZZZ was June 15, 2004.

78. An "affected source," for purposes of the NESHAP regulations set forth at 40 C.F.R. Part 63, means the

> collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. Each relevant standard will define the "affected source," as defined in this paragraph unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems.

40 C.F.R. § 63.2.

79. The construction of any new, or the reconstruction of any existing, major source of HAPs is subject to a pre-construction approval process. Section 112(i)(1) of the CAA, 42 U.S.C. § 7412(i)(1), provides that:

> [a]fter the effective date of any emission standard, limitation, or regulation under subsection (d), (f), or (h) of this section, no person may construct any new major source subject to such emission standard, regulation, or limitation unless the Administrator . . . determines that such source, if properly constructed, reconstructed and operated, will comply with the standard, regulation or limitation.

40 C.F.R. § 63.5(b)(3) similarly provides that:

> [a]fter the effective date of any relevant standard promulgated by [EPA] under this part, no person may, without obtaining written approval in advance from [EPA] in accordance with the procedures specified in paragraphs (d) and (e) of this section . . . [c]onstruct a new affected source that is major-emitting and subject to such standard . . . .

See also 40 C.F.R. § 63.5(d)(1).

80. In general, the Subpart A, HH, and ZZZZ regulations require the owner or operator of an affected source to: install MACT level controls on affected sources; demonstrate the effectiveness of such controls; certify compliance with applicable regulatory requirements; continuously monitor the controls; record applicable monitoring data; comply with applicable emission restrictions/control requirements at all times except during periods of startup, shutdown, or malfunction; prepare a startup/shutdown/malfunction ("s/s/m") plan for affected sources; comply with, and document compliance with, the s/s/m plan during period of startup,

shutdown, and malfunction; and submit various notifications and reports regarding the affected source to assure compliance with applicable HAP emission control requirements.

1. NESHAP Subpart HH

81. The Subpart HH regulations apply to specific emission points that are located at an oil or natural gas production facility that is a major HAP source. 40 C.F.R. §§ 63.760(a)-(b). Those natural gas production facilities that "process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to the final end user" are subject the Subpart HH regulations. 40 C.F.R. § 63.760(a)(3). Another set of regulations, set forth at 40 C.F.R. Part 63, Subpart HHH, apply to those natural gas production facilities that are located after the point that natural gas enters the natural gas transmission and storage category. Gas is deemed to enter the "natural gas and storage source category" after leaving a natural gas processing plant if there is one; if there is not a natural gas processing plant then natural gas is deemed to enter the "natural gas transmission and storage source category after the point of custody transfer." 40 C.F.R. § 63.760(a)(3).

82. The specific emission points, as relevant to this action, that are subject to the Subpart HH regulations include glycol dehydration units, and storage vessels, or tanks, with the potential for flash emissions. 40 C.F.R. §§ 63.760(b)(1)-(2).

83. When large glycol dehydrators are in operation and routing emissions through a closed vent system to a control device, the control device must be operating. 40 C.F.R. § 63.771(d)(4)(i).

84. If a closed vent system has a bypass device that can be used to ". . . divert all or a portion of gases, vapors, or fumes from entering a control device, an excursion occurs when… the flow indicator indicates that flow has been detected and that the stream has been diverted away from the control device to the atmosphere." 40 C.F.R. § 63.773(d)(6)(v)(A).

85. "For each excursion, the owner or operator shall be deemed to have failed to have applied control in a manner that achieves the required operating parameter limits. Failure to achieve the required operating parameter limits is a violation of this standard." 40 C.F.R. § 63.773(d)(7).

86. A compressor station is an example of a natural gas production field facility that is subject to the Subpart HH regulations. 40 C.F.R. § 63.761 (definition of "facility"). A natural gas production field facility, such as a compressor station, includes all production and processing equipment, typically within close proximity of each other, that are located within the boundaries of an individual surface site. *Id*. A "surface site" is defined as "any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed." 40 C.F.R. § 63.761.

87. In determining whether a natural gas production field facility such as a compressor station is a "major source," HAP emissions from dehydrators and the storage tanks with potential flash emissions are to be added together. 40 C.F.R. § 63.761 (definition of "major source").

88. Pursuant to 40 C.F.R. § 63.760(f)(2), "the owner or operator of an affected major source, the construction or reconstruction of which commence[d] on or after February 6, 1998, shall achieve compliance with the provisions of [40 C.F.R. Part 63, Subpart HH] immediately upon initial startup or June 17, 1999, whichever is later." 40 C.F.R. § 63.760(f)(1) specifies when compliance with the provisions of 40 C.F.R. Part 63, Subpart HH must be achieved for an affected source, the construction or reconstruction of which commenced before February 6, 1998.

2. NESHAP Subpart ZZZZ

89. The Subpart ZZZZ regulations establish national emission and operating limitations for HAPs emitted from stationary reciprocating internal combustion engines ("RICE") located at major sources of HAP emissions. 40 C.F.R. § 63.6580.

90. Affected sources under the Subpart ZZZZ regulations are defined at 40 C.F.R. § 63.6590(a) as "any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions . . . ."

