

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1072-AIR-E **TCEQ ID:** RN100219534 **CASE NO.:** 37933
RESPONDENT NAME: Ranger Gas Gathering, L.L.C.

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: Ranger Gas Gathering, L.L.C., 809 County Road 340, Ranger, Eastland County</p> <p>TYPE OF OPERATION: Natural gas compressor station</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 this facility location.</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 December 28, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: 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. Robert J. Beard, Member, Ranger Gas Gathering, L.L.C., 2817 Highway 101, Ranger, Texas 76470 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 25, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 2 and August 26, 2009 (NOE)</p> <p>Background Facts: This was a record review investigation.</p> <p>AIR</p> <p>1) Failure to submit an emissions inventory report for calendar year 2008. Specifically, the report was due to be submitted no later than March 31, 2009 [30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit the Permit Compliance Certification ("PCC") for the time period of June 9, 2008 through June 8, 2009, no later than 30 days after the end of the certification period; and failed to submit the Deviation Report ("DR") for the reporting period of December 8, 2008 through June 9, 2009 no later than 30 days after the end of the deviation reporting period. Specifically, the PCC was due no later than July 8, 2009, and the DR was due no later than July 9, 2009, and both reports were received August 10, 2009 [30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$8,875</p> <p>Total Deferred: \$1,775 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,100</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" 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>The Executive Director recognizes that on August 10, 2009, the Respondent submitted the PCC for the time period of June 9, 2008 through June 8, 2009, and the DR for the reporting period of December 8, 2008 through June 9, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the 2008 emissions inventory report; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): EA0042C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	7-Jul-2009	Screening	9-Jul-2009	EPA Due	
	PCW	29-Sep-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Ranger Gas Gathering, L.L.C.		
Reg. Ent. Ref. No.	RN100219534		
Facility/Site Region	3-Abilene	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37933	No. of Violations	2
Docket No.	2009-1072-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Suzanne Walrath
		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

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	\$14
Approx. Cost of Compliance	\$600

*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 9-Jul-2009

Docket No. 2009-1072-AIR-E

PCW

Respondent Ranger Gas Gathering, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 37933

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100219534

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has received one Notice of Violation for the same violation, and one Agreed Order containing a denial of liability. Enhancement due to poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 9-Jul-2009	Docket No. 2009-1072-AIR-E	PCW		
Respondent Ranger Gas Gathering, L.L.C.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37933	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100219534				
Media [Statute] Air				
Enf. Coordinator Suzanne Walrath				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 101.10(e) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failed to submit an emissions inventory report for calendar year 2008. Specifically, the report was due to be submitted no later than March 31, 2009."/>			
Base Penalty		<input type="text" value="\$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 <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>			
Adjustment				<input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>
<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	x		
				Violation Base Penalty <input type="text" value="\$2,500"/>
<input type="text" value="One single event is recommended for the one report not submitted."/>				
Good Faith Efforts to Comply			0.0% Reduction	<input type="text" value="\$0"/>
		<small>Before NOV</small>	<small>NOV to EDCRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal				<input type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$13"/>	Violation Final Penalty Total	<input type="text" value="\$3,375"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$3,375"/>

Economic Benefit Worksheet

Respondent Ranger Gas Gathering, L.L.C.
Case ID No. 37933
Reg. Ent. Reference No. RN100219534
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
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)	\$300	31-Mar-2009	9-Feb-2010	0.86	\$13	n/a	\$13

Notes for DELAYED costs

This is an estimated cost to submit an emissions inventory report. The date required is the date the form was due to be submitted. The final date is the projected date of compliance.

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

\$300

TOTAL

\$13

<p>Screening Date 9-Jul-2009</p> <p>Respondent Ranger Gas Gathering, L.L.C.</p> <p>Case ID No. 37933</p> <p>Reg. Ent. Reference No. RN100219534</p> <p>Media [Statute] Air</p> <p>Enf. Coordinator Suzanne Walrath</p> <p>Violation Number <input type="text" value="2"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(C) and 122.146(2) and Tex. Health & Safety Code § 382.085(b)</p> <p>Violation Description Failed to submit the Permit Compliance Certification ("PCC") for the time period of June 9, 2008 through June 8, 2009, no later than 30 days after the end of the certification period; and failed to submit the Deviation Report ("DR") for the reporting period of December 8, 2008 through June 9, 2009 no later than 30 days after the end of the deviation reporting period. Specifically, the PCC was due no later than July 8, 2009, and the DR was due no later than July 9, 2009, and both reports were received August 10, 2009.</p>	<p>Docket No. 2009-1072-AIR-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p> <p>Base Penalty <input type="text" value="\$10,000"/></p>																						
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<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount <input type="text" value="\$1"/></p>		<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$5,500"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,500"/></p>																					

