

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1779-AIR-E **TCEQ ID:** RN101527943 **CASE NO.:** 31246
RESPONDENT NAME: Wharton County Power Partners, L.P.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Newgulf Power Facility, approximately 3.8 miles east of the intersection of Farm-to-Market Road 1301 and Farm-to-Market Road 422 and approximately 0.5 mile north of Newgulf, Wharton County

TYPE OF OPERATION: Electric power generation plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Section III, MC R-10, (409) 899-8799; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Letasha Miller, Houston Regional Office, MC R-12, (713) 767-3736

Respondent: Mr. Nader Nezam Mafi, Vice President of Operations, Wharton County Power Partners, L.P., 600 Travis Street, Suite 2310, Houston, Texas 77002
Mr. Tito Vasquez, Plant Manager, P.O. Box 600, Boling, Texas 77420

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 31, 2006</p> <p>Date of NOE Relating to this Case: September 8, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the air program. One significant program violation was observed.</p> <p>AIR</p> <p>Failure to submit an annual compliance certification within 30 days after the end of the January 5, 2005 to January 5, 2006 certification period [30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,100</p> <p>Total Deferred: \$420 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,680</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action Taken</p> <p>The Executive Director recognizes that WCPP submitted an annual compliance certification for the January 5, 2005 to January 5, 2006 certification period on March 30, 2006.</p>

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision April 25, 2006

DATES	Assigned	05-Sep-2006	Screening	20-Sep-2006	EPA Due	25-May-2007
	PCW	09-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wharton County Power Partners, L.P.
Reg. Ent. Ref. No.	RN101527943
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	31246	No. of Violations	1
Docket No.	2006-1779-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	9% Enhancement	Subtotals 2, 3, & 7	\$225
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Notes: The respondent received a penalty enhancement due to one NOV for the same or similar violations and two months of self-reported violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$625
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent returned to compliance on March 30, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$2,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,100
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DEFERRAL	20% Reduction	Adjustment	-\$420
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,680
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Screening Date	20-Sep-2006	Docket No.	2006-1779-AIR-E	PCW
Respondent	Wharton County Power Partners, L.P.		Policy Revision 2 (September 2002)	
Case ID No.	31246	PCW Revision April 25, 2006		
Reg. Ent. Reference No.	RN101527943			
Media [Statute]	Air Quality			
Enf. Coordinator	Danel Siringi			

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 9%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The respondent received a penalty enhancement due to one NOV for the same or similar violations and two months of self-reported violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date	20-Sep-2006	Docket No.	2006-1779-AIR-E	PCW
Respondent	Wharton County Power Partners, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	31246			<i>PCW Revision April 25, 2006</i>
Reg. Ent. Reference No.	RN101527943			
Media [Statute]	Air Quality			
Enf. Coordinator	Daniel Siringi			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 122.146(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit an annual compliance certification within 30 days after the end of the January 5, 2005 to January 5, 2006 certification period.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			25%

Matrix Notes: The respondent failed to meet 100% of the rule requirement.

Adjustment - \$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events: 1 1 Number of violation days

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
single event		

Violation Base Penalty \$2,500

One annual event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$4	Violation Final Penalty Total \$2,100
This violation Final Assessed Penalty (adjusted for limits) \$2,100	

Economic Benefit Worksheet

Respondent: Wharton County Power Partners, L.P.
 Case ID No: 31246
 Reg. Ent. Reference No: RN101527943
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	04-Feb-2006	30-Mar-2006	0.1	\$4	n/a	\$4

Notes for DELAYED costs: Estimated cost to prepare and submit an annual compliance certification. Date required is the due date for the annual compliance certification. Final date is the date the annual compliance certification was submitted.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500** TOTAL **\$4**

Compliance History

Customer/Respondent/Owner-Operator: CN601673148 Wharton County Power Partners, L.P. Classification: AVERAGE Rating: 0.20
 Regulated Entity: RN101527943 NEWGULF POWER FACILITY Classification: AVERAGE Site Rating: 0.20

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	WF0175P
	AIR OPERATING PERMITS	PERMIT	86
	WASTEWATER	PERMIT	WQ0003891000
	WASTEWATER	PERMIT	TPDES0115134
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WF0175P
	AIR NEW SOURCE PERMITS	AFS NUM	0049
	AIR NEW SOURCE PERMITS	PERMIT	9340
	STORMWATER	PERMIT	TXR05R522

Location: APPROXIMATELY 3.8 MILES EAST OF THE INTERSECTION OF FM 1301 AND FM 422 AND APPROXIMATELY 0.5 MILE NORTH OF NEWGULF Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 05, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 05, 2001 to October 05, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Wharton County Power Partners, L.P.
4. If Yes, who was/were the prior owner(s)? Newgulf Power Venture, Inc. & CSW Services International, Inc.
5. When did the change(s) in ownership occur? 05/05/2003

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/07/2003	(229423)
2	01/08/2002	(229422)
3	12/17/2002	(229420)
4	12/07/2001	(229419)
5	12/17/2002	(229417)
6	11/09/2001	(229416)
7	12/17/2002	(229414)
8	10/18/2002	(229413)
9	02/11/2005	(430649)
10	10/08/2001	(229412)
11	04/25/2005	(430650)
12	05/16/2005	(430651)
13	09/10/2002	(229410)
14	07/22/2005	(430652)
15	07/22/2005	(430653)
16	08/16/2002	(229407)
17	03/07/2006	(491338)
18	07/05/2002	(229404)