91. Specific rules apply to determine if a gas production facility is a major source. 40 C.F.R. § 63.6585. HAP emissions from glycol dehydrators, storage vessels with the potential for flash emissions, combustion turbines, and RICE located at the same gas production facility are to be added together. 40 C.F.R. § 63.6675 (definition of "major source").

92. A gas production facility means "any grouping of equipment . . . where natural gas is processed, upgraded, or stored prior to entering the natural transmission and storage source category." 40 C.F.R § 63.6675 (definition of "oil and gas production facility"). Examples of facilities in the natural gas production source category include "a compressor station that transports natural gas to a natural gas processing plant." *Id*. The natural gas processing and production equipment "must be located within the boundaries of an individual surface site" and "will typically be located in close proximity to other equipment located at the same facility." *Id*. A "surface site" is defined as "any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed." 40 C.F.R § 63.6675 (definition of "surface site").

93. Pursuant to 40 C.F.R. § 63.6595(a)(1) the owner or operator of an affected RICE existing prior to December 19, 2002, shall achieve compliance with the provisions of 40 C.F.R. Part 63, Subpart ZZZZ by June 15, 2007. 40 C.F.R. § 63.6595(a)(2) requires compliance with

Subpart ZZZZ by August 16, 2004, for any RICE that was newly constructed or reconstructed prior to August 16, 2004, but after December 19, 2002. 40 C.F.R. § 63.6595(a)(3) requires compliance with Subpart ZZZZ upon startup for any RICE that was newly constructed or reconstructed after August 16, 2004.

94. Any owner or operator of a "RICE that is new or reconstructed 2SLB with a site rating of 500 brake HP located at a major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, [the owner or operator] must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart . . ." 40 C.F.R. § 63.6600(b).

95. In accordance with 40 C.F.R. § 63.6600(b), RICE emission limitations in Table 2a of MACT ZZZZ requires (1) CO emissions to be reduced by 93 percent or more; or (2) HCHO concentrations in the RICE exhaust to be 14 parts per million by volume, dry basis (ppmvd) or less at 15 percent oxygen.

96. In accordance with 40 C.F.R. § 63.6600(b), RICE emission limitations in Table 2b (#1) of MACT ZZZZ requires: (1) the catalyst inlet temperature to be maintained at greater than or equal to 450° F and less than or equal to 1,350° F; and (2) the pressure drop across the catalyst to be maintained within plus or minus 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test.

97. Pursuant to 40 C.F.R. § 63.6640(b), a performance test is required to be conducted to re-establish operating parameters following catalyst replacements, and a re-test must demonstrate that the applicable limitation is met.

D. TITLE V OPERATING PERMIT PROGRAM

98. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for sources of air pollution.

99. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing Title V of the Act. *See* 61 Fed. Reg. 34,228 (July 1, 1996). The regulations for state operating permit programs are codified at 40 C.F.R. Part 70.

100. Section 502(a) of the CAA, 42 U.S.C. § 7661a, requires EPA to administer and enforce an operating program in Indian country, as defined in 40 C.F.R. § 71.2. The effective date of the part 71 program in Indian country was March 22, 1999. *See* 42 U.S.C. § 7661a; 40 C.F.R. § 71.4(b).

101. No source subject to Title V may operate except in compliance with a Title V operating permit. 42 U.S.C. § 7661a(a); 40 C.F.R. § 71.7(b).

102. On September 10, 2013, EPA issued a Title V operating permit (V-UO-000012-2006.0) to QEPFS for the Chapita Compressor Station. The permit became effective on October 10, 2013. A renewal Title V operating permit was issued (V-UO-000012-2018.0) to Andeavor and the renewal permit became effective on April 18, 2019.

103. Section III.C.2 of the Title V operating permit (V-UO-000012-2018.0) issued for Chapita Compressor Station requires that "[t]he Permittee shall comply with the emissions limitations and operating limitations for stationary 4SLB RICE with a site rating of more than 500 brake hp located at a major source for hazardous air pollutants (HAP) emissions, specified in 40 C.F.R. § 63.6600(b), for engines C100, C200, and C300."

104. On September 10, 2013, EPA issued a Title V operating permit (V-UO-000005-20000.00) to QEPFS for Wonsits Valley Compressor Station. The permit became effective on October 10, 2013. Defendant, through its Predecessor, applied for a Title V renewal permit for Wonsits Valley on April 10, 2018. In the renewal application, a Caterpillar C3616LE engine reconstructed in January 2014 was identified as emission unit C207 engine.

105. EPA issued a renewal permit (V-UO-000005.2018.00) to MPLX on April 13, 2020, the renewal permit became effective on May 13, 2020.

106. Paragraph II.C.1 of the Title V operating permit renewal issued (V-UO-000005.2018.00) for Wonsits Valley Compressor Station sets forth the NSPS JJJJ requirements and states that "[t]he Permittee shall comply with the emissions standards for non-emergency, spark ignition (SI) internal combustion engine (ICE) greater than 1,350 hp that are modified or reconstructed after June 12, 2006 for C202, C203, C204, C206, and C207 as specified in § 60.4233(f)(4) and Table 1 of Subpart JJJJ." These requirements were originally found in Paragraph IV.C.1 of the initial permit (V-UO-000005-20000.00).

