

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0979-AIR-E TCEQ ID: RN101246478 CASE NO.: 36061**  
**RESPONDENT NAME: WTG JAMESON, L.P.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 1000 Gas Plant Road, Silver, Coke County

**TYPE OF OPERATION:** Natural gas processing plant

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is one additional enforcement action pending against this facility location (Docket No. 2009-0820-AIR-E).

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired June 16, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938

**TCEQ Regional Contact:** Mr. Chris Mayben, San Angelo Regional Office, MC R-8, (325) 655-9479

**Respondent:** Mr. Bob Stewart, Environmental Coordinator, WTG Jameson, L.P., 211 N. Colorado, Midland, Texas 79701-4696

**Respondent's Attorney:** Mr. David J. Tuckfield, Law Office of David J. Tuckfield, P.C., 12400 Highway 71 West, Suite 350-150, Austin, Texas 78738

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 15, 2008</p> <p><b>Date of NOE Relating to this Case:</b> May 20, 2008</p> <p><b>Background Facts:</b> The EDP RP was filed on November 6, 2008. The Respondent filed an Answer and the case was referred to SOAH. The preliminary hearing was waived. The Agreed Order was signed on September 22, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent submitted documentation verifying corrective actions taken with regard to violation nos. 1, 2, 3, 4, and 5. The Respondent has not yet submitted documentation certifying compliance with the remainder of the violations.</p> <p><b>AIR:</b></p> <ol style="list-style-type: none"> <li>Failed to conduct quarterly observations for visible emissions from all stationary vents for emission units in operation [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and SOP O-00865, Special Condition No. 3].</li> <li>Failed to conduct weekly visible emissions observations and to keep appropriate records for the acid gas flare (EPN 384) [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and SOP O-00865, Special Condition No. 7].</li> <li>Failed to calculate the mass rate of hydrogen sulfide ("H<sub>2</sub>S") in pounds per hour ("lbs/hr") that is sent to the acid gas flare (EPN 384) at least daily and to calculate the total annual quantity at the end of each calendar year in tons per year, in order to determine compliance with sulfur dioxide emission limits [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Permit 9941, Special Condition No. 5].</li> </ol>	<p><b>Total Assessed:</b> \$57,705</p> <p><b>Total Deferred:</b> \$ 0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$57,705</p> <p>The Respondent paid the \$57,705 administrative penalty in full.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures:</p> <ol style="list-style-type: none"> <li>Created quarterly observation logs to ensure that observations for visible emissions from all stationary vents are conducted quarterly.</li> <li>Created weekly observation logs to ensure that observations for visible emissions from the acid gas flare (Emission Point Number 384) ("EPN") are conducted weekly.</li> <li>Implemented new procedures to ensure that the quantity of hydrogen sulfide ("H<sub>2</sub>S") that is sent to the acid gas flare (EPN 384) is calculated in pounds per hour ("lbs/hr") daily and the total annual quantity in tons per year ("tpy") at the end of each calendar year.</li> <li>Implemented new procedures to ensure quarterly evaluations of engine performance of EPN E-31-1, E-31-2, E-31-3 and E-31-4.</li> <li>Shut down engine EPN E-31-2 in February 2006.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Conduct required initial stack sampling for CO and NO<sub>x</sub> on all engines;</li> <li>Begin testing for NO<sub>x</sub> and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B biennially;</li> <li>Begin replacing oxygen sensors quarterly and performing required emissions testing within seven days of oxygen sensor replacements;</li> <li>Ensure that all engines subject to CAM requirements are operated with the required emissions monitoring system;</li> <li>Submit on the next deviation report that is due all omitted instances of deviations, including, but not limited to, the violations noted in investigation no. 654951; and</li> <li>Submit a permit revision application for SOP O-00865 to include all significant revisions to the permit.</li> </ol> </li> <li>Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1.a. through 1.f.</li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to conduct initial stack sampling for carbon monoxide ("CO") and nitrogen oxide ("NOx") on two of the four engines (EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4) authorized under the permit, within 180 days of the issuance of the permit on November 6, 2003 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Permit 55477, Special Condition No. 5].</p> <p>5. Failed to conduct evaluations of the engine performance of EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4 within 360 days after the issuance of the permit, and quarterly thereafter, by measuring the NOx, CO and oxygen content of the exhaust and using the results to calculate emissions of NOx and CO in lbs/hr [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Permit 55477, Special Condition No. 6].</p> <p>6. Failed to conduct testing for NOx and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biennially [30 TEX. ADMIN. CODE § 106.512(2)(C)(iii) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>7. Failed to change oxygen sensors quarterly, and to perform required emissions testing within seven days of oxygen sensor replacements for EPN Nos. E-1, E-2, E-3, E-44-1A, E-44-1B, E-45-1B, 36-6, 36-7 and 36-8 [30 TEX. ADMIN. CODE § 106.512(2)(C)(i) and (ii) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>8. Failed to install, calibrate, maintain and operate a monitoring system for engines that are subject to Compliance Assurance Monitoring ("CAM") requirements [30 TEX. ADMIN. CODE § 122.147(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>9. Failed to submit a significant revision for SOP O865 to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 122.221(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>10. Failed to report, in writing to the TCEQ, all instances of deviations documented in the investigation, in all deviation reports from the July 20, 2005 through January 19, 2006 reporting period to the present [30 TEX. ADMIN. CODE § 122.145(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		<p>3. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit revision application within 30 days after the date of such requests, or by any other deadline specified in writing regarding the permit revision application for SOP O-00865.</p> <p>4. Within 180 days, submit written certification that the permit revision for SOP O-00865 has been approved by the TCEQ.</p>

