



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

FEB 15 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7014 0150 0000 2406 2882

Mr. Matthew Vicenik, Environmental Manager
The Hilcorp Energy Company
Harvest Pipeline
Old Ocean Plant
P.O. Box 61229
Houston, Texas 77208

Re: Administrative Order; Docket Number: CWA-06-2019-1747
200 Refinery Road Facility
NPDES Permit Number: TX0003905

Dear Mr. Vicenik:

Enclosed is an Administrative Order (AO) issued to the Hilcorp Energy Company for violation of the Clean Water Act (CWA) (33 U.S.C. § 1387). Violations were identified during a review of the permit file and discharge monitoring reports submitted for the 200 Refinery Road Facility. The violations alleged are for failure to meet permit effluent limitations.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of the effective date of the AO. The AO also contains other compliance deadlines and certain information. The Environmental Protection Agency Region 6 is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2019-1747 and TPDES Permit Number TX0003905 on your response.

If you have any questions, please contact Ms. Judy Edelbrock, or Mr. Collin Martin, of my staff, at (214) 665-8582 or (214) 665-8380, respectively.

Sincerely,


Cheryl T. Seager
for Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

Re: Hilcorp Energy Company
Administrative Order

2

cc: Program Manager
Environmental Services
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78701-2967



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733
FINDINGS OF VIOLATIONS AND ORDER FOR COMPLIANCE
Docket Number: CWA-06-2019-1747, NPDES Permit No.: TX0003905

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Hilcorp Energy Company ("Respondent") is a person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated an oil and gas facility, located at 200 Refinery Road, in Sweeny, Brazoria County, Texas ("the facility"), and was therefore an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater to the receiving waters of Cedar Lake Creek, thence to Cedar Lakes, in Water body Segment 2442 of the Bays and Estuaries, which are considered "waters of the United States", within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because Respondent owned or operated a facility that acted as a point source of a discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
7. Respondent applied for and was issued NPDES Permit Number TX0003905 ("the permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on January 1, 2017 and expires on December 31, 2021. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
8. Part I.A. of the permit places certain limitations on the quality and quantity of effluent discharged by the Respondent. The relevant discharge limitations are listed in the enclosed Attachment A, which is incorporated by reference.
9. The permit includes "Monitoring and Reporting Requirements" that require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Noncompliance Reports when appropriate.
10. Certified DMRs filed by Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in Part I.A. of the permit. The discharges of pollutants that exceeded the permit limitations are specified in the enclosed Attachment B, which is incorporated by reference.
11. Each violation of the conditions of the permit was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following actions:

- A. Take such measures as are necessary to comply with all permit conditions, including "Effluent Limitations and Monitoring and Reporting Requirements" no later than thirty (30) days from the effective date of this Order.

GENERAL PROVISIONS

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct Chlorine, pH, and Biochemical Oxygen Demand violations.

C. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA Region 6 that the violations cited herein have been corrected and the facility is in compliance with the requirements of the permit.

D. In the event that Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

E. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

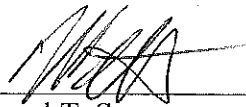
Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by Respondent.

FEB 15 2019

Date


Cheryl T. Seager

ja Director
Compliance Assurance and
Enforcement Division

Attachment A
TX0003905
Effluent Limits

Effluent Characteristics	Discharge Limitations	
Outfall 001	Minimum	Maximum
pH	6.5	9.0
Outfall 001	Daily Avg.	Daily Max.
Total Residual Chlorine	N/A	0.019 mg/L
BOD ₅	20 mg/L	30 mg/L

Table B Effluent Violations**TX0003905****HILCORP ENERGY CO**

Monitoring Period End Date	Outfall	Parameter	Monitoring	Limit Unit	Limit Value	DMR Value Code	DMR Value	Reported Number of Excursions
01/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.2	
01/31/2017	001	pH	MAXIMUM	SU	9.	=	9.2	
02/28/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.6	
02/28/2017	001	pH	MAXIMUM	SU	9.	=	9.2	
03/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.04	1
04/30/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.05	1
04/30/2017	001	pH	MAXIMUM	SU	9.	=	9.9	
05/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.05	1
05/31/2017	001	pH	MAXIMUM	SU	9.	=	9.5	1
06/30/2017	001	BOD, 5-day, 20 deg. C	DAILY MX	mg/L	30.	=	38.	1
06/30/2017	001	pH	MAXIMUM	SU	9.	=	9.8	1
07/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.02	1
07/31/2017	001	pH	MAXIMUM	SU	9.	=	9.6	2
08/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.06	
08/31/2017	001	pH	MAXIMUM	SU	9.	=	9.7	
09/30/2017	001	pH	MAXIMUM	SU	9.	=	9.8	2
10/31/2017	001	BOD, 5-day, 20 deg. C	DAILY AV	mg/L	20.	=	24.3	1
10/31/2017	001	pH	MAXIMUM	SU	9.	=	9.9	2
11/30/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.12	2
11/30/2017	001	pH	MAXIMUM	SU	9.	=	9.8	3
12/31/2017	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.05	1
12/31/2017	001	pH	MAXIMUM	SU	9.	=	9.8	2
01/31/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.03	1
01/31/2018	001	pH	MAXIMUM	SU	9.	=	9.7	2
02/28/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.7	2
02/28/2018	001	pH	MAXIMUM	SU	9.	=	9.7	2
03/31/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.03	1
03/31/2018	001	pH	MAXIMUM	SU	9.	=	9.8	2

04/30/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.04	1
04/30/2018	001	pH	MAXIMUM	SU	9.	=	9.7	2
05/31/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.1	3
05/31/2018	001	pH	MAXIMUM	SU	9.	=	9.8	3
06/30/2018	001	Chlorine, total residual	INST MAX	mg/L	.019	=	.5	2
06/30/2018	001	pH	MAXIMUM	SU	9.	=	9.9	2