107. Paragraph II.C.2 of the Title V operating renewal issued (V-UO-000005.2018.00) for Wonsits Valley Compressor Station requires that "[t]he Permittee must operate and maintain the stationary SI ICE subject to the emission standards as required in §60.4233 over the entire life of the engine as specified in §60.4234." These requirements were originally found in Paragraph IV.C.2 of the initial permit (V-UO-000005-20000.00).

108. Paragraph III.D.3 of the Title V operating permit renewal issued (V-UO-000005.2018.00) for Wonsits Valley Compressor Station sets forth MACT HH requirements and states that "[f]or each control device, FL-1 and C-2, the Permittee shall comply with the applicable control device requirements to reduce HAP emissions as specified in 40 C.F.R. §

63.771(d).” These requirements were originally found in Paragraph II.C.3. of the of the initial permit (V-UO-000005-20000.00) and stated that “[f]or each control device, the Permittee shall comply with the applicable control device requirements as specified in specified in 40 C.F.R. §§ 63.771(d) or § 63.771(f).”

109. Paragraph III.B.4 of the Title V operating permit (V-UO-000005-20000.00) and the Title V operating renewal permit (V-UO-000005.2018.00) issued for Wonsits Valley Compressor Station, requires that “[a]t all times the Permittee must operate and maintain any glycol dehydrator, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to EPA which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the unit. [40 C.F.R. 63.764j].”

110. On December 2, 2013, EPA issued a Title V operating permit (V-UO-0000015-2006.00) to QEPFS for Coyote Wash Compressor Station. The permit became effective on January 1, 2014.

111. Paragraph IV.B.2(ii)(D)(1) of the Title V operating permit (V-UO-0000015-2006.00) requires that emission unit, Caterpillar G3616LE engine C400, meet a nitrogen oxide emission limit of 1.0 g/hp-hr.

112. Under Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), each state is required to submit an operating permit program to the Administrator that meets the requirements of the Title V subchapter.

113. The State of North Dakota's operating permit program became effective on August 7, 1995. On August 6, 2018, the State of North Dakota submitted revisions to its operating permit program with a request to EPA to transfer authority from the North Dakota Department of Health to the NDDEQ. The revisions and transfer were fully approved on April 26, 2021. North Dakota's Title V operating permit program is codified at N.D. Admin. Code §§ 33.1-15-14-06, 33.1-15-23-04.

114. All terms and conditions of a Title V permit, including provisions designed to limit a source's potential to emit are federally enforceable. 40 C.F.R. § 70.6(b)(1) and N.D. Admin. Code ch. 33.1-15-14. *See* Appendix A, 40 C.F.R. Part 70.

115. On November 16, 2021, the NDDEQ issued a Title V operating permit (AOP-28404 v1.0) to Andeavor Field Services LLC for the Robinson Lake Gas Plant (Robinson Lake Title V permit). The permit became effective November 16, 2021.

116. Condition 1 of Title V operating permit (AOP-28404 v1.0) issued for Robinson Lake Gas Plant identifies the facility's emission units and applicable air pollution control equipment, including two ethylene glycol dehydration units rated at 87.5 MMscfd each and one triethylene glycol dehydration unit rated at 60.0 MMscfd. The primary air pollution control equipment is identified as Flare-3 with Flare-2 as the backup control device.

117. Condition 7(P) of Title V operating permit (AOP-28404 v1.0) issued for Robinson Lake Gas Plant sets forth air pollution control equipment requirements, it states "[t]he permittee shall maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. The manufacturer's recommended Operations and Maintenance (O&M) procedures, or a site-specific O&M procedure developed

from the manufacturer's recommended O&M procedures, shall be followed to assure proper operation and maintenance of the equipment."

118. Condition 7(G)(2)(a) of Title V operating permit (AOP-28404 v1.0) issued for Robinson Lake Gas Plant sets forth requirements for malfunctions and states that "[w]hen a malfunction in any installation occurs that can be expected to last longer than 24 hours and cause the emission of air contaminants in violation of this article or other applicable rules and regulations, the person responsible for [the facility] shall notify the Department of such malfunction as soon as possible during normal working hours."

GENERAL ALLEGATIONS

A. The Facilities

1. The Subject Gas Plants

119. Defendant is, or was at relevant times, the "owner and operator" of the Subject Gas Plants within the meaning of Section 111(a)(5) of the CAA, 42 U.S.C. § 7411(a)(5).

120. The Subject Gas Plants are each a "new source" and a "stationary source" within the meaning of Sections 111(a)(2) and (a)(3) of the CAA, 42 U.S.C. § 7411(a)(2), (a)(3).

121. The Subject Gas Plants are "onshore natural gas processing plants" as defined in 40 C.F.R. §§ 60.631, 60.5430, and 63.761.

122. When pumps, valves, and connectors, or other equipment used at the Subject Gas Plants leak, they can release VOCs into the atmosphere.

123. The Ironhorse Complex Gas Plant is a natural gas processing plant that is comprised of three separate process trains: (1) the Stagecoach Process Train; (2) the Ironhorse I Process Train; and (3) the Ironhorse 2 Process Train, according to the Title V permit application submitted to EPA on January 28, 2014.

