

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

Civil Action No.

UNITED STATES OF AMERICA and  
STATE OF COLORADO,

Plaintiffs,

v.

ENTERPRISE GAS PROCESSING, LLC  
and ENTERPRISE PRODUCTS  
OPERATING LLC

Defendants.

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**COMPLAINT**

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Plaintiffs, the United States of America, by authority of the Attorney General of the United States, and the State of Colorado, by authority of the Attorney General of Colorado, and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”) and the Colorado Department of Public Health and Environment, Division of Administration (“CDPHE”), file this Complaint and allege as follows:

**STATEMENT OF THE CASE**

1. This is a civil action against Enterprise Gas Processing, LLC and Enterprise Products Operating LLC (jointly, “Defendants”) pursuant to Section 113(b) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(b), and Sections 121 and 122 of the Colorado Air Pollution Prevention and Control Act (the “Colorado Act”), Colo. Rev. Stat. §§ 25-7-121 to -122, in connection with unlawful air emissions from a natural gas processing plant owned and operated by Defendants near Meeker, in Rio Blanco County, Colorado (the “Meeker Gas Plant”).

2. The Meeker Gas Plant includes, *inter alia*, an inlet, two natural gas processing trains referred to by Defendants as “Meeker 1” and “Meeker 2” (each containing multiple process units), a dewpoint control unit, a flare, condensate tanks, a piperack, a tank truck loading rack, and truck loading.

3. The United States and Colorado seek permanent injunctive relief and civil penalties for Defendants’ violations of Sections 111 and 112 of the Act, 42 U.S.C. §§ 7411 and 7412, and regulations promulgated under the Act and the Colorado Act pertaining to leak detection and repair requirements for air pollutants emitted from onshore natural gas processing plants.

4. Defendants’ failure to comply with leak detection and repair requirements has resulted in excess emissions of volatile organic compounds (“VOCs”).

5. The Meeker Gas Plant also emits benzene and other hazardous air pollutants (“HAPs”) listed under Section 112(b) of the Act, 42 U.S.C. § 7412(b). Regulation of HAPs is separate from VOC regulation under the Act because HAPs can cause cancer and other serious diseases.

### **JURISDICTION AND VENUE**

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

7. This Court has supplemental jurisdiction over the state law claims asserted by Colorado pursuant to 28 U.S.C. § 1367.

8. Venue is proper in this judicial district pursuant to Section 113(b) of the Act, 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 Defendants conduct business in, this

judicial district.

### **AUTHORITY AND NOTICE**

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

10. Colorado has authority to bring this action on behalf of CDPHE under Colo. Res. Stat. §§ 25-7-121 and -122.

11. Notice of the commencement of this action has been given to the appropriate air pollution control agency in the State of Colorado as required by Section 113(b) of the Act, 42 U.S.C. § 7413(b).

### **DEFENDANTS**

12. Enterprise Products Operating LLC (“EPO”) is a Texas limited liability company with its principal place of business located at 1100 Louisiana Street, Suite 1100, Houston, Texas. EPO is a wholly-owned subsidiary of Enterprise Product Partners, LP, a publicly traded Delaware limited partnership.

13. EPO operates the Meeker Gas Plant, an onshore natural gas processing plant, in Rio Blanco County, Colorado.

14. Enterprise Gas Processing, LLC (“EGP”) is a Delaware limited liability company with its principal place of business located at 1100 Louisiana Street, Suite 1100, Houston, Texas. EGP is a wholly-owned subsidiary of EPO.

15. EGP owns the Meeker Gas Plant.

16. EPO and EGP are each a “person” within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e).

## **STATUTORY AND REGULATORY BACKGROUND**

### **I. New Source Performance Standards**

#### **A. General Provisions**

17. Section 111(b) of the Act requires the Administrator of the 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).

18. 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).

19. 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).

20. 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).

21. In 1979, the 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. Priority List and Additions to the List of Categories of Stationary Sources, 44 Fed. Reg. 49,222 (Aug. 21, 1979).

22. 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).

#### **B. Subpart KKK**

23. In 1985, based on the determination that emissions from crude oil and natural gas

production cause or significantly contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, the EPA promulgated “Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants” under Section 111 of the Act. Standards of Performance for New Stationary Sources; Equipment Leaks of VOX from Onshore Natural Gas Processing Plants, 50 Fed. Reg. 26,122, 26,124 (June 24, 1985).

24. Each of these standards is a “standard of performance” within the meaning of Section 111(a)(1) of the Act, 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 Act, 42 U.S.C. § 7411(h). These standards are set forth in 40 C.F.R. Part 60, Subpart KKK (“Subpart KKK”), §§ 60.630–36.

25. Subpart KKK applies to “affected facilities” for which owners or operators commence construction, modification, or reconstruction after January 20, 1984 and on or before August 23, 2011. 40 C.F.R. § 60.630.

26. Subpart KKK requires compliance with certain provisions of 40 C.F.R. Part 60, Subpart VV (“Subpart VV”). *See* 40 C.F.R. §§ 60.632, 60.635, 60.636, 60.482-1(a), (b), and (d), 60.482-2 to 60.482-10, 60.486, and 60.487. These Subpart KKK and VV provisions require owners and operators of regulated facilities to monitor equipment such as pumps and valves for leaks of air pollutants, to repair leaks, and to comply with recordkeeping and reporting requirements.

