



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270**

May 1, 2020

Trevor Gleisner
Environmental Engineer – Air
Diamondback E&P LLC
500 West Texas Ave, Suite 1200
Midland, TX 79701

Sent via email: tgleisner@DiamondbackEnergy.com

Re: Clean Air Act Notification of Violations

Dear Mr. Gleisner:

The United States Environmental Protection Agency, Region 6 (“EPA”) has identified Diamondback E&P LLC (“Diamondback”) as having violated the Clean Air Act (“CAA”) and the regulations promulgated thereunder. This Notice of Violation (“Notice”) is issued to Diamondback for violations of the CAA, 42 U.S.C. § 7401 *et seq.*, at the energy extraction facility listed in the summary table in the Enclosure (the “Facility”). Specifically, Diamondback¹ has violated the conditions of the Texas State Permit listed in the Enclosure. This Notice is issued pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), which requires the Administrator of the EPA to notify any person in violation of a State Implementation Plan or permit of the violation(s). The authority to issue this Notice has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6.

EPA contracted helicopter flyovers for a portion of the Permian Basin during September 10, 2019, through October 3, 2019, to assess emission sources using Optical Gas Imaging (“OGI”) technology. On November 26, 2019, EPA sent a letter informing Diamondback of potentially unauthorized emissions from facilities that EPA believed were owned/operated by Diamondback, along with an enclosed disk of OGI video captures for the facilities. For each facility, EPA asked Diamondback to verify ownership, provide current site-specific permit information, and take any necessary corrective action to address unauthorized hydrocarbon emissions. EPA considered information provided by Diamondback to determine whether violations occurred at the facilities.

¹ Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). The U.S. Small Business Administration has established a Table of Small Business Size Standards, which can be found at:

http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. The SBREFA Information Sheet provides information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>.

CAA Violations

We are sending this letter to inform you of the following violations of Texas's federally approved State Implementation Plan ("SIP") at the Facility:

1. Failure to comply with general requirements located at 30 Tex. Admin. Code §§ 106.4(c), 106.6(b) and (c).

Please review the information we have provided in the Enclosure.

Opportunity to Confer

This Notice provides you with the opportunity to confer with EPA. We request Diamondback contact Nathan Stopper, Assistant Regional Counsel, at stopper.nathan@epa.gov, or (214) 665-7534, within ten (10) business days to discuss this pending matter.

EPA acknowledges that the COVID-19 pandemic may be impacting Diamondback's business. If that is the case, EPA will consider Diamondback's specific circumstances in determining an appropriate time to confer regarding this NOV.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: Michael Miller, TCEQ (michael.miller@tceq.texas.gov)

Attachment A

Diamondback E&P LLC

Site Identity	LAT	LONG	TCEQ Regulated Entity No.	Permit Number	Permit Date	Permit Type	Flyover Date	Flyover Video ID	EPA Team Observations of Flyover Video Capture
Piper State 54-14	31.606337	-103.6692	RN110007648	159435	12/13/2019	PBR 106.512 [Eff 2001-06-13]; 106.492 [Eff 2000-09-04]; 106.352(1) [Eff 2012-11-22]; 106.359 [Eff 2013-7-26]	9/20/19	G9m151	Pressure relief valve leak