

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1019-AIR-E **TCEQ ID:** RN100225887, RN102820313 **CASE NO.:** 36114

RESPONDENT NAME: Eagle Rock Field Services, L.P.

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Cargray Booster No. 43, located approximately 1/4 mile east of the intersection of Carson County Road ("CR") 21 and Farm-to-Market ("FM") Road 294 and approximately 1/2 mile north of Carson CR 21, Carson County; and Cargray Booster No. 45, located approximately 2.75 miles south of the intersection of Highway 152 and FM Road 294 and approximately 3.5 miles west of FM Road 294, Carson County</p> <p>TYPE OF OPERATION: Natural gas compression stations</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 12, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Rachel M. Trainer, Environmental Manager, Eagle Rock Field Services, L.P., 14950 Heathrow Forrest Parkway, Suite 1100, Houston, Texas 77032 Ms. Teresa Stafford, Environmental Contact, Eagle Rock Field Services, L.P., 14950 Heathrow Forrest Parkway, Suite 1100, Houston, Texas 77032 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 8, 2008</p> <p>Date of NOEs Relating to this Case: June 20, 2008 and June 25, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to comply with the nitrogen oxides ("NOx") emission rate of 2.0 grams per horsepower hour ("g/hp-hr"). Specifically, test results of August 28, 2007 showed that Plant No. 1 was operated at 9.68 g/hp-hr for NOx and 16.10 g/hp-hr for carbon monoxide ("CO") and test results of March 24, 2008 showed that Plant No. 1 was operated at 10.28 g/hp-hr for NOx and 24.65 g/hp-hr for CO [30 TEX. ADMIN. CODE § 106.512(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to timely submit the annual compliance certification for Plant No. 2. Specifically, the annual compliance certification for the period of October 1, 2006 through November 30, 2006 was submitted on March 5, 2007 [30 TEX. ADMIN. CODE § 122.46(2), Federal Operating Permit No. O-00475, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to retain a Title V permit and continued to operate a source of air emissions. Specifically, the Respondent represented that Plant No. 2 Booster 45-6 would be operated for 1,000 hours per year as a synthetic minor source. Plant No. 2 Booster 45-6 operated 4,164 hours in calendar year 2007. The estimated emissions from Plant No. 2 Booster 45-6 due to the increased operational hours are</p>	<p>Total Assessed: \$8,241</p> <p>Total Deferred: \$1,648 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,296</p> <p>Total Paid to General Revenue: \$3,297</p> <p>RN100225887 and RN102820313 Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Submitted the annual compliance certification for the period of October 1, 2006 through November 30, 2006 for Plant No. 2 on March 5, 2007;</p> <p>b) Permanently disabled Unit 45-6 on May 29, 2008 at Plant No. 2; and</p> <p>c) Equipped Unit 43-9 with an air fuel ratio controller and a catalytic converter system and applied for an amendment to Permit by Rule Registration No. 47539 to include this Unit on July 5, 2008 for Plant No. 1 and was issued on August 21, 2008.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

135.94 tons per year ("tpy") of NOx and 135.94 tpy of CO [30 TEX. ADMIN. CODE § 122.130 and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s): Air Account Nos. CF0070W and CF0068J

Attachment A
Docket Number: 2008-1019-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Eagle Rock Field Services, L.P.
Payable Penalty Amount: Six Thousand Five Hundred Ninety-Three Dollars (\$6,593)
SEP Amount: Three Thousand Two Hundred Ninety-Six Dollars (\$3,296)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP: Carson and Moore Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	23-Jun-2008	Screening	24-Jun-2008	EPA Due	17-Mar-2009
	PCW	26-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Eagle Rock Field Services, L.P.		Cargray Booster 43
Reg. Ent. Ref. No.	RN100225887		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36114	No. of Violations	1
Docket No.	2008-1019-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 \$0

Notes

No change due to Average Performer classification. Additionally, a Notice of Intent was submitted.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$250

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$148
Approx. Cost of Compliance	\$2,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$2,250

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$2,250

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,250

DEFERRAL 20.0% Reduction Adjustment -\$450

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$1,800

Screening Date 24-Jun-2008

Docket No. 2008-1019-AIR-E

PCW

Respondent Eagle Rock Field Services, L.P.