27. Owners or operators of onshore natural gas processing plants subject to Subpart KKK must monitor equipment using “Method 21,” a test method that entails, *inter alia*, using a calibrated meter with a probe to carefully measure around equipment for leaks. 40 C.F.R. §§ 60.632(d), 60.485. For purposes of Subpart KKK, a leak is detected from pumps and valves

in natural gas processing plants if the detection instrument reading is 10,000 ppm or greater. 40 C.F.R. §§ 60.482-2, 60.482-7.

28. Pursuant to its authority under the Colorado Act, Colo. Rev. Stat. §§ 25-7-105(1)(b), -106(6), -109, CDPHE adopted Subparts VV and KKK, including all amendments, into the Colorado Air Quality Control Commission Regulation 6, Part A. 5 Colo. Code Regs. § 1001-8 (“Colorado Regulation 6”) on October 18, 2012, effective as of December 15, 2012.

**C. Subpart OOOO**

29. In 2012, the EPA promulgated under Section 111 of the Act “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.” Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, 77 Fed. Reg. 49,490, 49,542 (Aug. 16, 2012).

30. Each of these standards is a “standard of performance” within the meaning of Section 111(a)(1) of the Act, 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 Act, 42 U.S.C. § 7411(h). These standards are set forth in 40 C.F.R Part 60, Subpart OOOO (“Subpart OOOO”), §§ 60.5360–5430.

31. 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.

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

33. A “modification” that triggers the applicability of Subpart OOOO includes the addition or replacement of equipment for the purpose of process improvement that increases

emissions, unless the equipment addition or replacement is accomplished without a “capital expenditure.” Section 111(a)(4) of the Act, 42 U.S.C. § 7411(a)(4); 40 C.F.R. §§ 60.2, 60.14, 60.5365(f)(1).

34. Subpart OOOO requires compliance with certain provisions of 40 C.F.R. Part 60, Subpart VVa (“Subpart VVa”). *See* 40 C.F.R. §§ 60.5400, 60.5421, 60.5422, 60.482-1a(a), (b), (d), 60.482-2a, 60.482-4a to 60.482-11a, 60.486a., 60.487a. These Subpart OOOO and VVa provisions require owners and operators of “affected facilities” to monitor equipment such as pumps and valves for leaks of air pollutants, to repair leaks, and to comply with recordkeeping and reporting requirements.

35. Owners or operators of onshore natural gas processing plants subject to Subpart OOOO must monitor equipment using Method 21, a test method that entails, *inter alia*, using a calibrated meter with a probe to carefully measure around equipment for leaks. 40 C.F.R. §§ 60.5400(d), 60.485a. For purposes of 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 and connectors if the detection instrument reading is 500 ppm or greater. 40 C.F.R. §§ 60.482-2a, 60.487-7a, 60.482-11a.

36. Pursuant to its authority under the Colorado Act, Colo. Rev. Stat. §§ 25-7-105(1)(b), -106(6), -109, CDPHE adopted relevant portions of Subpart OOOO, including all amendments, into Colorado Regulation 6, Part A on October 18, 2012, effective as of December 15, 2012. 5 Colo. Code Regs. § 1001-8:A. CDPHE fully adopted Subpart OOOO on February 20, 2014, effective as of April 14, 2014.

37. Pursuant to its authority under the Colorado Act, Colo. Rev. Stat. §§ 25-7-105(1)(b), -106(6), -109, CDPHE adopted Subpart VVa, including all amendments, into

Colorado Regulation 6, Part A, on July 21, 2011, effective as of September 15, 2011. 5 Colo. Code Regs. § 1001-8.

## **II. National Emission Standards for Hazardous Air Pollutants**

38. Section 112(d) of the Act requires the Administrator of the EPA to promulgate regulations establishing emission standards for, *inter alia*, “major sources” of HAPs. 42 U.S.C. § 7412(d).

39. A “major source” under Section 112 includes 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 HAP or 25 tons per year or more of any combination of HAPs. 42 U.S.C. § 7412(a)(1).

40. HAPs are chemical compounds listed in Section 112(b) of the Act that present or may present a threat of adverse human health effects or adverse environmental effects. 42 U.S.C. § 7412(b).

41. No person is permitted to operate a major source in violation of an applicable emission standard, limitation, or regulation after the standard, limitation or regulation has gone into effect. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3).

42. In 1999, the EPA promulgated under Section 112 of the Act “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.”

National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and National Emission Standards for Hazardous Air Pollutants: National Gas Transmission and Storage, 64 Fed. Reg. 32,610, 32,628 (June 17, 1999). The EPA amended these standards in 2012. 77 Fed. Reg. at 49,568. These standards are set forth in 40 C.F.R. Part 63, Subpart HH (“Subpart HH”), 40 C.F.R. §§ 63.760–77.

43. Each of these standards is an “emission standard” within the meaning of Section



112(d) of the Act, 42 U.S.C. § 7412(d), or is “a design, equipment, work practice, or operational standard or combination thereof” as provided under Section 112(h) of the Act, 42 U.S.C.

§ 7412(h).