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

Policy Revision 2 (September 2002)

<b>TCEQ</b>	Assigned	27-May-2008	Screening	16-Jun-2008	EPA Due	14-Feb-2009
	PCW	24-Mar-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	WTG Jameson, L.P.		
Reg. Ent. Ref. No.	RN101246478		
Facility/Site Region	8-San Angelo	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36061	No. of Violations	10
Docket No.	2008-0979-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<i>Subtotal 1</i>	\$56,000
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
<b>Compliance History</b>	18.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$10,080
Notes	Enhancement due to four NOVs with same or similar violations. Reduction due to two notice of audit letters submitted.		
<b>Culpability</b>	0.0% Enhancement	<i>Subtotal 4</i>	\$0
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<i>Subtotal 5</i>	\$8,375
<b>Economic Benefit</b>	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
	<small>*Capped at the Total EB \$ Amount</small>		
Total EB Amounts	\$3,113		
Approx. Cost of Compliance	\$44,000		
<b>SUM OF SUBTOTALS 1-7</b>		<i>Final Subtotal</i>	\$57,705
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i>	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		<i>Final Penalty Amount</i>	\$57,705
<b>STATUTORY LIMIT ADJUSTMENT</b>		<i>Final Assessed Penalty</i>	\$57,705
<b>DEFERRAL</b>	Reduction	<i>Adjustment</i>	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)</small>			
Notes	No deferral because this is not an expedited settlement.		
<b>PAYABLE PENALTY</b>			\$57,705

PCW

Screening Date 16-Jun-2008

Docket No. 2008-0979-AIR-E

Policy Revision 2 (September 2002)

Respondent WTG Jameson, L.P.

PCW Revision June 12, 2008

Case ID No. 36061

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Kimberly Morales

### 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)	4	20%
	Other written NOVs	0	0%
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 submitted)	2	-2%
	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%

Please Enter Yes or No

Other	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) 18%

>> 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

Enhancement due to four NOVs with same or similar violations. Reduction due to two notice of audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 18%

PCW

Screening Date 16-Jun-2008

Docket No. 2008-0979-AIR-E

Policy Revision 2 (September 2002)

Respondent WTG Jameson, L.P.

PCW Revision June 12, 2008

Case ID No. 36061

Reg: Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b) and Site Operating Permit ("SOP") O-00865, Special Condition No. 3

Violation Description Failed to conduct quarterly observations for visible emissions from all stationary vents for emission units in operation. Specifically, no observations were noted since the permit was issued on January 10, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			x	10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 933 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective action on April 30, 2008.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$173

Violation Final Penalty Total \$930

This violation Final Assessed Penalty (adjusted for limits) \$930

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	n/a	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	8-Jan-2006	30-Apr-2008	2.31	\$173	n/a	\$173
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated expense to implement measures designed to ensure that required emissions observations are being conducted on a yearly basis. Date Required is three months after the permit was issued. Final Date is the date that corrective measures were completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$173
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<b>Screening Date</b> 16-Jun-2008	<b>Docket No.</b> 2008-0979-AIR-E	<b>PCW</b>
<b>Respondent</b> WTG Jameson, L.P.		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36061		<i>PCW Revision June 12, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101246478		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Kimberly Morales		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b) and SOP O-00865, Special Condition No. 7	
<b>Violation Description</b>	Failed to conduct weekly visible emissions observations and to keep appropriate records for the acid gas flare (EPN 384). Specifically, no observations were noted since the permit was issued on January 10, 2005.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment could be exposed to a significant amount of pollutants that would not exceed levels protective of human health or environmental receptors.				
	<b>Adjustment</b> <input type="text" value="\$7,500"/>				
<input type="text" value="\$2,500"/>					

<b>Violation Events</b>				
	Number of Violation Events <input type="text" value="11"/>	<input type="text" value="933"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		<b>Violation Base Penalty</b> <input type="text" value="\$27,500"/>
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Eleven quarterly events are recommended.				