Policy Revision 2 (September 2002)

Case ID No. 36114

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100225887

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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) 0%

>> **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

No change due to Average Performer classification. Additionally, a Notice of Intent was submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 24-Jun-2008	Docket No. 2008-1019-AIR-E	PCW		
Respondent Eagle Rock Field Services, L.P.	Cargra	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36114		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN100225887				
Media [Statute] Air				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code § 106.512(2) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the nitrogen oxides ("NOx") emission rate of 2.0 grams per horsepower hour ("g/hp-hr"). Specifically, test results of August 28, 2007 showed that Plant No. 1 was operated at 9.68 g/hp-hr for NOx and 16.10 g/hp-hr for carbon monoxide ("CO") and test results of March 24, 2008 showed that Plant No. 1 was operated at 10.28 g/hp-hr for NOx and 24.65 g/hp-hr for CO.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	\$7,500		
				\$2,500
Violation Events				
	Number of Violation Events	1	Number of violation days	47
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
			Violation Base Penalty	\$2,500
	One quarterly event is recommended. The penalty was calculated from the investigation date, beginning on May 8, 2008, to the screening date, June 24, 2008.			
Good Faith Efforts to Comply		10.0% Reduction		\$250
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
N/A	<input type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on July 5, 2008.			
		Violation Subtotal	\$2,250	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$148	Violation Final Penalty Total	\$2,250
			This violation Final Assessed Penalty (adjusted for limits)	\$2,250

Economic Benefit Worksheet

Respondent Eagle Rock Field Services, L.P.
Case ID No. 36114
Reg. Ent. Reference No. RN100225887
Media Air
Violation No. 1

Cargray Booster 43

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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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	12-Jan-2007	5-Jul-2008	1.48	\$148	n/a	\$148
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to apply for and obtain the required permit authorization for the site. Date Required is the date GOP No. O-00480 was voided. Final Date is the compliance date.

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 \$2,000

TOTAL \$148



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	1-Jul-2008	Screening	1-Jul-2008	EPA Due	22-Mar-2009
	PCW	7-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eagle Rock Field Services, L.P. Cargray Booster 45
Reg. Ent. Ref. No.	RN102820313
Facility/Site Region	1-Amarillo Major/Minor Source Major

CASE INFORMATION			
Enf./Case ID No.	36114	No. of Violations	2
Docket No.	2008-1019-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$0

Notes: No change due to Average Performer classification. Additionally, a Notice of Intent was submitted.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$1,250
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$2,246	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$2,500		

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$3,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	59.8%	<i>Adjustment</i>	\$2,241
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Upward adjustment to capture the avoided cost associated with violation No. 2.

Final Penalty Amount	\$5,991
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$5,991
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$1,198
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,793
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Screening Date 1-Jul-2008

Docket No. 2008-1019-AIR-E

PCW

Respondent Eagle Rock Field Services, L.P.

Policy Revision 2 (September 2002)

Case ID No. 36114

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102820313

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

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)	0	0%
	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)	1	-1%
	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) 0%

>> 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

No change due to Average Performer classification. Additionally, a Notice of Intent was submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 1-Jul-2008	Docket No. 2008-1019-AIR-E	PCW		
Respondent Eagle Rock Field Services, L.P.	Cargray B:	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36114		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN102820313				
Media [Statute] Air				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code § 122.146(2), General Operating Permit ("GOP") No. O-00475, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to timely submit the annual compliance certification. Specifically, the annual compliance certification for the period of October 1, 2006 through November 30, 2006 was submitted on March 5, 2007 (due on December 30, 2006).			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	25%	
Matrix Notes	100% of the rule requirement was not met.			
	Adjustment	\$7,500		
			\$2,500	
Violation Events				
Number of Violation Events	1	Number of violation days	65	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
	One single event is recommended.		\$2,500	
Good Faith Efforts to Comply				
	25.0% Reduction		\$625	
	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)		
Notes	The Respondent achieved compliance on March 5, 2007.			
	Violation Subtotal	\$1,875		
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$4	Violation Final Penalty Total	\$2,996	
	This violation Final Assessed Penalty (adjusted for limits)		\$2,996	

Economic Benefit Worksheet

Respondent: Eagle Rock Field Services, L.P.

Cargray Booster 45

Case ID No.: 36114

Reg. Ent. Reference No.: RN102820313

Media: Air

Violation No.: 1

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				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)	\$500	30-Dec-2006	5-Mar-2007	0.18	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit the required annual compliance certification. Date Required is the date the required annual compliance certification was due. Final Date is the compliance date.