44. Subpart HH requires compliance with certain provisions of 40 C.F.R. Part 61, Subpart V (“Subpart V”). See 40 C.F.R. §§ 63.769(c), 63.774, 63.775, 61.241–47. These Subpart HH and V provisions require owners and operators of regulated facilities to monitor equipment intended to operate in volatile hazardous air pollutant (“VHAP”) service, such as pumps and valves, for leaks of air pollutants, to repair leaks, and to comply with recordkeeping and reporting requirements.

45. Owners or operators of onshore natural gas processing plants subject to Subpart HH must monitor equipment using Method 21, a test method that entails, *inter alia*, using a calibrated meter with a probe to carefully measure around equipment for leaks. 40 C.F.R. §§ 63.769(c), 61.245(b). For purposes of Subpart HH, a leak is detected from valves in natural gas processing plants if the detection instrument reading is 500 ppm or greater. 40 C.F.R. § 63.769(c).

46. Pursuant to its authority under the Colorado Act, Colo. Rev. Stat. §§ 25-7-105(1)(b) and -109, CDPHE adopted Subpart HH, including all amendments, into the Colorado Air Quality Control Commission Regulation 8, Part E. 5 Colo. Code Regs. § 1001-10:E (“Colorado Regulation 8, Part E”) on December 16, 1999, effective as of February 14, 2000.

47. Pursuant to its authority under the Colorado Act, C.R.S. §§ 25-7-105(1)(b) and 109, CDPHE adopted Subpart V, including all amendments, into the Colorado Air Quality Control Commission Regulation 8, Part A. 5 Colo. Code Regs. § 1001-10:A (“Colorado Regulation 8, Part A”).

## GENERAL ALLEGATIONS

### **A. Meeker Gas Plant**

48. Defendant EGP is the “owner” of the Meeker Gas Plant within the meaning of Sections 111(a)(5) and 112(a)(9) of the Act. *See* 42 U.S.C. §§ 7411(a)(5), 7412(a)(9); Colo. Rev. Stat. § 25-7-103(18.4).

49. Defendant EPO is the “operator” of the Meeker Gas Plant within the meaning of Sections 111(a)(5) and 112(a)(9) of the Act. *See* 42 U.S.C. §§ 7411(a)(5), 7412(a)(9); Colo. Rev. Stat. § 25-7-103(18.4).

50. The Meeker Gas Plant is a “new source” and a “stationary source” within the meaning of Sections 111(a)(2) and (a)(3) of the Act. *See* 42 U.S.C. § 7411(a)(2) - (3); Colo. Rev. Stat. § 25-7-103(23); *see also* 5 Colo. Code Regs. § 1001-5:A.I.B.34, 52.

51. When pumps, valves, connectors, or other equipment used at the Meeker Gas Plant leak, they release VOCs and HAPs into the atmosphere.

### **B. Subpart KKK: Applicability to the Meeker Gas Plant**

52. The provisions of Subpart KKK apply to affected facilities in onshore natural gas processing plants that commenced construction after January 20, 1984, and on or before August 23, 2011. 40 C.F.R. § 60.630(b). An “affected facility” for the purposes of Subpart KKK is “[t]he group of all equipment except compressors within a process unit.” 40 C.F.R. § 60.630(a)(3).

53. A “natural gas processing plant” is “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. § 60.631. “Onshore” means all facilities except those that are located in the territorial seas or on the outer continental shelf. *Id.*

54. The Meeker Gas Plant is an “onshore natural gas processing plant” within the meaning of 40 C.F.R. § 60.630.

55. Subpart KKK 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. § 60.631.

56. The Meeker Gas Plant contains multiple “process units” within the meaning of 40 C.F.R. § 60.631.

57. Subpart KKK defines “equipment” as “each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by [Subpart KKK].” *Id.*

58. The Meeker Gas Plant uses “equipment” within the meaning of 40 C.F.R. § 60.631.

59. Defendants have been subject to the requirements of Subpart KKK as to equipment in VOC service or wet gas service at the Meeker Gas Plant since at least October 15, 2007.

**C. Subpart OOOO: Applicability to the Meeker Gas Plant**

60. The provisions of Subpart OOOO apply to affected facilities in onshore natural gas processing plants. An “affected facility” for purposes of Subpart OOOO is “the group of all equipment, except compressors, within a process unit.” 40 C.F.R. § 60.5365(f).

61. A “natural gas processing plant” is “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. “Onshore” means “all facilities except those that are located in the territorial seas or on the outer continental shelf.” *Id.*

62. The Meeker Gas Plant is an “onshore natural gas processing plant” within the meaning of 40 C.F.R. § 60.5430.

63. Subpart OOOO 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.” *Id.*

64. The Meeker Gas Plant contains multiple “process units” within the meaning of 40 C.F.R. § 60.5430.

65. Subpart OOOO 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 Subpart OOOO. *Id.*

66. The Meeker Gas Plant uses “equipment” within the meaning of 40 C.F.R. § 60.5430.

67. In approximately May 2015, Defendants undertook an equipment installation project at the Meeker 1 inlet gas dehydration process unit, adding approximately 89 connectors and 27 new valves.

68. Defendants have been subject to Subpart OOOO at the Meeker 1 inlet gas dehydration process unit from approximately May 2015 to the present.

