

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER****DOCKET NO.:** 2009-1083-AIR-E **TCEQ ID:** RN100227792 **CASE NO.:** 37939**RESPONDENT NAME:** Eagle Rock Field Services, 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 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> Schafer Compressor Station, on Carson County Road 2400, two miles north of Highway 152, Carson County</p> <p><b>TYPE OF OPERATION:</b> Gas compressor station</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 November 30, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Ms. Rachel M. Trainer, Environmental Manager, Eagle Rock Field Services, L.P., 16701 Greenspoint Park Drive, Suite 200, Houston, Texas 77060  <b>Respondent's Attorney:</b> 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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> June 3, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 29, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to submit a timely semi-annual deviation report. Specifically, deviations occurred during the reporting period from November 21, 2007 to May 20, 2008 and a report was due by June 20, 2008 but was not submitted until December 18, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), General Operating Permit O-00525, Site Wide Requirements (b)(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to report all instances of deviations in the semi-annual deviation report for the period May 21, 2008 through November 20, 2008. Specifically, the Respondent did not include the deviation for failing to submit a semi-annual deviation for the reporting period of November 21, 2007 through May 20, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), General Operating Permit O-00525, Site Wide Requirements (b)(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,054</p> <p><b>Total Deferred:</b> \$410  <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> \$1,644</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 has implemented the following corrective measures at the Station:</p> <p>a. On December 18, 2008, submitted the semi-annual deviation report for the November 21, 2007 through May 20, 2008 reporting period; and</p> <p>b. On January 28, 2009, submitted the remaining instances of deviation for the May 21, 2008 through November 20, 2008 reporting period.</p>

Additional ID No(s): CF0017D



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	7-Jul-2009	Screening	13-Jul-2009	EPA Due	26-Mar-2010
	PCW	14-Jul-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Eagle Rock Field Services, L.P.
Reg. Ent. Ref. No.	RN100227792
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37939	No. of Violations	2
Docket No.	2009-1083-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,600

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

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

**Compliance History** 4.0% Enhancement **Subtotals 2, 3, & 7** \$104

Notes: Penalty was enhanced due to one similar NOV within the last five years and reduced due to one NOA.

**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** \$650

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts	\$8	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$2,054

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$2,054

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$2,054

**DEFERRAL** 20.0% Reduction **Adjustment** -\$410

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** \$1,644

Screening Date 13-Jul-2009

Docket No. 2009-1083-AIR-E

PCW

Respondent Eagle Rock Field Services, L.P.

Policy Revision 2 (September 2002)

Case ID No. 37939

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100227792

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

**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	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)** 4%

>> **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

Penalty was enhanced due to one similar NOV within the last five years and reduced due to one NOA.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 4%

<b>Screening Date</b> 13-Jul-2009	<b>Docket No.</b> 2009-1083-AIR-E	<b>PCW</b>	
<b>Respondent</b> Eagle Rock Field Services, L.P.		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37939		<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100227792			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Kirk Schoppe			
<b>Violation Number</b> 1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B), General Operating Permit O-00525, Site Wide Requirements (b)(2), and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to submit a timely semi-annual deviation report. Specifically, deviations occurred during the reporting period from November 21, 2007 through May 20, 2008 and a report was due by June 20, 2008 but was not submitted until December 18, 2008, as documented during an investigation conducted on June 3, 2009.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Harm</b>		
	Major	Moderate	Minor
<b>Release</b>	Actual	Potential	<b>Percent</b> 0%
	<input type="checkbox"/>	<input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="checkbox"/>	x	<input type="checkbox"/>
			<b>Percent</b> 25%
<b>Matrix Notes</b>	100% of the rule requirement was not met.		
	<b>Adjustment</b>	\$7,500	
		\$2,500	
<b>Violation Events</b>			
	<b>Number of Violation Events</b> 1	<b>Number of violation days</b> 182	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> \$2,500
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	x	
	One single event is recommended based on the failure to submit the necessary report.		
<b>Good Faith Efforts to Comply</b>		25.0% Reduction	\$625
	Before NOV	NOV to EDRPF/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	x	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent came into compliance on December 18, 2008, and the NOE is dated June 29, 2009.		
	<b>Violation Subtotal</b>	\$1,875	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b> \$6	<b>Violation Final Penalty Total</b>	\$1,975
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,975	

## Economic Benefit Worksheet

**Respondent** Eagle Rock Field Services, L.P.

**Case ID No.** 37939

**Reg. Ent. Reference No.** RN100227792

**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	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	20-Jun-2008	18-Dec-2008	0.50	\$6	n/a	\$6
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 cost of preparation and submittal of a semi-annual deviation report. The date required is the date the report should have been submitted. The final date is the date the report was received.