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

\$500

TOTAL

\$4

Screening Date	1-Jul-2008	Docket No.	2008-1019-AIR-E	PCW
Respondent	Eagle Rock Field Services, L.P.		Cargray Bo	<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36114			<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No.	RN102820313			
Media [Statute]	Air			
Enf. Coordinator	Jorge Ibarra, P.E.			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 122.130 and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to retain a Title V permit and continued to operate a source of air emissions. Specifically, the Respondent represented that Plant No. 2 Booster 45-6 would be operated for 1,000 hours per year as a synthetic minor source. This Unit operated 4,164 hours in calendar year 2007. The estimated emissions from Plant No. 2 Booster 45-6 due to the increased operational hours are 135.94 tons per year ("tpy") of nitrogen oxide and 135.94 tpy of carbon monoxide.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			25%

Matrix Notes	100% of the rule requirement was not met.
Adjustment	\$7,500

\$2,500

Violation Events

Number of Violation Events	1	Number of violation days	21
mark only one with an x	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty	\$2,500		

One monthly event is recommended. The penalty was calculated from the investigation date, beginning on May 8, 2008, to the compliance date, May 29, 2008.

Good Faith Efforts to Comply 25.0% Reduction \$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)
Notes	The Respondent achieved compliance on May 29, 2008.	

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount	\$2,241	Violation Final Penalty Total	\$2,996
		This violation Final Assessed Penalty (adjusted for limits)	\$2,996

Economic Benefit Worksheet

Respondent: Eagle Rock Field Services, L.P.

Case ID No.: 36114 **Cargray Booster 45**

Reg. Ent. Reference No.: RN102820313

Media: Air

Violation No.: 2

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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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				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

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]	\$2,000	30-Nov-2006	29-May-2008	2.41	\$241	\$2,000	\$2,241
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to apply and obtain the required permit authorization for the site. Date Required is the date FOP No. O-00475 was voided. Final Date is the compliance date.

Approx. Cost of Compliance

\$2,000

TOTAL

\$2,241

Compliance History

Customer/Respondent/Owner-Operator:	CN602959397 Eagle Rock Field Services, L.P.	Classification: AVERAGE	Rating: 3.27
Regulated Entity:	RN100225887 CARGRAY BOOSTER 43	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CF0068J
	AIR OPERATING PERMITS	PERMIT	480
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CF0068J
	AIR NEW SOURCE PERMITS	REGISTRATION	47539
	AIR NEW SOURCE PERMITS	AFS NUM	4806500041
Location:	APPROXIMATELY 1/4 MILE EAST OF THE INTERSECTION OF CARSON COUNTY ROAD 21 AND FM ROAD 294 AND APPROXIMATELY 1/2 MILE NORTH OF CARSON COUNTY ROAD 21 IN CARSON COUNTY	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	June 25, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 25, 2003 to June 25, 2008		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- | | |
|--|--|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>Eagle Rock Field Services, L.P.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>ONEOK Field Services Company</u> |
| 5. When did the change(s) in ownership occur? | <u>12/01/2005</u> |

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	07/02/2003	(120967)
2	03/08/2004	(264097)
3	03/14/2005	(373385)
4	05/02/2006	(463501)
5	01/19/2007	(536583)
6	06/20/2008	(680348)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
Notice of Intent Date: 04/05/2004 (274286)
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

Compliance History

Customer/Respondent/Owner-Operator:	CN602959397 Eagle Rock Field Services, L.P.	Classification: AVERAGE	Rating: 3.27
Regulated Entity:	RN102820313 CARGRAY BOOSTER 45	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CF0070W
	AIR NEW SOURCE PERMITS	PERMIT	47550
	AIR NEW SOURCE PERMITS	AFS NUM	4806500037
	AIR OPERATING PERMITS	ACCOUNT NUMBER	O0047S
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CF0070W
	AIR OPERATING PERMITS	PERMIT	475
Location:	APPROX 2.75 MILES SOUTH OF THE INTERSECTION OF HWY 152 AND FM 294 AND APPROX 3.5 MILES WEST OF FM ROAD 294 IN CARSON COUNTY		Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	August 26, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 01, 2003 to July 01, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Eagle Rock Field Services, L.P.
4. If Yes, who was/were the prior owner(s)? ONEOK Field Services Company
5. When did the change(s) in ownership occur? 12/01/2005