**D. Subpart HH: Applicability to the Meeker Gas Plant**

69. The provisions of Subpart HH apply, *inter alia*, to owners and operators of “affected sources” at oil and natural gas production facilities that are “major sources” of HAPs.

40 C.F.R. §§ 63.2, 63.760(a). For major sources, the “affected source” includes the group of all ancillary equipment, except compressors, intended to operate in VHAP service located at natural gas processing plants. 40 C.F.R. § 63.760(b)(1)(iii).

70. For the purpose of major source determination, “facility (including a building, structure, or installation)” means “oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site . . . . Examples of facilities in the oil and natural gas production source category include . . . natural gas processing plants.” 40 C.F.R. § 63.761.

71. “Ancillary equipment” is “any of the following pieces of equipment: pumps, pressure relief devices, sampling connection systems, open-ended valves, or lines, valves, flanges, or other connectors.” *Id.*

72. A “natural gas processing plant” is “any processing site engaged in the extraction of natural gas liquids from field gas, or the fractionation of mixed N[atural] G[as] L[iquids] to natural gas products, or a combination of both.” *Id.*

73. The Meeker Gas Plant is a “natural gas processing plant” within the meaning of *Id.*

74. Since July 20, 2006, the Meeker Gas Plant has been permitted as a “major source,” within the meaning of Section 112(a)(1) of the Act, 42 U.S.C. § 7412(a)(1), and of 40 C.F.R. §§ 63.2 and 63.761, and therefore certain ancillary equipment, except compressors, intended to operate in VHAP service at the facility has been subject to the equipment leak standards of Subpart HH.

## FIRST CLAIM

### **Failure to Make First Attempt at Repair within Five Days After Leak is Detected in Violation of Subpart KKK**

75. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

76. Pursuant to Subpart KKK and Colorado Regulation 6, Part A, when owners or operators detect a leak in a valve in gas/vapor or light liquid service above the applicable regulatory threshold, the owners or operators must make a first attempt at repair no later than five calendar days after the leak is detected. 40 C.F.R. §§ 60.632(a), 60.482-7(d)(2); 5 Colo. Code Regs. § 1001-8:A.

77. In May 2014, Defendants failed to make a first attempt at repair on one leaking valve no later than five calendar days after the leak was detected, in violation of 40 C.F.R. §§ 60.632(a), 60.482-7(d)(2) and 5 Colo. Code Regs. § 1001-8:A.

78. Defendants' failure to make a first attempt at repair no later than five calendar days after the leak was detected constitutes a violation of Subpart KKK, Section 111 of the Act, and Colorado Regulation 6, Part A.

79. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 to -122, the violation subjects Defendants to injunctive relief and civil penalties for each day the violation continued.

## SECOND CLAIM

### **Failure to Repair Leaking Equipment within 15 Days in Violation of Subpart KKK**

80. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

81. With certain exceptions not relevant here, pursuant to Subpart KKK and Colorado Regulation No. 6, Part A, when owners or operators detect a leak in equipment in gas/vapor or light liquid service above the applicable regulatory threshold, owners or operators must repair the leak as soon as practicable but not later than 15 calendar days after detection. 40 C.F.R. §§ 60.482-2(c)(1), 60.482-7(d)(1), 60.482-8(c)(1); 5 Colo. Code Regs. § 1001-8:A.

82. Subpart VV at 40 C.F.R. § 60.481 and Colorado Regulation No. 6, Part A, define “repaired” to mean that equipment is adjusted, or otherwise altered, in order to eliminate a leak as defined in the applicable sections of the subpart, and apart from exceptions that are not relevant here, is re-monitored as specified in 40 C.F.R. § 60.485(b) to verify that emissions from the equipment are below the applicable leak definition.

83. From approximately March 2011 through September 2014, Defendants failed to timely repair one leaking valve within the 15 calendar days of detection, and failed to re-monitor approximately seven leaking pumps and 40 leaking valves within 15 calendar days of detection, in violation of, as applicable, 40 C.F.R. §§ 60.482-2(c)(1), 60.482-7(d)(1), 60.482-8(c)(1), and 5 Colo. Code Regs. § 1001-8:A.

84. Each failure by Defendants to repair an equipment leak above the applicable regulatory threshold within 15 calendar days of detection constitutes a separate violation of Subpart KKK, Section 111 of the Act and Colorado Regulation No. 6, Part A.

85. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and 122, these violations subject Defendants to injunctive relief and civil penalties for each day that each violation continued.

### THIRD CLAIM

#### **Failure to Identify Applicability of Subpart KKK to Equipment at the Meeker Gas Plant**

86. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

87. With certain exceptions not relevant here, pursuant to Subpart KKK and Colorado Regulation No. 6, Part A, owners or operators shall comply with the applicable requirements of 40 C.F.R. §§ 60.482-1(a), (b), and (d), 60.482-2 through 60.482-10, 60.486, 60.487, 60.635 and 5 Colo. Code Regs. § 1001-8, Reg. 6, Part A, as soon as practicable, but no later than 180 days after initial startup. 40 C.F.R. § 60.632(a); 5 Colo. Code Regs. § 1001-8:A.

88. Based on information and belief, between approximately October 8, 2007, when Meeker 1 began operation and approximately October 1, 2013, Defendants failed to include approximately three pumps, two pressure relief devices, 52 valves, and 109 connectors that were part of the original construction of Meeker 1 in the LDAR program. The pumps, pressure relief devices and valves were first monitored on October 10, 2013.

