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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0826-AIR-E **TCEQ ID:** RN101246478 **CASE NO.:** 39733
RESPONDENT NAME: WTG Jameson, LP

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: Jameson Gas Plant, 1000 Gas Plant Road, Silver, Coke County</p> <p>TYPE OF OPERATION: Natural gas processing plant</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 November 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Bob Stewart, Environmental Coordinator, WTG Jameson, LP, 211 North Colorado Street, Midland, Texas 79701 Mr. J.L. Davis, President, WTG Jameson, LP, 211 North Colorado Street, Midland, Texas 79701 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: April 9, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 30, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to submit an alternate sampling facility design for approval within 180 days after the permit was issued. Specifically, New Source Review Permit No. ("NSRP") 55477 was issued on November 6, 2003 and no sampling platform has been constructed for Unit 650 (Emission Point No. ("EPN") E-31-1) and Unit 651 (EPN E-31-2) nor has the Respondent submitted an alternate sampling facility design [30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 55477 Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,825</p> <p>Total Deferred: \$765 <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: \$3,060</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" 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>The Executive Director recognizes that on May 7, 2010, the Respondent filed a request for an alternate sampling facility design for Unit 650 and Unit 651.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request for an alternate sampling facility design for Unit 650 and Unit 651 within 30 days after the date of such requests, or by any other deadline specified in writing; 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 that an alternate sampling facility design has been approved as required by NSRP No. 55477.</p>

Additional ID No(s): Air Account No. CN0003A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	3-May-2010		
	PCW	14-Jun-2010	Screening	11-May-2010
			EPA Due	

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

CASE INFORMATION			
Enf./Case ID No.	39733	No. of Violations	1
Docket No.	2010-0826-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		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	\$2,500
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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	53.0% Enhancement	Subtotals 2, 3, & 7	\$1,325
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Notes: Penalty adjustment due to one similar NOV, four dissimilar NOVs, and two 1660-style agreed orders.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$157	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,825
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$3,825
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,825
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DEFERRAL	20.0% Reduction	Adjustment	-\$765
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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	\$3,060
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Screening Date 11-May-2010

Docket No. 2010-0826-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 2 (September 2002)

Case ID No. 39733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator James Nolan

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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%
<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) 53%

>> 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 adjustment due to one similar NOV, four dissimilar NOVs, and two 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 53%

Screening Date 11-May-2010

Docket No. 2010-0826-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 2 (September 2002)

Case ID No. 39733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c); New Source Review Permit No. 55477 Spacial Condition No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an alternate sampling facility design for approval within 180 days after the permit was issued. Specifically, New Source Review Permit No. 55477 was issued on November 6, 2003 and no sampling platform has been constructed for Unit 650 (Emission Point No. (EPN) E-31-1) and Unit 651 (EPN E-31-2) nor has the Respondent submitted an alternate sampling facility design.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2198

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,500

* One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$157

Violation Final Penalty Total \$3,825

This violation Final Assessed Penalty (adjusted for limits) \$3,825

Economic Benefit Worksheet

Respondent: WTG Jameson, LP
Case ID No.: 39733
Reg. Ent. Reference No.: RN101246478
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$500	4-May-2004	10-Aug-2010	6.27	\$157	n/a	\$157
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a request for an alternate sampling facility design for Unit 650 and Unit 651. The date required is 180 days after the issue date of New Source Review Permit No. 55477, and the final date is the estimated date of compliance.

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

\$600

TOTAL

\$157

Compliance History Report

Customer/Respondent/Owner-Operator: CN602679813 WTG Jameson, LP Classification: AVERAGE Rating: 3.31
 Regulated Entity: RN101246478 JAMESON GAS PLANT Classification: AVERAGE Site Rating: 1.18

ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	9941
	AIR NEW SOURCE PERMITS	PERMIT	8425
	AIR NEW SOURCE PERMITS	REGISTRATION	13430
	AIR NEW SOURCE PERMITS	PERMIT	17140
	AIR NEW SOURCE PERMITS	REGISTRATION	38792
	AIR NEW SOURCE PERMITS	REGISTRATION	44641
	AIR NEW SOURCE PERMITS	REGISTRATION	48204
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CN0003A
	AIR NEW SOURCE PERMITS	REGISTRATION	52491
	AIR NEW SOURCE PERMITS	REGISTRATION	52966
	AIR NEW SOURCE PERMITS	AFS NUM	4808100001
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX687
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX372M1
	AIR NEW SOURCE PERMITS	PERMIT	55477
	AIR NEW SOURCE PERMITS	REGISTRATION	53545
	AIR NEW SOURCE PERMITS	REGISTRATION	53544
	AIR NEW SOURCE PERMITS	REGISTRATION	52489
	AIR NEW SOURCE PERMITS	REGISTRATION	52490
	AIR NEW SOURCE PERMITS	REGISTRATION	52554
	AIR NEW SOURCE PERMITS	REGISTRATION	53757
	AIR NEW SOURCE PERMITS	REGISTRATION	89323
	AIR NEW SOURCE PERMITS	REGISTRATION	90828
	AIR OPERATING PERMITS	PERMIT	2428
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CN0003A
	AIR OPERATING PERMITS	PERMIT	865
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CN0003A

Location: 1000 GAS PLANT RD, SILVER, TX, 76945

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: May 11, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 11, 2005 to May 11, 2010

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

Name: James Nolan Phone: (512) 239-6634

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: 9/1/2009 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: 11/27/2009 ADMINORDER 2008-0979-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: SOP O865, Special Condition 3 OP
 Description: Failed to conduct quarterly observations for visible emissions from all stationary vents for emission units in operation.
 Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SOP O865, Special Condition 7 OP

Description: Failed to conduct weekly visible emissions observations and to keep appropriate records for the acid gas flare (EPN 384).

