

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2009-0931-AIR-E TCEQ ID: RN100216555 CASE NO.: 37822**

**RESPONDENT NAME: Paris Generation LP**

<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 AND 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
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Paris Generation. 301 Lake Crook Road, Paris, Lamar County</p> <p><b>TYPE OF OPERATION:</b> Electricity and steam generating plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 7, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>                      TCEQ Attorney/SEP Coordinator: None                      TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2134;                      Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387                      Respondent: Mr. Derin Warren, Environmental Health and Safety Manager, Paris Generation LP, 301 Lake Crook Road, Paris, Texas 75460                      Mr. Mark Vest, Plant Manager, Paris Generation LP, 301 Lake Crook Road, Paris, Texas 75460                      Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 27, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 12, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review investigation.</p> <p><b>AIR</b></p> <p>Failure to submit a semi-annual deviation report for the reporting period from January 13, 2008 through July 12, 2008 in which deviations occurred. Specifically, deviations that occurred during this time period were reported on the deviation report for the time period of July 13, 2008 through January 12, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), Federal Operating Permit No. O-00094, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,100</p> <p><b>Total Deferred:</b> \$420  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,680</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 submitted the deviations for the reporting period of January 13, 2008 through July 12, 2008 on January 30, 2009.</p>

Additional ID No(s): LA0045F



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned PCW</b>	15-May-2009	<b>Screening</b>	16-Jun-2009	<b>EPA Due</b>	9-Mar-2010
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Paris Generation LP
<b>Reg. Ent. Ref. No.</b>	RN100216555
<b>Facility/Site Region</b>	5 - Tyler
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37822	<b>No. of Violations</b>	1
<b>Docket No.</b>	2009-0931-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Suzanne Walrath
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

Screening Date 16-Jun-2009

Docket No. 2009-0931-AIR-E

PCW

Respondent Paris Generation LP

Policy Revision 2 (September 2002)

Case ID No. 37822

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216555

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

**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 judgments 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)	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%

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) 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 one Notice of Violation ("NOV") for same or similar violations, and two NOVs for dissimilar violations.

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

<b>Screening Date</b> 16-Jun-2009	<b>Docket No.</b> 2009-0931-AIR-E	<b>PCW</b>
<b>Respondent</b> Paris Generation LP	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 37822	<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN100216555		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Suzanne Walrath		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B), Federal Operating Permit No. O-00094, General Terms and Conditions, and Tex. Health & Safety Code § 362.085(b)	
<b>Violation Description</b>	Failed to submit a semi-annual deviation report for the reporting period from January 13, 2008 through July 12, 2008 in which deviations occurred. Specifically, deviations that occurred during this time period were reported on the deviation report for the time period of July 13, 2008 through January 12, 2009.	
<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>	
	Release	Major      Moderate      Minor
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
		<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major      Moderate      Minor
	<input type="text"/>	<input type="text" value="x"/> <input type="text"/> <input type="text"/>
		<b>Percent</b> <input type="text" value="25%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>	
<b>Adjustment</b>		<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="173"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>
		<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
<input type="text" value="One single event is recommended for the deviation report that was not submitted."/>		
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b> <input type="text" value="\$825"/>
	Before NOV      NOV to ED/PRP/Settlement Offer	
Extraordinary	<input type="text"/> <input type="text"/>	
Ordinary	<input type="text" value="x"/> <input type="text"/>	
N/A	<input type="text"/> (mark with x)	
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance for this violation on January 30, 2009."/>	
<b>Violation Subtotal</b>		<input type="text" value="\$1,875"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,100"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$2,100"/>

## Economic Benefit Worksheet

**Respondent** Paris Generation LP  
**Case ID No.** 37822  
**Reg. Ent. Reference No.** RN100216555  
**Media** Air  
**Violation No.** 1

<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**

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	\$150	11-Aug-2008	30-Jan-2009	0.47	\$4	n/a	\$4
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**

This is the estimated cost for preparing and submitting a timely and accurate deviation report. Date Required is the date that the report was due with all pertinent information. Final date is the date compliance was achieved.

**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**

\$150

**TOTAL**

\$4

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603039223 Paris Generation, L.P. Classification: AVERAGE Rating: 0.12  
Regulated Entity: RN100216555 PARIS GENERATION Classification: AVERAGE Site Rating: 0.12  
ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER LA0045F  
AIR OPERATING PERMITS PERMIT 94  
WASTEWATER PERMIT WQ0003021000  
WASTEWATER PERMIT TPDES0103586  
WASTEWATER PERMIT TX0103586  
AIR NEW SOURCE PERMITS PERMIT 18394  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER LA0045F  
AIR NEW SOURCE PERMITS AFS NUM 4827700013  
AIR NEW SOURCE PERMITS EPA ID PSDTX739  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER LH0081B  
AIR NEW SOURCE PERMITS EPA ID P739M4  
AIR NEW SOURCE PERMITS EPA ID P739M2  
AIR NEW SOURCE PERMITS EPA ID P739M1  
AIR NEW SOURCE PERMITS EPA ID P739M5  
AIR NEW SOURCE PERMITS EPA ID P739  
AIR NEW SOURCE PERMITS EPA ID P739M3  
STORMWATER PERMIT TXR05T565  
Location: 301 LAKE CROOK RD, PARIS, TX, 75460