89. Based on information and belief, in addition to the equipment identified in Paragraph 100, between approximately October 8, 2007 when Meeker 1 began operation and approximately August 1, 2014, Defendants failed to include approximately nine pressure relief devices, 254 valves, and 488 connectors that were part of the original construction of Meeker 1 in the LDAR program. The pressure relief devices and valves were first monitored on August 19 and 20, 2014.

90. Based on information and belief, between approximately February 16, 2009 when Meeker 2 began operation and approximately October 1, 2013, Defendants failed to include approximately one pump, one pressure relief device, 97 valves, and 272 connectors that were



part of the original construction of Meeker 2 in the LDAR program. The pump, pressure relief device and valves were first monitored on October 10, 2013.

91. Based on information and belief, in addition to the equipment identified in Paragraph 102, between approximately February 16, 2009, when Meeker 2 began operation and approximately June 1, 2014, Defendants failed to include one valve that was part of the original construction of Meeker 2 in the LDAR program. The valve was first monitored on June 27, 2014.

92. Based on information and belief, in addition to the equipment identified in Paragraphs 102 and 103, between approximately February 16, 2009 when Meeker 2 began operation and approximately August 1, 2014, Defendants failed to include five pressure relief devices, 131 valves, and 231 connectors that were part of the original construction of Meeker 2 in the LDAR program. The pressure relief devices and valves were first monitored on August 18 and 19, 2014.

93. Based on information and belief, in addition to the equipment identified in Paragraphs 102 through 104, between approximately February 16, 2009 when Meeker 2 began operation and approximately September 9 and 10, 2014, Defendants failed to include approximately 14 valves that were part of the original construction of Meeker 2 in the LDAR program. The valves were first monitored on September 9 and 10, 2014.

94. Based on information and belief, between approximately March 24, 2009 when the dewpoint control unit began operation and approximately October 1, 2013, Defendants failed to include 11 valves and 47 connectors that were part of the original construction of the dewpoint control unit in the LDAR program. The valves were first monitored on October 10, 2013.

95. By failing to include the 1,728 pieces of equipment identified in Paragraphs 88

through 94 that were part of the original construction of Meeker 1, Meeker 2, and the dewpoint control unit in the LDAR program, Defendants failed to comply with the various requirements of Subpart KKK that apply to this equipment, including monitoring, repair, recordkeeping, and reporting, in violation of, as applicable, 40 C.F.R. §§ 60.630(b), 60.632(a), 60.633(b), 60.635, 60.636, 60.482-2, 60.482-4, 60.482-7, 60.482-8, 60.486, and 60.487; and 5 Colo. Code Regs. § 1001-8:A.

96. Based on information and belief, prior to May 2015, Defendants added approximately 66 valves and 107 connectors to Meeker 1 but failed to include them in the LDAR program until approximately May 1 or May 11, 2015. The valves were first monitored on approximately May 11 and 14, 2015.

97. Based on information and belief, in addition to the equipment identified in Paragraph 96, prior to August 2015, Defendants added approximately 11 valves and 25 connectors to Meeker 1 but failed to include them in the LDAR program until approximately August 1, 2015. The valves were first monitored on approximately August 19, 2015.

98. Based on information and belief, prior to August 2015, Defendants added approximately 38 valves, 74 connectors, and two pressure relief devices to Meeker 2 but failed to include them in the LDAR program until approximately August 1, 2015.

99. Based on information and belief, prior to August 2015, Defendants added approximately 20 valves and 52 connectors to the dewpoint control unit, but failed to include them in the LDAR program until approximately August 1, 2015.

100. Based on information and belief, prior to January 2015, Defendants added one valve to the inlet, but failed to include it in the LDAR program until approximately January 1, 2015.

101. Based on information and belief, prior to August 2015, Defendants added approximately 108 valves, 194 connectors, and three pressure relief devices to the Inlet but failed to include them in the LDAR program until approximately August 1 or August 11, 2015.

102. Based on information and belief, in addition to the equipment identified in Paragraph 101, prior to September 2015, Defendants added approximately six valves to the inlet, but failed to include them in the LDAR program until approximately September 9, 2015.

103. Based on information and belief, in addition to the equipment identified in Paragraphs 101 and 102, prior to November 2015, Defendants added approximately two valves and four connectors to the inlet, but failed to include them in the LDAR program until approximately November 12, 2015.

104. By failing to include the 713 pieces of equipment identified in Paragraphs 96 through 103 in the LDAR program in a timely manner, Defendants failed to comply with the various requirements of Subpart KKK and Colorado Regulation No. 6, Part A that apply to this equipment, including monitoring, repair, recordkeeping, and reporting, in violation of, as applicable, 40 C.F.R. §§ 60.630(b), 60.632(a), 60.633(b), 60.635, 60.636, 60.682-4, 60.482-7, 60.482-8, 60.486, and 60.487; and 5 Colo. Code Regs. § 1001-8:A.

105. Based on information and belief, between 2010 and January 2015, Defendants added approximately 114 valves, 263 connectors, 2 pumps and 1 pressure relief device to Meeker 1, Meeker 2, the dewpoint control unit, the inlet, and the flare but failed to include them in the LDAR program until sometime in 2015.