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 5 PERMIT

Description: Failed to calculate the mass rate of hydrogen sulfide ("H2S") in pounds per hour ("lbs/hr") that is sent to the acid gas flare (EPN 384) at least daily and to calculate the total annual quantity at the end of each calendar year in tons per year, in order to determine compliance with sulfur dioxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit # 55477, Special Condition 5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #55477, Special Condition 6 PERMIT

Description: Failed to conduct evaluations of the engine performance of EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4 within 360 days after the issuance of the permit, and quarterly thereafter, by measuring the NOx, CO and oxygen content of the exhaust and using the results to calculate emissions of NOx and CO in lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)
5C THSC Chapter 382 382.085(b)

Description: Failed to conduct testing for NOx and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biannually.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(i)
30 TAC Chapter 106, SubChapter W 106.512(2)(C)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failed to change oxygen sensors quarterly, and to perform required emissions testing within seven days of oxygen sensor replacements for EPN Nos. E-1, E-2, E-3, E-44-1A, E-44-1B, E-45-1B, 36-6, 36-7 and 36-8.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.147(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to install, calibrate, maintain and operate a monitoring system for engines that are subject to Compliance Assurance Monitoring ("CAM") requirements.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.221(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a significant revision for SOP O865 to the TCEQ in a timely manner.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to report, in writing, to the TCEQ all instances of deviations documented in the investigation, in all deviation reports from the July 20, 2005 through January 19, 2006 reporting period to the present.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 13 OP

Description: Failed to submit a complete and timely PCC for the January 20, 2008 through January 19, 2009 reporting period, as documented during an investigation conducted on May 19, 2009. Specifically, the Respondent failed to include the period January 20, 2008 through July 19, 2008 in the report, failed to submit the report by February 18, 2009, and failed to include a signed certification of accuracy and completeness by a responsible official.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a complete semi-annual deviation report for the January 20, 2008 through July 19, 2008 reporting period, as documented during an investigation conducted on May 19, 2009. Specifically, the Respondent failed to include the deviation for failing to conduct stack sampling for Emission Point Numbers E-31-1 and E-31-2.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a timely semi-annual deviation report for the period July 20, 2008 through January 19, 2009. Specifically, the report was due by February 18, 2009 but was not submitted until May 18, 2009.

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	05/18/2005	(379679)
2	02/22/2006	(456545)
3	05/25/2007	(561623)
4	07/12/2007	(567585)
5	09/05/2007	(573315)
6	09/13/2007	(593893)
7	05/20/2008	(654951)
8	11/14/2008	(708069)
9	05/22/2009	(748425)
10	10/19/2009	(778348)
11	01/28/2010	(788048)
12	04/30/2010	(798833)

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

Date: 05/18/2005 (379679)

CN602679813

Self NO

Classification: Moderate

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

Description: Failure to include reportable and non-reportable emission events in deviation reports

Date: 02/21/2006 (456545)

Self NO

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT HH 63.775(e)(1)

Description: Failure to submit MACT Subpart HH periodic reports within 60 calendar days

Date: 05/25/2007 (561623)

CN602679813

Self NO

Classification: Moderate

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

Description: Failure to report, in writing to the TCEQ, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the SOP Number O865 for the July 20, 2006 through

January 18, 2007 period

Date: 07/18/2007 (567585)

Self NO

Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.014

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

Description: Failure to submit a 2006 Emissions Inventory; Category B19(g)(3)

Date: 05/22/2009 (746425)

CN602679813

Self NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Special Condition 5 PA

Special Condition 9 OP

Description: Failure to install sampling platforms in accordance with Permit Number 55477, Special Condition 5 or obtain approval for an alternate sampling facility design.

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
WTG JAMESON, LP
RN101246478

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0826-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 WTG Jameson, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a natural gas processing plant at 1000 Gas Plant Road in Silver, Coke 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 May 5, 2010.
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 Three Thousand Eight Hundred Twenty-Five Dollars (\$3,825) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Sixty Dollars (\$3,060) of the administrative penalty and Seven Hundred Sixty-Five Dollars (\$765) 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 May 7, 2010, the Respondent filed a request for an alternate sampling facility design for Unit 650 and Unit 651.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit an alternate sampling facility design for approval within 180 days after the permit was issued, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. ("NSRP") 55477 Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 9, 2010. Specifically, NSRP 55477 was issued on November 6, 2003 and no sampling platform has been constructed for Unit 650 [Emission Point No. ("EPN") E-31-1] and Unit 651 (EPN E-31-2) nor has the Respondent submitted an alternate sampling facility design.

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: WTG Jameson, LP, Docket No. 2010-0826-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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request for an alternate sampling facility design for Unit 650 and Unit 651 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - 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 that an alternate sampling facility design has been approved as required by NSRP 55477. 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
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

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

Date 10/7/2010

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 10/25/10

Name (Printed or typed)
Authorized Representative of
WTG Jameson, LP

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.