<b>Good Faith Efforts to Comply</b>		<b>25.0%</b> Reduction	<input type="text" value="\$6,875"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
<b>Notes</b>	The Respondent completed corrective action on April 30, 2008.		
<b>Violation Subtotal</b>			<input type="text" value="\$20,625"/>

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$190"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$25,575"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$25,575"/>

### Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	17-Oct-2005	30-Apr-2008	2.54	\$190	n/a	\$190
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated expense to implement measures designed to ensure that required emissions observations are being conducted for the acid gas flare (EPN 384) on a weekly basis. Date Required is one week after the permit was issued. Final Date is the date that corrective measures were completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$190
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<b>Screening Date</b> 16-Jun-2008	<b>Docket No.</b> 2008-0979-AIR-E	<b>PCW</b>												
<b>Respondent</b> WTG Jameson, L.P.		<i>Policy Revision 2 (September 2002)</i>												
<b>Case ID No.</b> 36061		<i>PCW Revision June 12, 2008</i>												
<b>Reg. Ent. Reference No.</b> RN101246478														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> Kimberly Morales														
<b>Violation Number</b> 3														
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit 9941, Special Condition No. 5													
<b>Violation Description</b>	Failed to calculate the mass rate of hydrogen sulfide ("H2S") in pounds per hour ("lbs/hr") that is sent to the acid gas flare (EPN 384) at least daily and to calculate the total annual quantity at the end of each calendar year in tons per year, in order to determine compliance with sulfur dioxide emission limits.													
	<b>Base Penalty</b>	\$10,000												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
<b>OR</b>	<b>Harm</b>													
	Release      Major      Moderate      Minor													
	Actual	<input type="text"/>	<input type="text"/>											
Potential	<input type="text"/>	<input checked="" type="checkbox"/>												
	<b>Percent</b>	10%												
<b>&gt;&gt; Programmatic Matrix</b>														
	<b>Falsification</b>													
	Major      Moderate      Minor													
	<input type="text"/>	<input type="text"/>												
	<input type="text"/>	<input type="text"/>												
	<b>Percent</b>	0%												
<b>Matrix Notes</b>	Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed levels protective of human health or environmental receptors.													
	<b>Adjustment</b>	\$9,000												
		\$1,000												
<b>Violation Events</b>														
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b> <input type="text" value="1"/>												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="checkbox"/>													
	One single event is recommended.													
<b>Good Faith Efforts to Comply</b>	<b>25.0% Reduction</b>	<b>\$250</b>												
	Before NOV      NOV to EDPRP/Settlement Offer													
Extraordinary	<input type="text"/>	<input type="text"/>												
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>												
N/A	<input type="text"/>	(mark with x)												
<b>Notes</b>	The Respondent completed corrective action on April 30, 2008.													
	<b>Violation Subtotal</b>	\$750												
<b>Economic Benefit (EB) for this violation</b>														
<b>Estimated EB Amount</b>	<input type="text" value="\$3"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$930"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$930												

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	15-Apr-2008	30-Apr-2008	0.04	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated expense to implement measures designed to ensure that the quantity of H2S that is sent to the acid gas flare (EPN 384) is calculated in lbs/hr daily. Date Required is the date of the investigation. Final Date is the date that corrective measures were completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	<b>TOTAL</b>	\$3
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**PCW**

**Screening Date** 16-Jun-2008  
**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061

**Docket No.** 2008-0979-AIR-E

Policy Revision 2 (September 2002)  
 PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN101246478

**Media [Statute]** Air  
**Enf. Coordinator** Kimberly Morales

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit 55477, Special Condition No. 5

**Violation Description**  
 Failed to conduct initial stack sampling for carbon monoxide ("CO") and nitrogen oxide ("NOx") on two of the four engines (EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4) authorized under the permit, within 180 days of the issuance of the permit on November 6, 2003.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**  
 Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed levels protective of human health or environmental receptors.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events: 2      1501 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$2,000

Two single events are recommended (one for each of the two engines).