106. By failing to include approximately 380 pieces of equipment identified in Paragraph 105 in the LDAR program in a timely manner, Defendants failed to comply with the various requirements of Subpart KKK and Colorado Regulation No. 6, Part A, that apply to this

equipment, including monitoring, repair, recordkeeping and reporting, in violation of, as applicable, 40 C.F.R. §§ 60.630(b), 60.632(a), 60.633(b), 60.635, 60.636, 60.682-4, 60.482-7, 60.482-8, 60.486, and 60.487; and 5 Colo. Code Regs. § 1001-8:A.

107. Each failure to comply with the requirements of Subpart KKK and Colorado Regulation No. 6, Part A, including monitoring, repair, recordkeeping, and reporting obligations relating to these approximately 2,821 pieces of equipment constitute separate violations of Subpart KKK, Section 111 of the Act, and Colorado Regulation No. 6, Part A.

108. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and -122, these violations subject Defendants to injunctive relief and civil penalties for each day that each violation continues.

#### **FOURTH CLAIM**

##### **Failure to Monitor Valves Monthly after Detecting a Leak**

109. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

110. With certain exceptions not relevant here, subpart KKK and Colorado Regulation No. 6, Part A, require owners or operators to demonstrate compliance with the applicable requirements of 40 C.F.R. §§ 60.482-1(a), (b), and (d), 60.482-2 through 60.482-10, 60.486, and 60.487, as soon as practicable, but no later than 180 days after initial startup. 40 C.F.R. § 60.632(a); 5 Colo. Code Regs. § 1001-8:A.

111. Pursuant to Subpart VV and Colorado Regulation No. 6, Part A, owners or operators are required to monitor valves monthly after a leak has been detected until a leak is not detected for two successive months. 40 C.F.R. § 60.482-7(c)(2); 5 Colo. Code Regs. § 1001-8:A.

112. On information and belief, during the fourth quarter of 2012, Defendants detected leaks at two valves.

113. On information and belief, Defendants failed to perform monthly monitoring on the two valves where leaks were detected, until a leak was not detected for two successive months, in violation of 40 C.F.R. § 60.482-7(c)(2) and 5 Colo. Code Regs. § 1001-8:A.

114. Each failure to perform monthly monitoring constitutes a separate violation of Subpart KKK, Section 111 of the Act, and 5 Colo. Code Regs. § 1001-8:A.

115. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and -122, these violations subject Defendants to injunctive relief and civil penalties for each day that each violation continues.

#### FIFTH CLAIM

##### **Failure to Repair Leaking Equipment within 15 Days Based on Invalid Use of Delay of Repair**

116. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

117. Subpart KKK and Colorado Regulation 6, Part A, require that, when a leak is detected in valves in gas/vapor or light liquid service above the applicable regulatory threshold, “it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 60.482-9.” 40 C.F.R. §§ 60.632(a), 60.482-7(d)(1), and 60.482-9; 5 Colo. Code Regs. § 1001-8:A.

118. Subpart VV at 40 C.F.R § 60.482-9 and Colorado Regulation 6, Part A, specify when delay of repair of equipment will be allowed.

119. Subpart HH and Colorado Regulation 8, Part E require that “[w]hen a leak is

detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in § 61.242-10.” 40 C.F.R. §§ 63.769(c), 61.242-7(d)(1), 61.242-10; 5 Colo. Code Regs. § 1001-10:E.

120. Subpart V at 40 C.F.R. § 61.242-10 specifies when delay of repair of equipment will be allowed.

121. On information and belief, between January 2012 through June 2016, Defendants placed approximately 12 valves on delay of repair because Defendants were “awaiting parts on order” or “waiting for parts to arrive.”

122. “Awaiting parts on order” or “waiting for parts to arrive” is not a valid basis for placing equipment on delay of repair under 40 C.F.R § 60.482-9 or 40 C.F.R. § 61.242-10.

123. Facilities are responsible for maintaining a sufficient stock of parts. Delay of repair due to a facility’s poor administrative or planning practices is not permitted, as maintaining a sufficient stock of parts or contracting for quick supply of parts is a necessity within this industry.

124. Placing the 12 valves on delay of repair on the basis of “awaiting parts on order” or “waiting for parts to arrive” is a violation of, as applicable, 40 C.F.R. §§ 60.482-7(d)(1), 60.482-9, 61.242-7(d)(1) and 61.242-10; and 5 Colo. Code Regs. § 1001-10:A.

125. Eleven of the valves placed on delay of repair on the basis of “awaiting parts on order” or “waiting for parts to arrive” constitute separate violations of Subpart KKK, Section 111 of the Act, and Colorado Regulation 6, Part A.

126. One of the valves placed on delay of repair on the basis of “awaiting parts on order” was in VHAP service and subject to Subpart HH.

127. Placing the valve subject to Subpart HH on delay of repair on the basis of

“awaiting parts on order” constitutes a separate violation of Subpart HH, Section 112 of the Act, and Colorado Regulation 8, Part E.

128. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19 and Colo. Rev. Stat. §§ 25-7-121 and -122, these violations subject Defendant to injunctive relief and civil penalties for each day that each violation continued.