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	03/05/2004	(264442)
2	03/14/2005	(373369)
3	02/08/2006	(454706)
4	11/07/2006	(518580)
5	06/25/2008	(683497)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
Notice of Intent Date: 04/05/2004 (274649)
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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EAGLE ROCK FIELD SERVICES, L.P.	§	
RN100225887 AND RN102820313	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1019-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 Eagle Rock Field Services, L.P. ("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 natural gas compressor stations at the following locations ("the Plants"):
 - a. Cargray Booster No. 43: located approximately 1/4 mile east of the intersection of Carson County Road ("CR") 21 and Farm-to-Market ("FM") Road 294 and approximately 1/2 mile north of Carson CR Road 21 in Carson County, Texas ("Plant No. 1"); and
 - b. Cargray Booster No. 45: approximately 2.75 miles south of the intersection of Highway 152 and FM Road 294 and approximately 3.5 miles west of FM Road 294 in Carson County, Texas ("Plant No. 2").
2. The Plants consist 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 notices of the violations alleged in Section II ("Allegations") on or about June 25, 2008 and June 30, 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 Eight Thousand Two Hundred Forty-One Dollars (\$8,241) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Ninety-Seven Dollars (\$3,297) of the administrative penalty and One Thousand Six Hundred Forty-Eight Dollars (\$1,648) 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. Three Thousand Two Hundred Ninety-Six Dollars (\$3,296) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 has implemented the following corrective measures at the Plant:
 - a. Submitted the annual compliance certification for the period of October 1, 2006 through November 30, 2006 for Plant No. 2 on March 5, 2007;
 - b. Permanently disabled Unit 45-6 on May 29, 2008 at Plant No. 2; and
 - c. Equipped Unit 43-9 with an air fuel ratio controller and a catalytic converter system and applied for an amendment to Permit by Rule Registration No. 47539 to include this Unit on July 5, 2008 for Plant No. 1.
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 Plants, the Respondent is alleged to have:

1. Failed to comply with the nitrogen oxides ("NOx") emission rate of 2.0 grams per horsepower hour ("g/hp-hr"), in violation of 30 TEX. ADMIN. CODE § 106.512(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 8, 2008. Specifically, test results of August 28, 2007 showed that Plant No. 1 was operated at 9.68 g/hp-hr for NOx and 16.10 g/hp-hr for carbon monoxide ("CO") and test results of March 24, 2008 showed that Plant No. 1 was operated at 10.28 g/hp-hr for NOx and 24.65 g/hp-hr for CO.
2. Failed to timely submit the annual compliance certification for Plant No. 2, in violation of 30 TEX. ADMIN. CODE § 122.146(2), Federal Operating Permit No. O-00475, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 8, 2008. Specifically the annual compliance certification for the period of October 1, 2006 through November 30, 2006 was submitted on March 5, 2007.
3. Failed to retain a Title V permit and continued to operate a source of air emissions, in violation of 30 TEX. ADMIN. CODE § 122.130 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 8, 2008. Specifically, the Respondent represented that Plant No. 2 Booster 45-6 would be operated for 1,000 hours per year as a synthetic minor source. Plant No. 2 Booster 45-6 operated 4,164 hours in calendar year 2007. The estimated emissions from Plant No. 2 Booster 45-6 due to the increased operational hours are 135.94 tons per year ("tpy") of NOx and 135.94 tpy of CO.

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: Eagle Rock Field Services, L.P., Docket No. 2008-1019-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Two Hundred Ninety-Six Dollars (\$3,296) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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's 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. 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

John Sullivan
For the Executive Director

1/30/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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]
Signature

10/28/2008
Date

Rachel M. Trainer
Name (Printed or typed)
Authorized Representative of
Eagle Rock Field Services, L.P.

Environmental Manager
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.

Attachment A
Docket Number: 2008-1019-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Eagle Rock Field Services, L.P.
Payable Penalty Amount: Six Thousand Five Hundred Ninety-Three Dollars (\$6,593)
SEP Amount: Three Thousand Two Hundred Ninety-Six Dollars (\$3,296)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP: Carson and Moore Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

Eagle Rock Field Services, L.P.
Agreed Order – Attachment A

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