**Good Faith Efforts to Comply**

0.0% Reduction  
 Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$2,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,145

**Violation Final Penalty Total** \$2,360

**This violation Final Assessed Penalty (adjusted for limits)** \$2,360

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	n/a	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	4-May-2004	30-Nov-2008	4.58	\$1,145	n/a	\$1,145

**Notes for DELAYED costs** Estimated expense to conduct required stack testing for engines. Date Required is 180 days after the permit was issued. Final Date is the date that corrective actions are estimated to be completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$5,000	<b>TOTAL</b>	\$1,145
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Screening Date 16-Jun-2008 **Docket No.** 2008-0979-AIR-E **PCW**  
 Respondent WTG Jameson, L.P. *Policy Revision 2 (September 2002)*  
 Case ID No. 36061 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit 55477, Special Condition No. 6

Violation Description Failed to conduct evaluations of the engine performance of EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4 within 360 days after the issuance of the permit by measuring the NOx, CO and oxygen content of the exhaust and using the results to calculate emissions of NOx and CO in lbs/hr. Specifically, evaluations have not been conducted since the permit was issued on November 6, 2003.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 1277 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$4,000

Four single events are recommended (one for each of the four engines).

Good Faith Efforts to Comply

25.0% Reduction

\$1,000

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective action on April 30, 2008.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$262

Violation Final Penalty Total \$3,720

This violation Final Assessed Penalty (adjusted for limits) \$3,720

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media Air**  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0
Engineering/construction	0.00			0.00	\$0	\$0	\$0
Land	0.00			0.00	\$0	n/a	\$0
Record Keeping System	0.00			0.00	\$0	n/a	\$0
Training/Sampling	0.00			0.00	\$0	n/a	\$0
Remediation/Disposal	0.00			0.00	\$0	n/a	\$0
Permit Costs	0.00			0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Oct-2004	30-Apr-2008	3.50	\$262	n/a	\$262

**Notes for DELAYED costs**

Estimated expense to conduct required engine evaluations. Date Required is 360 days after the permit was issued. Final Date is the date that corrective measures were completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,500	TOTAL	\$262
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<p><b>Screening Date</b> 16-Jun-2008</p> <p><b>Respondent</b> WTG Jameson, L.P.</p> <p><b>Case ID No.</b> 36061</p> <p><b>Reg. Ent. Reference No.</b> RN101246478</p> <p><b>Media [Statute]</b> Air</p> <p><b>Enf. Coordinator</b> Kimberly Morales</p> <p><b>Violation Number</b> <input type="text" value="6"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 106.512(2)(C)(iii) and Tex. Health &amp; Safety Code § 382.085(b)"/></p> <p><b>Violation Description</b>  <input type="text" value="Failed to conduct testing for NOx and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biennially. Specifically, the last test conducted for EPN Nos. E-1 and E-44-1A was on January 27, 2006 and for EPN Nos. E-2 and E-44-1B was on January 24, 2006."/></p>	<p align="right"><b>Docket No.</b> 2008-0979-AIR-E</p> <p align="right"><b>PCW</b></p> <p align="right"><small>Policy Revision 2 (September 2002)</small></p> <p align="right"><small>PCW Revision June 12, 2008</small></p>																			
<b>Base Penalty</b> <input type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<p><b>OR</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center" colspan="3"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td align="center">Major</td> <td align="center">Moderate</td> <td align="center">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td><b>Potential</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td align="center">x</td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	<b>Potential</b>	<input type="text"/>	<input type="text"/>	x	
	<b>Harm</b>																			
<b>Release</b>	Major	Moderate	Minor																	
<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																
<b>Potential</b>	<input type="text"/>	<input type="text"/>	x																	
<b>&gt;&gt; Programmatic Matrix</b>																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">Falsification</td> <td align="center">Major</td> <td align="center">Moderate</td> <td align="center">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2"><b>Percent</b> <input type="text" value="0%"/></td> </tr> <tr> <td><b>Potential</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p><b>Matrix Notes</b>  <input type="text" value="Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed levels protective of human health or environmental receptors."/></p>		Falsification	Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
	Falsification	Major	Moderate	Minor																
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<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																
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<b>Violation Events</b>																				
<p><b>Number of Violation Events</b> <input type="text" value="4"/>      <input type="text" value="141"/> <b>Number of violation days</b></p> <p><i>mark only one with an x</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td align="center">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<p><b>Violation Base Penalty</b> <input type="text" value="\$4,000"/></p>							
daily	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	x																			
<input type="text" value="Four single events are recommended based on four tests that have yet to be conducted."/>																				
<b>Good Faith Efforts to Comply</b>																				
<p align="center"><b>0.0% Reduction</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">Before NOV</td> <td align="center">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td><b>Extraordinary</b></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td><b>Ordinary</b></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td><b>N/A</b></td> <td align="center">x</td> <td align="center">(mark with x)</td> </tr> </table> <p><b>Notes</b>  <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p>		Before NOV	NOV to EDPRP/Settlement Offer	<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>	<b>Ordinary</b>	<input type="text"/>	<input type="text"/>	<b>N/A</b>	x	(mark with x)	<p><b>Violation Subtotal</b> <input type="text" value="\$4,000"/></p>							
	Before NOV	NOV to EDPRP/Settlement Offer																		
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>																		
<b>Ordinary</b>	<input type="text"/>	<input type="text"/>																		
<b>N/A</b>	x	(mark with x)																		
<b>Economic Benefit (EB) for this violation</b>																				
<p><b>Estimated EB Amount</b> <input type="text" value="\$424"/></p>	<p align="center"><b>Statutory Limit Test</b></p> <p><b>Violation Final Penalty Total</b> <input type="text" value="\$4,720"/></p> <p><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$4,720"/></p>																			