TCEQ Region: REGION 05 - TYLER  
Date Compliance History Prepared: August 12, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 12, 2004 to August 12, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Suzanne Walrath Phone: 239 - 2134

## 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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Paris Generation LP
4. If Yes, who was/were the prior owner(s)/operator(s) ? Tenaska III Partners, Ltd.
5. When did the change(s) in owner or operator occur? 02/02/2006
6. Rating Date: 9/1/2008 Repeat Violator: NO

## 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	09/15/2004	(364086)
2	10/13/2004	(364087)
3	11/01/2004	(292731)
4	11/08/2004	(388570)
5	12/14/2004	(388571)
6	01/18/2005	(388572)
7	02/18/2005	(426071)
8	03/14/2005	(426072)
9	04/13/2005	(426073)
10	04/20/2005	(377517)
11	05/12/2005	(426074)
12	06/17/2005	(426075)
13	07/12/2005	(399556)
14	07/15/2005	(446506)
15	08/10/2005	(446507)
16	09/15/2005	(446508)
17	10/14/2005	(479198)
18	11/15/2005	(479200)
19	12/19/2005	(479201)
20	01/17/2006	(479202)
21	02/10/2006	(479196)
22	03/14/2006	(479197)
23	04/13/2006	(505022)
24	05/05/2006	(505023)
25	05/09/2006	(464973)
26	06/12/2006	(505024)
27	07/12/2006	(527322)
28	08/15/2006	(527323)
29	09/15/2006	(527324)
30	10/09/2006	(551082)
31	10/18/2006	(515743)
32	10/18/2006	(515824)
33	10/19/2006	(515037)
34	11/13/2006	(551083)
35	12/13/2006	(551084)
36	01/12/2007	(551085)
37	02/08/2007	(587654)
38	02/21/2007	(541006)
39	03/12/2007	(587655)
40	04/10/2007	(587656)
41	05/17/2007	(587657)
42	06/11/2007	(587658)
43	06/11/2007	(587659)
44	08/09/2007	(605148)
45	08/09/2007	(605149)
46	09/11/2007	(605150)
47	10/19/2007	(628450)
48	11/15/2007	(628451)
49	12/06/2007	(628452)
50	01/21/2008	(676410)
51	02/11/2008	(676407)
52	02/13/2008	(616550)

53 03/19/2008 (676408)  
 54 03/28/2008 (676409)  
 55 05/05/2008 (694865)  
 56 05/20/2008 (657375)  
 57 06/19/2008 (694866)  
 58 06/19/2008 (694867)  
 59 07/10/2008 (694868)  
 60 09/15/2008 (716345)  
 61 10/17/2008 (716346)  
 62 11/11/2008 (731823)  
 63 12/04/2008 (731822)  
 64 12/04/2008 (731824)  
 65 01/13/2009 (731825)  
 66 01/16/2009 (721784)  
 67 01/16/2009 (722885)  
 68 03/12/2009 (755226)  
 69 03/12/2009 (755228)  
 70 04/14/2009 (755227)  
 71 06/12/2009 (747230)

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

Date: 07/31/2007 (605149)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (628450)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/12/2009 (747230)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
 5C THSC Chapter 382 382.085(b)  
 PERMIT 18394/PSD-TX-739M5 PERMIT  
 Description: Failure to submit quarterly Excess Emissions and Monitoring Systems  
 Performance Reports (Summary Reports) within 30 days following the end of the  
 reporting period.

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  
PARIS GENERATION LP  
RN100216555**

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§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-0931-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 Paris Generation LP ("the Respondent") 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 the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates an electricity and steam generating plant at 301 Lake Crook Road in Paris, Lamar 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 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 June 17, 2009.
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 Two Thousand One Hundred Dollars (\$2,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Eighty Dollars (\$1,680) of the administrative penalty and Four Hundred Twenty Dollars (\$420) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The

deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent submitted the deviations for the reporting period of January 13, 2008 through July 12, 2008 on January 30, 2009.
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

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a semi-annual deviation report for the reporting period from January 13, 2008 through July 12, 2008 in which deviations occurred, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), Federal Operating Permit No. O-00094, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 27, 2008. Specifically, deviations that occurred during this time period were reported on the deviation report for the time period of July 13, 2008 through January 12, 2009.

## 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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Paris Generation LP, Docket No. 2009-0931-AIR-E" to:

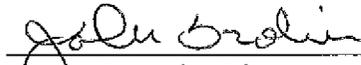
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon 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.
3. 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.
4. 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 under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the 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

\_\_\_\_\_  
Date 11/2/2009

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 9/25/09

Mark Vest  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Paris Generation LP

Plant Director  
\_\_\_\_\_  
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.