124. The Stagecoach Process Train was initially constructed on or about August 2008, the Ironhorse I Process Train was initially constructed on or about January 2011, and the Ironhorse II Process Train was initially constructed on or about February 2013.

125. The Ironhorse Complex Gas Plant is located in the Uinta Basin in Utah, an area EPA has designated as in nonattainment with the 2015 ozone NAAQS.

126. On August 28, 2019, EPA performed an onsite inspection of the Ironhorse Complex Gas Plant.

127. On October 4, 2019, Defendant provided EPA with the Ironhorse Complex Gas Plant's leak detection and repair monitoring and repair record management database.

128. From at least February 25, 2016, to at least August 24, 2020, Defendant submitted semi-annual reports required by 40 C.F.R. § 60.636(a) (Subpart KKK), 40 C.F.R. § 60.5422(a) (NSPS OOOO), and/or 40 C.F.R. 60.5422a(a) (NSPS OOOOa) for the Ironhorse Complex Gas Plant's process trains.

129. At the Robinson Lake Gas Plant, Defendant owns and operates two 87.5 million standard cubic feet per day (MMscfd) ethylene gylcol dehydrator units (DEHY-1 and DEHY-2). Defendant also operates one 60.0 MMscfd triethylene glycol dehydration unit (DEHY-3).

130. Emissions from DEHY-1, DEHY-2, and DEHY-3 at Robinson Lake Gas Plant are controlled by two flares (FL-2 and FL-3). *See* Condition 1 of Title V operating permit (AOP-28404 v1.0).

2. <u>The Subject Compressor Stations</u>

131. Defendant is, or was at relevant times, the "owner and operator" of the Subject Compressor Stations within the meaning of Section 112 of the CAA, 42 U.S.C. § 7412.

132. Each of the Subject Compressor Stations are a type of natural gas production field facility subject to the Subpart HH regulations. 40 C.F.R. § 63.761.

133. The Subject Compressor Stations each have dehydrators and tanks which are emission points subject to 40 C.F.R. §§ 63.760(b)(1)-(2).

134. At the Wonsits Valley Compressor Station, Defendant operates a 100 million standard cubic feet per day ("MMscfd") glycol dehydrator (D-1). At all times relevant to this action, the actual annual average benzene emissions from the glycol dehydrator (D-1) at the Wonsits Valley Compressor Station were equal to or greater that 0.90 megagrams per year ("Mg/yr").

135. The glycol dehydrator at Wonsits Valley Compressor Station is considered a "large glycol dehydrator" under MACT HH. *See* 40 C.F.R. § 63.761 (definition of "large glycol dehydrator").

136. Emissions from the flare are controlled by a flare (F-1).

137. The Wonsits Valley Compressor Station is considered to be a "major source" for HAPs under MACT HH. *See* 40 C.F.R. § 63.761.

138. From at least January 2015 until June 30, 2019, Defendant, through its predecessors submitted semi-annual reports under MACT HH as required by 40 C.F.R. § 63.775(e).

139. On August 16, 2017, EPA conducted a compliance evaluation of the Wonsits Valley Compressor Station.

140. The Wonsits Valley Compressor Station, Chapita Compressor Station, and Coyote Wash Compressor Station are located within the exterior boundaries of the Uintah and Ouray Reservation in Utah.

141. At the Chapita Compressor Station, Defendant, through its Predecessor operated and continues to operate, a G3606TALE 4SLB natural gas-fired stationary reciprocating internal

combustion engine (Engine C200). The Engine C200 is a 1,775 hp engine that was constructed after December 19, 2022. Engine C200 is an affected source with greater than 500 brake hp and subject to the requirements of MACT ZZZZ.

142. At the Wonsits Valley Compressor Station, Defendant, through its Predecessor, operated and continues to operate a Caterpillar G3616LE 4 SLB, natural gas-fired, stationary, RICE (Engine C207). Engine C207 is a 4,554 hp engine that was reconstructed in January 2014. Engine C207 is an affected source with greater than 500 brake hp and subject to the requirements of MACT ZZZZ.

143. At the Wonsits Valley Compressor Station, Defendant, through its Predecessors, operated and continues to operate, the C207 engine which is a natural gas-fired, spark ignition internal combustion engine. Engine C207 is subject to the emission standards in Table 1 to NSPS JJJJ for non-emergency spark ignition natural gas engines with greater than or equal to 500 hp that were manufactured on or after July 1, 2010.

FIRST CLAIM
(United States' Claims Regarding the Ironhorse Complex Gas Plant)
Failure to Comply with NSPS Subpart OOOO Requirements

144. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

145. The Ironhorse Complex Gas Plant is an "onshore natural gas processing plant" within the meaning of 40 C.F.R. § 60.5430.

146. Defendant, through its Predecessors, undertook an installation project that involved adding equipment to the Ironhorse I Process Train, and involved capital expenditures, as those terms are defined by NSPS Subpart OOOO, on or about August 2013 and on or about January 2014.