## Economic Benefit Worksheet

**Respondent:** WTG Jameson, L.P.  
**Case ID No.:** 36061  
**Reg. Ent. Reference No.:** RN101246478  
**Media:** Air  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: No commas or \$.

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	24-Jan-2008	30-Nov-2008	0.85	\$213	n/a	\$213
Other (as needed)	\$5,000	27-Jan-2008	30-Nov-2008	0.84	\$211	n/a	\$211

Notes for DELAYED costs: Estimated expense to conduct required testing for NOx and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biennially. Date Required is was the due date for the testing. Final Date is the date that corrective actions are estimated to be completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$10,000	<b>TOTAL</b>	\$424
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<p><b>Screening Date</b> 16-Jun-2008</p> <p><b>Respondent</b> WTG Jameson, L.P.</p> <p><b>Case ID No.</b> 36061</p> <p><b>Reg. Ent. Reference No.</b> RN101246478</p> <p><b>Media [Statute]</b> Air</p> <p><b>Enf. Coordinator</b> Kimberly Morales</p> <p><b>Violation Number</b> <input type="text" value="7"/></p> <p><b>Rule Cite(s)</b> 30 Tex. Admin. Code § 106.512(2)(C)(i) and (ii) and Tex. Health &amp; Safety Code § 382.085(b)</p> <p><b>Violation Description</b> Failed to change oxygen sensors quarterly, and to perform required emissions testing within seven days of oxygen sensor replacements for EPN Nos. E-1, E-2, E-3, E-44-1A, E-44-1B, E-45-1B, 36-6, 36-7 and 36-8.</p>	<p style="text-align: right;"><b>Docket No.</b> 2008-0979-AIR-E</p> <p style="text-align: right;"><b>PCW</b></p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision June 12, 2008</small></p>																									
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<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																										
<p><b>OR</b></p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td></td> </tr> </table> <p style="text-align: right;"><b>Percent</b> <input type="text" value="10%"/></p>		<b>Harm</b>					Major	Moderate	Minor		Release	<input type="text"/>	<input type="text"/>	<input type="text"/>		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text"/>	<input type="text"/>	x		
	<b>Harm</b>																									
	Major	Moderate	Minor																							
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
Potential	<input type="text"/>	<input type="text"/>	x																							
<b>&gt;&gt; Programmatic Matrix</b>																										
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	Major	Moderate	Minor																							
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
<b>Adjustment</b> <input type="text" value="\$9,000"/>																										
<input type="text" value="\$1,000"/>																										
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N/A	x	(mark with x)																								
<b>Violation Subtotal</b> <input type="text" value="\$9,000"/>																										
<b>Economic Benefit (EB) for this violation</b>																										
<p><b>Estimated EB Amount</b> <input type="text" value="\$398"/></p>	<p><b>Statutory Limit Test</b></p> <p><b>Violation Final Penalty Total</b> <input type="text" value="\$10,620"/></p> <p><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$10,620"/></p>																									

### Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$8,000	15-Apr-2008	30-Nov-2008	0.63	\$17	\$335	\$351
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Apr-2008	30-Nov-2008	0.63	\$47	n/a	\$47

**Notes for DELAYED costs**

Estimated expense to replace oxygen sensors quarterly and to conduct required emissions testing within seven days of the sensor replacement. Date Required is the date of the investigation. Final Date is the date that corrective actions are estimated to be completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$9,500

**TOTAL**

\$398

**Screening Date** 16-Jun-2008 **Docket No.** 2008-0979-AIR-E **PCW**  
**Respondent** WTG Jameson, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36061 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN101246478  
**Media [Statute]** Air  
**Enf. Coordinator** Kimberly Morales  
**Violation Number** 8  
**Rule Cite(s)** 30 Tex. Admin. Code § 122.147(a) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to install, calibrate, maintain and operate a monitoring system for engines that are subject to Compliance Assurance Monitoring ("CAM") requirements. Specifically, engine EPN Nos. 44-1, 44-1A and 44-1B are subject to CAM requirements and were being operated without an emissions monitoring system.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

  
**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

  
**Matrix Notes** Human health or the environment could be exposed to a significant amount of pollutants that would not exceed levels protective of human health or environmental receptors.  
**Adjustment** \$7,500

**\$2,500**

**Violation Events**  
  Number of violation days  

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

  
**Violation Base Penalty** \$2,500  
 One quarterly event is recommended based on the April 15, 2008 investigation date to the June 13, 2008 screening date.