19 03/23/2006 (491339)
 20 05/03/2004 (365799)
 21 10/18/2005 (491340)
 22 08/03/2004 (365800)
 23 06/07/2002 (229401)
 24 08/30/2004 (365801)
 25 08/30/2004 (365802)
 26 11/10/2005 (491341)
 27 10/01/2004 (365803)
 28 12/13/2005 (491342)
 29 05/05/2003 (229398)
 30 10/25/2004 (365804)
 31 05/22/2002 (229397)
 32 12/28/2005 (491343)
 33 01/20/2006 (491345)
 34 04/29/2003 (229394)
 35 04/10/2002 (229393)
 36 03/11/2002 (229389)
 37 02/06/2003 (229387)
 38 02/12/2002 (229386)
 39 04/30/2003 (12384)
 40 08/28/2006 (457484)
 41 04/18/2005 (377451)
 42 05/04/2006 (505742)
 43 05/26/2006 (505743)
 44 06/30/2006 (505744)
 45 08/19/2005 (447123)
 46 06/06/2005 (347641)
 47 03/28/2005 (389375)
 48 11/29/2004 (389376)
 49 12/06/2004 (389377)
 50 01/31/2005 (389378)
 51 10/11/2001 (94270)
 52 03/20/2002 (94271)
 53 03/24/2003 (325288)
 54 03/15/2004 (325289)
 55 06/06/2003 (325290)
 56 06/17/2004 (325291)
 57 02/20/2004 (251054)
 58 07/07/2003 (325292)
 59 10/01/2003 (325293)
 60 11/12/2003 (325294)
 61 01/08/2004 (325295)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2005 (491342)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/10/2005 (347641)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: Failure to submit a deviation report within the required time frame. Sub Category is A,11,i,7

Self Report? NO

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.334[G]

Description: Failure to comply with the requirements as found in 40 CFR Part 60.334 (h) (1).

Date: 07/31/2005 (447123)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WHARTON COUNTY POWER
PARTNERS, L.P.
RN101527943**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1779-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wharton County Power Partners, L.P. ("WCPP") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and WCPP appear before the Commission and together stipulate that:

1. WCPP owns and operates an electric power generation plant located approximately 3.8 miles east of the intersection of Farm-to-Market Road 1301 and Farm-to-Market Road 422 and approximately 0.5 mile north of Newgulf in Wharton County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and WCPP agree that the Commission has jurisdiction to enter this Agreed Order, and that WCPP is subject to the Commission's jurisdiction.
4. WCPP received notice of the violations alleged in Section II ("Allegations") on or about September 13, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by WCPP of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand One Hundred Dollars (\$2,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). WCPP has paid One Thousand Six Hundred Eighty Dollars (\$1,680) of the administrative penalty and Four Hundred Twenty Dollars (\$420) is deferred contingent upon WCPP's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full

THE UNIVERSITY OF CHICAGO



1. Name of the student	_____	2. Name of the instructor	_____
3. Title of the paper	_____	4. Date of submission	_____
5. Department	_____	6. Faculty member	_____
7. Student ID	_____	8. Faculty member	_____

DECLARATION OF ORIGINALITY

I, the undersigned, declare that the above-named paper is my original work.

I have not used any material from any source without proper acknowledgment. I have not plagiarized any work of any other person. I have not used any material from any source without proper acknowledgment.

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compliance with the terms of this Agreed Order. If WCPP fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require WCPP to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and WCPP have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that WCPP submitted an annual compliance certification for the January 5, 2005 to January 5, 2006 certification period on March 30, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that WCPP has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, WCPP is alleged to have failed to submit an annual compliance certification within 30 days after the end of the January 5, 2005 to January 5, 2006 certification period, in violation of 30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 31, 2006.

III. DENIALS

WCPP generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that WCPP pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and WCPP's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in all financial dealings.

It is crucial to ensure that all data is properly documented and stored in a secure and accessible manner. This will facilitate the review and audit process.

The second part of the document outlines the specific procedures for handling sensitive information. It details the steps to be taken to protect data from unauthorized access and disclosure.

It is essential to implement robust security measures and to regularly update them to address emerging threats. This includes the use of strong passwords and secure communication channels.

The third part of the document provides a detailed overview of the reporting requirements. It specifies the frequency and format of reports that must be submitted to the relevant authorities.

It is important to ensure that all reports are accurate and complete, and that they are submitted on time. This will help to maintain the trust and confidence of the public.

The fourth part of the document discusses the role of the internal audit function. It highlights the importance of conducting regular audits to identify and address any weaknesses or areas for improvement.

It is essential to foster a culture of continuous improvement and to encourage staff to report any potential issues or concerns. This will help to ensure the long-term success and integrity of the organization.

The fifth part of the document provides a summary of the key findings and recommendations. It emphasizes the need for ongoing monitoring and evaluation to ensure that all measures are effectively implemented and maintained.

Conclusion

In conclusion, it is imperative that all stakeholders work together to ensure the highest standards of transparency and accountability.

Appendix A: Detailed Procedures

The following section provides a detailed overview of the specific procedures and protocols that must be followed. It includes step-by-step instructions for all key processes, from data collection to reporting and audit preparation.

"TCEQ" and shall be sent with the notation "Re: Wharton County Power Partners, L.P., Docket No. 2006-1779-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon WCPP. WCPP is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against WCPP in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to WCPP, or three days after the date on which the Commission mails notice of the Order to WCPP, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/8/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

N. Nezami - P. [Signature]

Signature

11-12-06

Date

NADER NEZAMI MAFI

Name (Printed or typed)
Authorized Representative of
Wharton County Power Partners, L.P.

V.P. Operations/WCPP.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

01/18/03

[Handwritten signature]

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[Faint, illegible text]