Economic Benefit Worksheet

Respondent Ranger Gas Gathering, L.L.C.
Case ID No. 37933
Reg. Ent. Reference No. RN100219534
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
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)	\$300	8-Jul-2009	10-Aug-2009	0:09	\$1	n/a	\$1

Notes for DELAYED costs

This is an estimated cost to submit a PCC and DR. The date required is the date the first report was due to be submitted. The 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 \$300

TOTAL \$1

Compliance History Report

Customer/Respondent/Owner-Operator: CN600130348 Ranger Gas Gathering, L.L.C. Classification: POOR Rating: 75.00
Regulated Entity: RN100219534 RANGER GAS GATHERING RANGER PLANT Classification: POOR Site Rating: 75.00

ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER EA0042C
AIR OPERATING PERMITS PERMIT 2945
AIR OPERATING PERMITS ACCOUNT NUMBER 0033
AIR OPERATING PERMITS PERMIT 2945
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EA0042C
AIR NEW SOURCE PERMITS AFS NUM 4813300033
AIR EMISSIONS INVENTORY ACCOUNT NUMBER EA0042C

Location: 809 COUNTY ROAD 340, RANGER, TX 76470

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: July 10, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 10, 2004 to July 10, 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? 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.

Effective Date: 07/15/2005

ADMINORDER 2002-1054-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121

5C THC Chapter 382, SubChapter A 382.054

Description: Failure to obtain a Title V Federal Operating Permit (FOP) prior to operation of emission sources.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit emission inventories for calendar years 2000 and 2001.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 01/25/2007 (535917)
- 2 05/22/2009 (746573)
- 3 07/02/2009 (760344)

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

Date: 05/22/2009 (746573)
Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a 2008 emissions inventory, category B, 19(g)(3).

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
RANGER GAS GATHERING, L.L.C.
RN100219534**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1072-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 Ranger Gas Gathering, L.L.C. ("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 natural gas compressor station located at 809 County Road 340 in Ranger, Eastland 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 July 7, 2009 and August 31, 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 Eight Thousand Eight Hundred Seventy-Five Dollars (\$8,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred Dollars (\$7,100) of the administrative penalty and One Thousand Seven Hundred Seventy-Five Dollars (\$1,775) 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 on August 10, 2009, the Respondent submitted the Permit Compliance Certification ("PCC") for the time period of June 9, 2008 through June 8, 2009, and the Deviation Report ("DR") for the reporting period of December 8, 2008 through June 9, 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:

1. Failed to submit an emissions inventory report for calendar year 2008, in violation of 30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 25, 2009. Specifically, the report was due to be submitted no later than March 31, 2009.
2. Failed to submit the PCC for the time period of June 9, 2008 through June 8, 2009, no later than 30 days after the end of the certification period; and failed to submit the DR for the reporting period of December 8, 2008 through June 9, 2009 no later than 30 days after the end of the deviation reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC was due no later than July 8, 2009, and the DR was due no later than July 9, 2009, and both reports were received August 10, 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: Ranger Gas Gathering, L.L.C., Docket No. 2009-1072-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the 2008 emissions inventory report to:

Emissions Assessment Section, Manager
Air Quality Division, MC 164
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

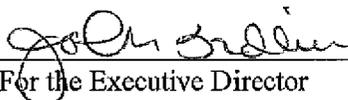
Air Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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



For the Executive Director

12/18/2009

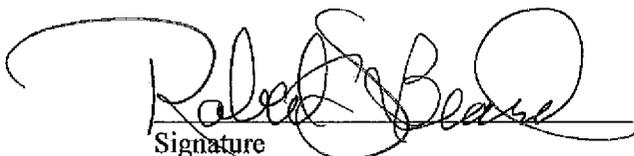
Date

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

10-21-09

Date

ROBERT J BEARD

Name (Printed or typed)
Authorized Representative of
Ranger Gas Gathering, L.L.C.

MEMBER

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.