**\$0**

**Good Faith Efforts to Comply** 0.0% Reduction  

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

  
**Notes** The Respondent does not meet the good faith criteria for this violation.  
**Violation Subtotal** \$2,500

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$329	Violation Final Penalty Total	\$2,950
		This violation Final Assessed Penalty (adjusted for limits)	\$2,950

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment	\$7,500	15-Apr-2008	30-Nov-2008	0.63	\$16	\$314	\$329
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated expense to install and properly operate monitoring equipment in accordance with CAM requirements. Date Required is the date of the investigation. Final Date is the date that corrective actions are estimated to be completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$7,500

**TOTAL**

\$329

PCW

Screening Date 16-Jun-2008

Docket No. 2008-0979-AIR-E

Policy Revision 2 (September 2002)

Respondent WTG Jameson, L.P.

PCW Revision June 12, 2008

Case ID No. 36061

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 122.221(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a significant revision for SOP O865 to the TCEQ in a timely manner. Specifically, SOP O-00865 should include the addition of CAM requirements for EPN Nos. 44-1, 44-1A and 44-1B, the renewal of Permit No. 8425 and the registration of Hazardous Air Pollutants from all combustion equipment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$2,950

This violation Final Assessed Penalty (adjusted for limits) \$2,950

## Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0
Engineering/construction	0.00			0.00	\$0	n/a	\$0
Land	0.00			0.00	\$0	n/a	\$0
Record Keeping System	0.00			0.00	\$0	n/a	\$0
Training/Sampling	0.00			0.00	\$0	n/a	\$0
Remediation/Disposal	0.00			0.00	\$0	n/a	\$0
Permit Costs	\$4,000	15-Apr-2008	30-Nov-2008	0.63	\$125	n/a	\$125
Other (as needed)	0.00			0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated expense to submit a permit revision application for SOP O-00865. Date Required is the date of the investigation. Final Date is the date that corrective actions are estimated to be completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$4,000

**TOTAL**

\$125

<p><b>Screening Date</b> 16-Jun-2008</p> <p><b>Respondent</b> WTG Jameson, L.P.</p> <p><b>Case ID No.</b> 36061</p> <p><b>Reg. Ent. Reference No.</b> RN101246478</p> <p><b>Media [Statute]</b> Air</p> <p><b>Enf. Coordinator</b> Kimberly Morales</p> <p><b>Violation Number</b> <input type="text" value="10"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 122.145(2) and Tex. Health &amp; Safety Code § 382.085(b)"/></p> <p><b>Violation Description</b> <input type="text" value="Failed to report, in writing, to the TCEQ all instances of deviations documented in the investigation, in all deviation reports from the July 20, 2005 through January 19, 2006 reporting period to the present."/></p>	<p style="text-align: right;"><b>Docket No.</b> 2008-0979-AIR-E</p> <p style="text-align: right;"><b>PCW</b></p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision June 12, 2008</small></p>																			
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	Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
<p><b>Violation Subtotal</b> <input type="text" value="\$2,500"/></p>																				
<p><b>Economic Benefit (EB) for this violation</b></p>																				
<p><b>Statutory Limit Test</b></p>																				
<p><b>Estimated EB Amount</b> <input type="text" value="\$63"/></p>	<p><b>Violation Final Penalty Total</b> <input type="text" value="\$2,950"/></p>																			
<p><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,950"/></p>																				

### Economic Benefit Worksheet

**Respondent** WTG Jameson, L.P.  
**Case ID No.** 36061  
**Reg. Ent. Reference No.** RN101246478  
**Media** Air  
**Violation No.** 10

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Overtime Costs**    **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	15-Apr-2008	30-Nov-2008	0.63	\$63	n/a	\$63

**Notes for DELAYED costs**

Estimated expense to submit a revised deviation report including all deviations documented in the investigation. Date Required is the date of the investigation. Final Date is the estimated date that corrective actions will be completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,000

**TOTAL**

\$63

# Compliance History

Customer/Respondent/Owner-Operator: CN602679813 WTG Jameson, L.P. Classification: AVERAGE Rating: 1.73  
 Regulated Entity: RN101246478 JAMESON GAS PLANT Classification: AVERAGE Site Rating: 0.89

ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	9941
	AIR NEW SOURCE PERMITS	PERMIT	8425
	AIR NEW SOURCE PERMITS	PERMIT	13430
	AIR NEW SOURCE PERMITS	PERMIT	17140
	AIR NEW SOURCE PERMITS	PERMIT	38792
	AIR NEW SOURCE PERMITS	PERMIT	44641
	AIR NEW SOURCE PERMITS	PERMIT	48204
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CN0003A
	AIR NEW SOURCE PERMITS	PERMIT	52491
	AIR NEW SOURCE PERMITS	PERMIT	52966
	AIR NEW SOURCE PERMITS	AFS NUM	4808100001
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX687
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX372M1
	AIR NEW SOURCE PERMITS	PERMIT	55477
	AIR NEW SOURCE PERMITS	PERMIT	53545
	AIR NEW SOURCE PERMITS	PERMIT	53544
	AIR NEW SOURCE PERMITS	PERMIT	52489
	AIR NEW SOURCE PERMITS	PERMIT	52490
	AIR NEW SOURCE PERMITS	PERMIT	52554
	AIR NEW SOURCE PERMITS	PERMIT	53757
	AIR OPERATING PERMITS	PERMIT	2428
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CN0003A
	AIR OPERATING PERMITS	PERMIT	865

Location: 1000 GAS PLANT ROAD, SILVER, TX, 76949 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: June 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 04, 2003 to June 04, 2008

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

Name: John Muennink Phone: (361) 825-3423

### 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?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### 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 | 01/07/2004 | (257738) |
| 2 | 01/07/2004 | (147094) |
| 3 | 09/03/2004 | (290921) |
| 4 | 03/21/2005 | (372137) |
| 5 | 05/18/2005 | (379679) |
| 6 | 02/22/2006 | (456545) |
| 7 | 05/25/2007 | (561623) |
| 8 | 07/12/2007 | (567585) |

9 09/05/2007 (573315)  
10 09/13/2007 (593893)  
11 05/20/2008 (654951)

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

Date: 05/18/2005 (379679)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: Failure to include reportable and non-reportable emission events in deviation reports

Date: 02/21/2006 (456545)  
Self Report? NO Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT HH 63.775(e)(1)  
Description: Failure to submit MACT Subpart HH periodic reports within 60 calendar days

Date: 05/25/2007 (561623)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: Failure to report, in writing to the TCEQ, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the SOP Number O865 for the July 20, 2006 through January 19, 2007 period

Date: 07/18/2007 (567585)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)  
5C THC Chapter 382, SubChapter A 382.014  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to submit a 2006 Emissions Inventory; Category B19(g)(3)

F. Environmental audits.

Notice of Intent Date: 02/23/2004 (265229)  
No DOV Associated  
Notice of Intent Date: 02/23/2004 (267739)  
No DOV Associated

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  
WTG JAMESON, L.P.  
RN101246478

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2008-0979-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WTG Jameson, L.P. ("the Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and the Respondent represented by David Tuckfield of the law firm of David Tuckfield, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a natural gas processing plant located at 1000 Gas Plant Road in Silver, Coke County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 25, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of fifty-seven thousand seven hundred five dollars (\$57,705.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent paid fifty-seven thousand seven hundred five dollars (\$57,705.00) of the administrative 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 the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant in response to this enforcement action:
  - a. Created quarterly observation logs to ensure that observations for visible emissions from all stationary vents are conducted quarterly, in accordance with Site Operating Permit O-00865, Special Condition No. 3;
  - b. Created weekly observation logs to ensure that observations for visible emissions from the acid gas flare (Emission Point Number 384) ("EPN") are conducted weekly, in accordance with Site Operating Permit O-00865, Special Condition No. 7;
  - c. Implemented new procedures to ensure that the quantity of hydrogen sulfide ("H<sub>2</sub>S") that is sent to the acid gas flare (EPN 384) is calculated in pounds per hour ("lbs/hr") daily and the total annual quantity in tons per year ("tpy") at the end of each calendar year, in accordance with Permit 9941, Special Condition No. 5;
  - d. Implemented new procedures to ensure quarterly evaluations of engine performance of EPN E-31-1, E-31-2, E-31-3 and E-31-4, in accordance with Permit 55477, Special Condition No. 6; and
  - e. Shut down engine EPN E-31-2 in February 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 the Respondent 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