**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

\$250

**TOTAL**

\$6

<b>Screening Date</b> 13-Jul-2009		<b>Docket No.</b> 2009-1083-AIR-E		<b>PCW</b>	
<b>Respondent</b> Eagle Rock Field Services, L.P.		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37939		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN100227792					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Kirk Schoppe					
<b>Violation Number</b>		<input type="text" value="2"/>			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), General Operating Permit O-00525, Site Wide Requirements (b)(2), and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to report all instances of deviations in the semi-annual deviation report for the period May 21, 2008 through November 20, 2008. Specifically, the Respondent did not include the deviation for failing to submit a semi-annual deviation for the reporting period of November 21, 2007 through May 20, 2008, as documented during an investigation conducted on June 3, 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"/>	<input type="text"/>	X
				<b>Percent</b> <input type="text" value="1%"/>	
<b>Matrix Notes</b>		<input type="text" value="Less than 30% of the rule requirement was not met."/>			
<b>Adjustment</b>				<input type="text" value="\$9,900"/>	
				<input type="text" value="\$100"/>	
<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="39"/>		
<i>mark only one with an x</i>	<del>daily</del>	<input type="text"/>			
	<del>weekly</del>	<input type="text"/>			
	<del>monthly</del>	<input type="text"/>			
	<del>quarterly</del>	<input type="text"/>			
	<del>semiannual</del>	<input type="text"/>			
	<del>annual</del>	<input type="text"/>			
	<del>single event</del>	<input checked="" type="checkbox"/>			
<input type="text" value="One single event is recommended."/>				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>		
		Before NOV	NOV to EDRP/Settlement Offer		
<b>Extraordinary</b>		<input type="text"/>	<input type="text"/>		
<b>Ordinary</b>		X	<input type="text"/>		
<b>N/A</b>		<input type="text"/>	((mark with x))		
<b>Notes</b>		<input type="text" value="The Respondent returned to compliance on January 28, 2009, and the NOE is dated June 29, 2009."/>			
<b>Violation Subtotal</b>				<input type="text" value="\$75"/>	
<b>Economic Benefit (EB) for this violation</b>					
		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$79"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$79"/>	

## Economic Benefit Worksheet

**Respondent:** Eagle Rock Field Services, L.P.  
**Case ID No.:** 37939  
**Reg. Ent. Reference No.:** RN100227792  
**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
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	\$250	20-Dec-2008	28-Jan-2009	0.11	\$1	n/a	\$1
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 cost of preparation and submittal of a semi-annual deviation report. The date required is the date the report should have been submitted. The final date is the date the report was received.

**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

\$250

**TOTAL**

\$1



# Compliance History Report

Customer/Respondent/Owner-Operator: CN602959397 Eagle Rock Field Services, L.P. Classification: AVERAGE Rating: 1.94  
Regulated Entity: RN100227792 SCHAFFER COMPRESSOR STATION Classification: AVERAGE Site Rating: 0.57

ID Number(s):	AIR OPERATING PERMITS	PERMIT	525
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CF0017D
	AIR OPERATING PERMITS	PERMIT	44650
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CF0017D
	AIR NEW SOURCE PERMITS	AFS NUM	4806500002
	AIR NEW SOURCE PERMITS	PERMIT	44650
	AIR NEW SOURCE PERMITS	REGISTRATION	13763
	AIR NEW SOURCE PERMITS	REGISTRATION	32425
	AIR NEW SOURCE PERMITS	REGISTRATION	36593

Location: LOCATED ON CARSON COUNTY RD 2400  
2.0 MI N OF HWY 152

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: July 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 08, 2004 to July 08, 2009

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

Name: Kirk Schoppe Phone: 239 - 0489

## 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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
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 03/15/2005 (373576)
  - 2 01/18/2006 (451773)
  - 3 05/15/2006 (464045)
  - 4 03/06/2007 (539701)
  - 5 02/11/2008 (617022)
  - 6 12/08/2008 (710185)
  - 7 06/05/2009 (748061)
  - 8 06/29/2009 (748170)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/10/2008 (617022)  
Self Report? NO

Classification: Minor

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

Description: Failed to comply with the reporting requirements of 30 TAC 122.145(2)(C).  
Company officials submitted their June 19, 2007, semiannual deviation report 31 days after the end of their compliance period which ended on May 20, 2007. The date stamp on the envelope indicated that the letter was mailed on June 20, 2007.

F. Environmental audits.

Notice of Intent Date: 07/22/2008 (704571)  
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  
EAGLE ROCK FIELD SERVICES, L.P.  
RN100227792**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-1083-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 a gas compressor station on Carson County Road 2400, two miles north of Highway 152 in Carson County, Texas (the "Station").
2. The Station 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 July 4, 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 Fifty-Four Dollars (\$2,054) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Forty-Four Dollars (\$1,644) of the administrative penalty and Four Hundred Ten Dollars (\$410) 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 has implemented the following corrective measures at the Station:
  - a. On December 18, 2008, submitted the semi-annual deviation report for the November 21, 2007 through May 20, 2008 reporting period; and
  - b. On January 28, 2009, submitted the remaining instances of deviation for the May 21, 2008 through November 20, 2008 reporting period.
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 Station, the Respondent is alleged to have:

1. Failed to submit a timely semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), General Operating Permit O-00525, Site Wide Requirements (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 3, 2009. Specifically, deviations occurred during the reporting period from November 21, 2007 to May 20, 2008 and a report was due by June 20, 2008 but was not submitted until December 18, 2008.
2. Failed to report all instances of deviations in the semi-annual deviation report for the period May 21, 2008 through November 20, 2008, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), General Operating Permit O-00525, Site Wide Requirements (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 3, 2009. Specifically, the Respondent did not include the deviation for failing

to submit a semi-annual deviation for the reporting period of November 21, 2007 through May 20, 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 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. 2009-1083-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 Station 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

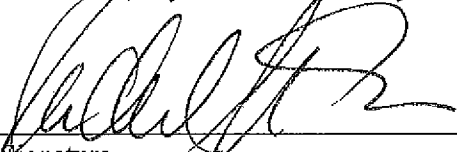
\_\_\_\_\_  
Date 11/2/2009

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 09/24/2009

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.