### SIXTH CLAIM

#### **Failure to Repair Leaking Equipment within 15 Days Based on Invalid Use of Delay of Repair**

129. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

130. Subpart KKK and Colorado Regulation 6, Part A, require that when a leak is detected in valves in gas/vapor or light liquid service above the applicable regulatory threshold, “it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 60.482-9.” 40 C.F.R. §§ 60.482-7(d)(1), 60.482-9; and 5 Colo. Code Regs. § 1001-8:A.

131. Subpart VV at 40 C.F.R 60.482-9 specifies when delay of repair of equipment will be allowed.

132. On information and belief, between April 2012 and July 2016, Defendants placed approximately six control valves on delay of repair on the basis that either a process unit shutdown was necessary or they could not safely isolate the equipment.

133. On information and belief, each of the six control valves placed on delay of repair could have been safely isolated in order to repair each control valve.

134. Placing the six control valves on delay of repair on the basis that a process unit shutdown was necessary or the equipment could not be safely isolated is a violation of 40 C.F.R

§§ 60.482-7(d)(1), 60.482-9(a); and Colorado Regulation 6, Part A.

135. Each of the approximately the 6 valves placed on delay of repair on the basis that a process unit shutdown was necessary or the equipment could not be safely isolated constitutes a separate violation of Subpart KKK, Section 111 of the Act, and Colorado Regulation 6, Part A.

136. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and -122, these violations subject Defendants to injunctive relief and civil penalties for each day that each violation continues.

## SEVENTH CLAIM

### **Failure to Comply with No Detectable Emissions at Valves and PRDs**

137. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

138. Subpart VV at 40 C.F.R. § 60.482-4(a) requires that, “[e]xcept during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as determined by the methods specified in § 60.485(c).” 40 C.F.R. § 60.482-4(a); 5 Colo. Code Regs. § 1001-8:A.

139. Subpart VV at 40 C.F.R. § 60.482-4(b) requires that “(1) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after the pressure release, except as provided in § 60.482-9” and “(2) No later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the conditions of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, by the methods specified in §



60.485(c).” 40 C.F.R. § 60.482-4(b); 5 Colo. Code Regs. § 1001-8:A.

140. Subpart VV at 40 C.F.R 60.482-7(f) provides that “[a]ny valve that is designated, as described in § 60.486(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) if the valve: (1) Has no external actuating mechanism in contact with the process fluid, (2) Is operated with emissions less than 500 ppm above background as determined by the method specified in § 60.485(c), and (3) Is tested for compliance with paragraph (f)(2) of this section initially upon designation, annually, and at other times requested by the Administrator.” 40 C.F.R § 60.482-7(f); 5 Colo. Code Regs. § 1001-8:A.

141. Subpart V at 40 C.F.R 61.242-7(f) provides that “[a]ny valve that is designated, as described in § 61.246(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) if the valve: (1) Has no external actuating mechanism in contact with the process fluid, (2) Is operated with emissions less than 500 ppm above background as determined by the method specified in § 61.245(c), and (3) Is tested for compliance with paragraph (f)(2) initially upon designation, annually, and at other times requested by the Administrator.” 40 C.F.R § 61.242-7(f); 5 Colo. Code Regs. § 1001-10:E.

142. On information and belief, between December 2011 and July 2014, approximately four pressure relief devices that Defendants had designated, or operated, as no detectable emissions, exceeded the 500 ppm no detectable emissions limit, and were not returned to a condition of no detectable emissions within five days in violation of 40 C.F.R. § 60.482-4(a) and (b); 5 Colo. Code Regs. § 1001-8:A.

143. On information and belief, between May 2012 and July 2016, two valves that

Defendants had designated for no detectable emissions, exceeded the 500 ppm no detectable emissions limit. One of the valves exceeded the 500 ppm no detectable emissions limit on two separate occasions. Exceeding the 500 ppm no detectable emissions limit is a violation of 40 C.F.R. §§ 60.482-7(f), 61.242-7(f), 5 Colo. Code Regs. § 1001-8:A, and 5 Colo. Code Regs. § 1001-10:E.

144. The four pressure relief devices and one of the valves that exceeded the 500 ppm no detectable emissions limit constitute separate violations Subpart KKK, Section 111 of the Act, and Colorado Regulation 6, Part A.

145. One of the valves that exceeded the 500 ppm no detectable emissions limit was in VHAP service and subject to Subpart HH.

146. The exceedance at the one valve that is subject to Subpart HH constitutes a separate violation of Subpart HH, Section 112 of the Act, and Colorado Regulation 8, Part E.

147. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and 122, these violations subject Defendant to injunctive relief and civil penalties for each day that each violation continues.

## **EIGHTH CLAIM**

### **Failure to Identify Applicability of Subpart OOOO to Equipment at the Meeker Gas Plant**

148. The United States and Colorado reallege and incorporate the previous Paragraphs as if fully set forth within.

149. Pursuant to Subpart OOOO and Colorado Regulation 6, Part A, any affected facility that commences construction, modification, or reconstruction after August 23, 2011 and on or before September 18, 2015, is subject to the requirements of that Subpart. 40 C.F.R. § 60.5365; 5 Colo. Code Regs. § 1001-8:A.