147. Defendant, through its Predecessors, undertook an installation project that involved adding equipment to the Stagecoach Process Train, and involved capital expenditures, as those terms are defined by NSPS Subpart OOOO, on or about January 2014 and on or about April 2014.

148. The projects listed in Paragraphs 146 and 147 each constituted a "modification" under Section 111 of the CAA and NSPS Subpart OOOO. 42 U.S.C. § 7411(a)(4); 40 C.F.R. §§ 60.14, 60.5365(f)(1).

149. The Stagecoach Process Train and Ironhorse I Process Train contain "modified sources" under NSPS Subpart OOOO and within the meaning of Section 111(a)(2) of the CAA, 42 U.S.C. § 7411(a)(2).

150. The Stagecoach Process Train and Ironhorse I Process Train each contain multiple "process units" within the meaning of 40 C.F.R. § 60.5430.

151. The Stagecoach Process Train and Ironhorse I Process Train each contain "equipment" within the meaning of 40 C.F.R. § 60.5430.

152. The modifications of the Ironhorse I Process Train and Stagecoach Process Train alleged in Paragraphs 146 and 147 subjected Defendant, through its Predecessors, to the requirements of NSPS Subpart OOOO for process units within the respective process trains since at least the next month following the installation project. *See* 40 C.F.R. § 60.5370(a).

153. In numerous instances from approximately August 1, 2013, until at least February 20, 2019, Defendant, through its Predecessors, failed to comply with the following requirements of NSPS Subpart OOOO at one or more of the process units within the Ironhorse I or Stagecoach Process Trains at the Ironhorse Complex Gas Plant:

a. Monitor pumps, valves, or connectors for leaks, in violation of 40 C.F.R. §§ 60.5400(a), 60.482-2a, 60.482-7a, 60.482-11a(a) and (b).

b. Make a first attempt at repair of leaks within 5 days after each leak was detected, in violation of 40 C.F.R. §§ 60.5400(a) and 60.482-7a(d)(2).

c. Repair leaks within fifteen days after each leak was detected in violation of 40 C.F.R. §§ 60.5400(a) and 60.482-7a(d)(1).

d. Maintain information required by NSPS Subpart OOOO, in violation of 40 C.F.R. §§ 60.5400, 60.486a.

e. Submit information in semiannual reports to the Administrator, in violation of 40 C.F.R. §§ 60.5400(e) and 60.487a.

f. Operate valves designated for "no detectible emissions" with no detectable emissions, as indicated by instrument readings greater than 500 ppm above background, as required by 40 C.F.R. §§ 60.5400(a) and 60.482-7a(f).

154. Each failure identified in Subparagraphs 153.a - 153.f, above, constitutes a separate violation of NSPS Subpart OOOO and Section 111 of the Act.

155. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $37,500 per day for each violation occurring between January 13, 2009, and November 2, 2015, and up to $117,468 per day for each violation after November 2, 2015.

SECOND CLAIM
(United States' Claim Regarding Ironhorse Complex Gas Plant)
Failure to Comply with Subpart NSPS OOOOa Requirements

156. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

157. Defendant, through its Predecessors, undertook an installation project that involved adding equipment to the Stagecoach Process Train, and involved capital expenditures, as those terms are defined by NSPS Subpart OOOOa, on or about November 2018.

158. The project listed in Paragraph 157 constituted a "modification" under Section 111 of the CAA and NSPS Subpart OOOOa. *See* 42 U.S.C. § 7411(a)(4); 40 C.F.R. §§ 60.14, 60.5365a(f)(1).

159. The modification alleged in Paragraph 157 subjected Defendant to the requirements of NSPS Subpart OOOOa for process units within the Stagecoach Process Train since at least the next month following the installation project. *See* 40 C.F.R. § 60.5370a(a).

160. In numerous instances from approximately November 1, 2018, until at least February 1, 2019, Defendant through its Predecessors, failed to comply with the following requirements of NSPS Subpart OOOOa at process units within the Stagecoach Process Train at the Ironhorse Complex Gas Plant:

a. Monitor one or more pumps, valves, or connectors for leaks, in violation of 40 C.F.R. §§ 60.5400a(a), 60.482-2a, 60.482-7a, 60.482-11a(a) and (b).

b. Make a first attempt at repair of leaks within 5 days after each leak was detected, in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(2).

c. Repair leaks within fifteen days after each leak was detected in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(1).

d. Maintain information required by NSPS Subpart OOOOa, in violation of 40 C.F.R. §§ 60.5400a(e), 60.486a.

e. Submit information in semiannual reports to the Administrator, in violation of 40 C.F.R. §§ 60.5400a(e), 60.487a.

f. Operate valves designated for "no detectible emissions" with no detectable emissions, as indicated by instrument readings greater than 500 ppm above background, as required by 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(f).

161. Each failure in Subparagraphs 160.a - 160.f, above, constitutes a separate violation of NSPS Subpart OOOOa and Section 111 of the Act.

162. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

THIRD CLAIM
(United States' and North Dakota's Claims Regarding the Belfield Gas Plant, Stanley Compressor Station, and Robinson Lake Gas Plant)
Failure to Comply with NSPS Subpart OOOOa Requirements

163. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

164. The United States and Co-Plaintiff North Dakota allege on information and belief that Defendant, through its Predecessors, in numerous instances from approximately March 12, 2016, until at least March 12, 2021, failed to comply with one or more of the following requirements of NSPS Subpart OOOOa at process units at the Belfield Gas Plant, Stanley Compressor Station, and Robinson Lake Gas Plant and violated N.D.C.C. ch. 23.1-06, and the rules promulgated pursuant thereto, N.D. Admin. Code art. 33.1-15:

a. Monitor pumps, valves, or connectors for leaks, in violation of 40 C.F.R. §§ 60.5400a(a), 60.482-2a, 60.482-7a, 60.482-11a(a) and (b).

b. Make a first attempt at repair of leaks within 5 days after each leak was detected, in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(2).

c. Repair leaks within fifteen days after each leak was detected in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(1).

165. Each failure in Subparagraphs 164.a - 164.c, above, constitutes a separate violation of NSPS Subpart OOOOa and Section 111 of the CAA, and N.D.C.C. ch. 23.1-06 and N.D. Admin. Code ch. 33.1-15-12.

166. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

FOURTH CLAIM
(United States' and Wyoming's Claims Regarding the Blacks Fork and Vermillion Gas Plants)
Failure to Comply with NSPS Subpart OOOOa Requirements

167. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

168. The United States and Co-Plaintiff Wyoming allege on information and belief that Defendant, through its Predecessors, in numerous instances from approximately March 12, 2016, until at least March 12, 2021, failed to comply with one or more of the following requirements of NSPS Subpart OOOOa at process units at the Blacks Fork and Vermillion Gas Plants and violated or continue to violate the Wyoming Environmental Quality Act, Wyo. Stat. 35-11-101 et seq., and the rules promulgated pursuant thereto, including the Wyoming Air Quality Standards and Regulation:

a. Monitor pumps, valves, or connectors for leaks, in violation of 40 C.F.R. §§ 60.5400a(a), 60.482-2a, 60.482-7a, 60.482-11a(a) and (b).

b. Make a first attempt at repair of leaks within 5 days after each leak was detected, in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(2).

c. Repair leaks within fifteen days after each leak was detected in violation of 40 C.F.R. §§ 60.5400a(a) and 60.482-7a(d)(1).

169. Each failure in Subparagraphs 168.a - 168.c, above, constitutes a separate violation of NSPS Subpart OOOOa and Section 111 of the CAA, and Wyo. Stat. Ann. § 35-11-201 and Rules, Wyo. Dep't of Envtl. Quality, Air Quality, National Emission Standards, ch. 5, § 2(b).

170. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

FIFTH CLAIM
(United States and North Dakota's Claims Regarding the Robinson Lake Gas Plant)
Failure to Comply with Conditions of Title V Permit

171. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

172. Pursuant to Condition 1 of the Title V operating permit (AOP-28404 v1.0) for Robinson Lake Gas Plant, emissions from DEHY-1 and DEHY-2 are routed to Flare-2 and Flare-3.

173. From November 16, 2021, until April 14, 2022, Defendant, through its Predecessors, failed to route emissions from DEHY-1 and DEHY-2 to Flare-2 and Flare-3, in violation of Condition 1 of the Robinson Lake Title V permit, and instead routed the emissions to atmosphere through a manual bypass vent.

174. Condition 7(P) of the Robinson Lake Title V permit (AOP-28404 v1.0) requires that that MPLX "maintain and operate air pollution control equipment in a manner consistent

with good air pollution control practice for minimizing emissions. The manufacturer's recommended Operations and Maintenance (O&M) procedures, or a site-specific O&M procedure developed from the manufacturer's recommended O&M procedures, shall be followed to assure proper operation and maintenance of the equipment."

175. From November 16, 2021, until April 14, 2022, MPLX, through its Predecessors failed to operate Flare-2 and Flare-3 in a manner consistent with "good air pollution control practice" and in compliance with manufacturer's specifications, in violation of Condition 7(P) of the Robinson Lake Title V permit.

176. Condition 7(G)(2)(a) of the Title V operating permit issued for Robinson Lake Gas Plant (AOP-28404 v1.0) requires MPLX to notify NDDEQ of any malfunction that is "expected to last longer than 24 hours and cause emission of air contaminants in violation of this article or other applicable rules and regulations, the person responsible for [the facility] shall notify the Department of such malfunction as soon as possible during normal working hours."

177. Operators at MPLX became aware of the bypass of emissions from DEHY-1 and DEHY-2 from Flare-2 and Flare-3 on November 8, 2021. MPLX did not notify NDDEQ of the excess emissions from Robinson Lake Gas Plant until April 22, 2022.

178. From November 16, 2021, until April 14, 2022, MPLX violated Condition 7(G)(2)(a) of the Robinson Lake Title V permit.

179. By failing to comply with all terms and conditions of the Robinson Lake Title V permit, MPLX violated or continues to violate Sections 502(a), 503(c), and 504(a) of the CAA, 42 U.S.C. §§ 7661a(a), 7661b(c), and 7661c(a), N.D.C.C. § 23.1-06-09, and implementing regulations at N.D. Admin Code § 33.1-15-14.06.

180. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

SIXTH CLAIM
(United States' Claims Regarding the Wonsits Valley Compressor Station)
Failure to Continuously Operate a Control Device During Dehydrator Operation in Violation of MACT HH and Title V Operating Permit

181. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

182. During approximately 55 hours from January 1, 2015, through June 30, 2019, Defendant, through its Predecessors, operated a glycol dehydrator (D-1) at the Wonsits Valley Compressor Station while neither the flare (FL-1) nor the backup combustor (C-2) was operating.

183. MACT HH requires that control devices be operated at all times so that emissions from the glycol dehydrator are routed to them. 40 C.F.R. § 63.771(d)(4)(i).

184. If a bypass line is present an excursion is deemed to have occurred when the emission stream is diverted away from the control device to the atmosphere. 40 C.F.R. § 63.773(d)(6)(v)(A).

185. During periods when D-1 was operating but neither the flare nor the backup combustor was operating, Defendant, through its Predecessors, failed to apply control(s), in a manner that achieved the required operating parameter limits, in violation of 40 C.F.R. § 63.773(d)(6)(v)(A).

186. Each separate instance of operation of the Wonsits Valley Compressor Station while neither the flare nor the backup combustor was operating constitutes a separate excursion and violation of 40 C.F.R. § 63.773(d)(6)(v)(A).

187. Paragraph III.B.4 of the Title V operating permit issued (V-UO-000005-20000.00) and the Title V operating renewal permit (V-UO-000005.2018.00) and 40 C.F.R. § 63.764(j) requires that "the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions."

188. Each failure to maintain good air pollution control equipment by operating the dehydrator while the flare and backup combustor were not in operation is a violation of Paragraph II.B.4. of the Wonsits Valley Title V operating permit and 40 C.F.R. § 63.764(j).

189. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $37,500 per day for each violation occurring between January 13, 2009, and November 2, 2015, and up to $117,468 per day for each violation after November 2, 2015.

SEVENTH CLAIM
(United States' Claim Regarding Wonsits Valley Compressor Station)
Failure to Comply with MACT HH Enclosed Control Device Regulations

190. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

191. The C-2 enclosed control device at Wonsits Valley Compressor Station was a control device used for recovering or oxidizing HAP or VOC vapors and subject to MACT HH requirements.

192. Pursuant to 40 C.F.R. § 63.771(d)(1)(i), an enclosed control device is to reduce either total organic carbon or total HAP in waste gas routed to the control device, as demonstrated through a performance test in accordance with 40 C.F.R. § 63.772(e).

193. In accordance with 40 C.F.R. § 63.772(e)(3)(vi), an initial performance test and periodic performance tests are required for enclosed combustors.

194. 40 C.F.R. § 772(f) requires that an owner or operator demonstrate compliance with control device requirements at 40 C.F.R. § 63.771(d)(1)(i), by establishing site-specific minimum and maximum monitoring parameter value(s) through performance testing according to 40 C.F.R. § 63.773(d)(5)(i).

195. Paragraph III.D.3 of the Title V operating permit renewal issued (V-UO-000005.2018.00) for Wonsits Valley Compressor Station sets forth MACT HH requirements and states that "[f]or each control device, FL-1 and C-2, the Permittee shall comply with the applicable control device requirements to reduce HAP emissions as specified in specified in 40 C.F.R. § 63.771(d)." These requirements were originally found in of the Paragraph II.C.3. of the initial permit (V-UO-000005-20000.00).

196. EPA determined during the full compliance evaluation at Wonsits Valley Compressor Station that Defendant had failed to conduct any periodic performance tests at the Wonsits Valley Compressor Station C-2 enclosed control device after the initial performance test on April 8, 2009.

197. By failing to conduct periodic performance tests at combustor C-2 at the Wonsits Valley Compressor Station and failing to demonstrate compliance with control device monitoring requirements, MPLX violated the MACT HH requirements at 40 C.F.R. §§ 63.772(e)(3)(vi), 63.771(d)(1)(i), 63.772(f), 63.773(d)(5)(i), and Paragraph III.D.3. of the Wonsits Valley Compressor Station Title V operating permit.

198. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil

penalties of up to $37,500 per day for each violation occurring between January 13, 2009, and November 2, 2015, and up to $117,468 per day for each violation after November 2, 2015.

EIGHTH CLAIM
(United States' Claims Regarding Chapita Compressor Station)
Exceedances of CO Emission Standard in Violation of MACT ZZZZ and Title V Operating Permit

199. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

200. Defendant's Caterpillar G3606TALE 4SLB natural gas-fired stationary reciprocating internal combustion engine at the Chapita Compressor Station (Engine C200) is subject to the MACT ZZZZ emissions requirements set forth in 40 C.F.R. § 63.6600(b).

201. Pursuant to 40 C.F.R. § 63.6600(b) and Paragraph III.C.2 of the Title V operating permit (V-UO-000012-2018.0) for Chapita Compressor Station, Defendant is required to limit emissions by reducing CO emissions by 93 percent or more.

202. Pursuant to 40 C.F.R. § 63.6640(b), a performance test must be conducted to reestablish operating parameters following each catalyst replacement, and the re-test must also demonstrate that the applicable emission limitation is being met.