1. During a record review conducted on April 15, 2008, a TCEQ San Angelo Regional Office investigator documented that the Respondent violated:
- a. 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and SOP O-00865, Special Condition No. 3, by failing to conduct quarterly observations for visible emissions from all stationary vents for emission units in operation;
  - b. 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and SOP O-00865, Special Condition No. 7, by failing to conduct weekly visible emissions observations and to keep appropriate records for the acid gas flare (EPN 384);
  - c. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit 9941, Special Condition No. 5, by failing to calculate the mass rate of hydrogen sulfide ("H<sub>2</sub>S") in pounds per hour ("lbs/hr") that is sent to the acid gas flare (EPN 384) at least daily and to calculate the total annual quantity at the end of each calendar year in tons per year, in order to determine compliance with sulfur dioxide emission limits;
  - d. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit 55477, Special Condition No. 5, by failing to conduct initial stack sampling for carbon monoxide ("CO") and nitrogen oxide ("NO<sub>x</sub>") on two of the four engines (EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4) authorized under the permit, within 180 days of the issuance of the permit on November 6, 2003;
  - e. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit 55477, Special Condition No. 6, by failing to conduct evaluations of the engine performance of EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4 within 360 days after the issuance of the permit, and quarterly thereafter, by measuring the NO<sub>x</sub>, CO and oxygen content of the exhaust and using the results to calculate emissions of NO<sub>x</sub> and CO in lbs/hr;
  - f. 30 TEX. ADMIN. CODE § 106.512(2)(C)(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct testing for NO<sub>x</sub> and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biennially;

- g. 30 TEX. ADMIN. CODE § 106.512(2)(C)(i) and (ii) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to change oxygen sensors quarterly, and to perform required emissions testing within seven days of oxygen sensor replacements for EPN Nos. E-1, E-2, E-3, E-44-1A, E-44-1B, E-45-1B, 36-6, 36-7 and 36-8;
  - h. 30 TEX. ADMIN. CODE § 122.147(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to install, calibrate, maintain and operate a monitoring system for engines that are subject to Compliance Assurance Monitoring ("CAM") requirements;
  - i. 30 TEX. ADMIN. CODE § 122.221(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to submit a significant revision for SOP O865 to the TCEQ in a timely manner; and,
  - j. 30 TEX. ADMIN. CODE § 122.145(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to report, in writing, to the TCEQ all instances of deviations documented in the investigation, in all deviation reports from the July 20, 2005 through January 19, 2006 reporting period to the present.
2. The Respondent received notice of the violations on or about May 25, 2008.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and the Respondent'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: WTG Jameson, L.P., Docket No. 2008-0979-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 Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, the Respondent shall:
    - i. Conduct required initial stack sampling for CO and NO<sub>x</sub> on all engines, in accordance with Permit 55477, Special Condition No. 5;
    - ii. Begin testing for NO<sub>x</sub> and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B biennially, in accordance with 30 TEX. ADMIN. CODE § 106.512(2)(C)(iii);
    - iii. Begin replacing oxygen sensors quarterly and performing required emissions testing within seven days of oxygen sensor replacements, in accordance with 30 TEX. ADMIN. CODE § 106.512(2)(C)(i) and (ii);
    - iv. Ensure that all engines subject to CAM requirements are operated with the required emissions monitoring system, in accordance with 30 TEX. ADMIN. CODE § 122.147(a);
    - v. Submit on the next deviation report that is due all omitted instances of deviations, including, but not limited to, the violations noted in investigation no. 654951, in accordance with 30 TEX. ADMIN. CODE § 122.145(2); and,
    - vi. Submit a permit revision application for SOP O-00865 to include all significant revisions to the permit, in accordance with 30 TEX. ADMIN. CODE § 122.221(a).
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. through 2.a.vi., as described in Ordering Provision No. 2.e. below;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit revision application within 30 days after the date of such requests, or by any other deadline specified in writing regarding the permit revision application for SOP O-00865; and
- d. Within 180 days after the effective date of this Agreed Order, submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate that the permit revision has been approved by TCEQ. The certification shall be submitted as described in Ordering Provision No. 2.e. below.
- e. The certification required by Ordering Provision Nos. 2.b. and 2.d. shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Mark Newman, Air Section Manager  
Texas Commission on Environmental Quality  
San Angelo Regional Office  
662 South Oakes, Suite K  
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to the Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to the Respondent, 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

10/9/2009

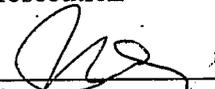
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 the Respondent's failure to timely pay the penalty amount, may result in:

- A negative impact on the Respondent's compliance history;
- Greater scrutiny of any permit applications submitted by the Respondent;
- 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 the Respondent;
- Automatic referral to the Attorney General's Office of any future enforcement actions against the Respondent; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

  
\_\_\_\_\_  
Signature

9-22-09  
\_\_\_\_\_  
Date

J. L. DAVIS  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
WTG Jameson, L.P.

  
\_\_\_\_\_  
Title