150. On information and belief, in May 2015, Defendants undertook an equipment installation project at the Meeker 1 inlet gas dehydration process unit that added approximately 89 connectors and 27 new valves.

151. The equipment installation project completed in the Meeker 1 inlet gas dehydration process unit in 2015 resulted in an emissions increase and a “capital expenditure.” 40 C.F.R. § 60.2. The equipment installation project completed in the Meeker 1 inlet gas dehydration process unit in May 2015 constituted a “modification.” Section 111(a)(4) of the Act, 42 U.S.C. § 7411(a)(4); 40 C.F.R. §§ 60.2, 60.14, 60.5365(f)(1).

152. The equipment installation project completed in the Meeker 1 inlet gas dehydration process unit in 2015 has subjected Defendants to the requirements of Subpart OOOO and Colorado Regulation 6, Part A, at that process unit since May 2015. 40 C.F.R. § 60.5370(a); 5 Colo. Code Regs. § 1001-8:A.

153. Subsequent to the equipment installation project at the Meeker 1 inlet gas dehydration process unit, Defendants failed to comply with the various requirements of Subpart OOOO and Colorado Regulation 6, Part A, including monitoring, repair, recordkeeping and reporting, in violation of, as applicable, 40 C.F.R. 60.5400, 60.5401, 60.5410, 60.5421, 60.5422, 60.482-7a, 60.482-11a, 60.486a, and 60.487a; and 5 Colo. Code Regs. § 1001-8:A.

154. Each failure to comply with the requirements of Subpart OOOO for each piece of equipment within the Meeker 1 inlet gas dehydration process unit, including monitoring, repair, recordkeeping, and reporting obligations, constitutes a separate violation of Subpart OOOO, Section 111 of the Act, and Colorado Regulation 6, Part A.

155. As provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b), 40 C.F.R. Part 19, and Colo. Rev. Stat. §§ 25-7-121 and -122, these violations subject Defendant to injunctive relief

and civil penalties for each day that each violation continues.

**PRAYER FOR RELIEF**

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

A. Permanently enjoin Defendants from further violating the Act and the regulations implementing the Act, the Colorado Act, and the regulations implementing the Colorado Act;

B. Order Defendants to take appropriate actions to remedy, mitigate, and offset the harm to public health and the environment caused by the violations of the Act, the regulations implementing the Act, the Colorado Act, and the regulations implementing the Colorado Act;

C. Assess a civil penalty against Defendants for each violation of the applicable provisions of the Act and the Colorado Act, of up to \$37,500 per day for each violation occurring between January 13, 2009 and November 2, 2015, and up to \$101,439 per day for each violation occurring after November 2, 2015 for violations of federal law and up to \$15,000.00 per day for each violation of state law before July 2, 2020, up to \$47,357 per day for each violation of state law occurring on or after July 2, 2020 and before January 1, 2022, up to \$49,020 per day for each day of violation of state law occurring on or after January 1, 2022 and before January 1, 2023, up to \$53,051 per day for each violation of state law occurring on or after January 1, 2023 and before January 1, 2024, and up to \$55,554 per day for each day of violation of state law occurring on or after January 1, 2024 (*see* 5 Colo. Regs. § 1001-2:III); and

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

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division  
U.S. Department of Justice

s/ Myles E. Flint, II  
MYLES E. FLINT, II  
Senior Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, DC 20044-7611  
(202) 307-1859  
myles.flint@usdoj.gov

OF COUNSEL  
NICHOLAS A. DIMASCIO  
Assistant Regional Counsel  
Regulatory Enforcement Section  
Legal Enforcement Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

FOR THE STATE OF COLORADO, ON  
BEHALF OF THE COLORADO  
DEPARTMENT OF PUBLIC HEALTH AND  
ENVIRONMENT

PHIL WEISER  
Attorney General  
State of Colorado

s/ David Beckstrom  
DAVID BECKSTROM  
Second Assistant Attorney General  
Air Quality Unit  
Natural Resources and Environment Section  
Department of Law  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 7th Floor  
Denver, Colorado 80203  
Telephone: (303) 508-6306  
Email: David.Beckstrom@coag.gov

Attorney for Plaintiff State of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
United States of America and State of Colorado
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Myles E. Flint, II / US DOJ, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611 (202) 307-1859

DEFENDANTS
Enterprise Gas Processing, LLC and Enterprise Products Operating LLC
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
See Attachment to Civil Cover Sheet

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
X 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 4
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise.
TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice. PERSONAL INJURY: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability. PERSONAL PROPERTY: 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability.
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other.
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act.
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions.
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157.
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 840 Trademark.
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g)).
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609.
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 7413(b), Clean Air Act
Brief description of cause:
Violations of the Clean Air Act, 42 U.S.C. § 7411
AP Docket

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE: 07/03/2024
SIGNATURE OF ATTORNEY OF RECORD: Myles E. Flint, II MYLES FLINT

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**ATTACHMENT TO CIVIL COVER SHEET**

Section I

Attorneys for Defendants:

J. Scott Janoe  
Baker Botts LLP  
One Shell Plaza  
910 Louisiana Street  
Houston, TX 77002-4995  
(713) 229-1553

Harrison Reback  
Baker Botts LLP  
One Shell Plaza  
910 Louisiana Street  
Houston, TX 77002-4995  
(713) 229-1567