203. Defendant replaced the catalyst on Engine C200 on July 18, 2019.

204. A performance test conducted on Engine C200 at the Chapita Compressor Station on August 13, 2019, indicates that Defendant obtained CO reduction efficiency of 32 percent.

205. By failing to reduce CO emissions by 93 percent or more from Engine C200, Defendant violated and continues to violate the emission standards for CO in 40 C.F.R. § 63.6600(b) and the provisions of Paragraph III.C.2 of Title V operating permit (V-UO-000012-2018.00) at the Chapita Compressor Station.

206. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

NINTH CLAIM
(United States' Claims Regarding the Wonsits Valley Compressor Station)
Exceedances of CO Emission Standard in Violation of Subpart JJJJ

207. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

208. Engine C207 at the Wonsits Valley Compressor Station is a spark ignition internal combustion engine that is subject to NSPS JJJJ.

209. Pursuant to Paragraph IV.C. l of the Title V initial operating permit (V-UO-000005-20000.00) and Paragraph II.C.1 of the Title V operating renewal issued (V-UO-000005.2018.00) for the Wonsits Valley Compressor Station and 40 C.F.R. §§ 60.4233(f)(4) and (e), Engine C207 is subject to the emission standards in Table 1 to NSPS JJJJ for non-emergency spark ignition natural gas engines with greater than or equal to 500 hp that were manufactured on or after July 1, 2010.

210. The VOC emission standard set forth in Table 1 to NSPS JJJJ for such natural gas engines is 0.7 g/hp- hr.

211. In performance tests conducted on November 14, 2018, and November 21, 2018, Wonsits Valley Compressor Station Engine C207 failed to meet the emission standard for VOCs set forth in Table 1 to NSPS JJJJ.

212. In a performance test conducted on December 7, 2018, Wonsits Valley Compressor Station Engine C207 indicated VOC emissions of 0.41 g/hp-hr, in compliance with the NSPS JJJJ VOC emission standards.

213. By emitting VOC from Engine C207 in excess of 0.7 g/hp-hr, Defendant violated the emission standards for VOC in NSPS JJJJ and the provisions of Paragraph IV.C.2 of the Title V operating permit at the Wonsits Valley Compressor Station.

214. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

TENTH CLAIM
(United States' Claims Regarding the Coyote Wash Compressor Station)
Exceedances of NO_x Emission Limit in Title V Permit

215. The previous Paragraphs are realleged and incorporated by reference as if fully set forth within.

216. Defendant failed to meet the NO_x emission limitations for Engine C400 at the Coyote Wash Compressor Station.

217. Section IV.B.2(b)(ii)(D)(l) of the Title V permit (V-UO-000015-2006.00) for Coyote Wash Compressor Station requires Engine C400 to meet a NO_x emission limit of 1.0 g/hp-hr, as demonstrated through semi-annual performance testing.

218. On January 29, 2018, Defendant submitted to EPA the results of a September 13, 2017, performance test on Engine C400. Engine C400 has a dual exhaust stack, and results of the performance test were reported separately for each exhaust bank ("Left Exhaust Bank" and "Right Exhaust Bank").

219. Results of the September 13, 2017, performance test on Engine C400 indicated combined stack emissions of 1.1 g/hp-hr NO_x (0.570 g/hp-hr from the Left Exhaust Bank and 0.513 g/hp-hr from the Right Exhaust Bank), which exceeds the permit limit of 1.0 g/hp-hr.

220. By emitting NO_x in excess of 1.0 g/hp-hr from Engine 400, Defendant violated the emission limits set forth for Engine C400 in the Title V permit for the Coyote Wash Compressor Station.

221. For the violations asserted in this Claim, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and the Civil Penalties Inflation Act of 1990, Defendant is subject to civil penalties of up to $117,468 per day for each violation after November 2, 2015.

PRAYER FOR RELIEF

WHEREFORE, the United States and the States of North Dakota and Wyoming respectfully request the Court enter judgment in favor of the United States and the States of North Dakota and Wyoming and against Defendants including the following relief:

A. Permanently enjoin Defendant from further violating the Clean Air Act, its implementing regulations, the Wyoming Statues §§ 35-11-201 - 35-11-214, and N.D.C.C. ch. 23.1-06 and N.D. Admin. Code art. 33.1-15;

B. Order Defendant to take appropriate actions to remedy, mitigate, and offset the harm to public health and the environment caused by the violations of the Clean Air Act, its implementing regulations, the Wyoming Statues §§ 35-11-201 - 35-11-214, and N.D.C.C. ch. 23.1-06 and N.D. Admin. Code art. 33.1-15;

C. Assess a civil penalty against Defendant for each violation of the applicable provisions of the Clean Air Act and its implementing regulations of up to $37,500 per day for each violation occurring between January 13, 2009, and November 2, 2015, and up to $117,468 per day for each violation occurring after November 2, 2015;

D. Assess a civil penalty against Defendant for each violation of Wyoming Statues §§ 35-11-201 - 35-11-214, and N.D.C.C. § 23.1-06-14; and

E. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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