

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0890-AIR-E **TCEQ ID:** RN101559854 **CASE NO.:** 39787  
**RESPONDENT NAME:** Luminant Generation Company LLC

<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> North Lake Steam Electric Station, 14901 South Northlake Road, Coppell, Dallas County</p> <p><b>TYPE OF OPERATION:</b> Electricity generation plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 11, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. David Lamb, Air Compliance Manager, Luminant Generation Company LLC, 14901 South Northlake Road, Coppell, Texas 75019  Ms. Kim Mireles, Director of Environmental Generation, Luminant Generation Company LLC, 14901 South Northlake Road, Coppell, Texas 75019  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 13, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 19, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>Failed to submit an annual compliance certification ("ACC") within 30 days after the end of the certification period. Specifically, the Respondent did not submit the ACC report for the July 1, 2009 through January 26, 2010 reporting period until April 15, 2010 [30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,025</p> <p><b>Total Deferred:</b> \$405  <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> \$1,620</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input 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, on April 15, 2010, the Respondent submitted the ACC for the period of July 1, 2009 through January 26, 2010.</p>

Additional ID No(s): DB0251U



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	24-May-2010	<b>Screening</b>	28-May-2010	<b>EPA Due</b>	
	<b>PCW</b>	2-Jun-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Luminant Generation Company LLC		
<b>Reg. Ent. Ref. No.</b>	RN101559854		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39787	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0890-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Podlipny
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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.

<b>Compliance History</b>	6.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$150
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Notes: The penalty was enhanced due to three NOV's for dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$625
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2
Approx. Cost of Compliance	\$250

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,025
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,025
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,025
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$405
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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.

<b>PAYABLE PENALTY</b>	\$1,620
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**Screening Date** 28-May-2010

**Docket No.** 2010-0890-AIR-E

**PCW**

**Respondent** Luminant Generation Company LLC

Policy Revision 2 (September 2002)

**Case ID No.** 39787

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101559854

**Media [Statute]** Air

**Enf. Coordinator** Heather Podlipny

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

**Component Number of...** Enter Number Here **Adjust.**

NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

*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)** 6%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The penalty was enhanced due to three NOVs for dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 6%

Screening Date 28-May-2010

Docket No. 2010-0890-AIR-E

PCW

Respondent Luminant Generation Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101559854

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 122.146(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an annual compliance certification within 30 days after the end of the certification period, as documented during a record review investigation conducted on May 13, 2010. Specifically, the Respondent did not submit the annual compliance certification report for the July 1, 2009 through January 26, 2010 reporting period until April 15, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

49 Number of violation days

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 based on the untimely submission of the annual compliance certification report.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance on April 15, 2010 and the NOE is dated May 19, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,025

This violation Final Assessed Penalty (adjusted for limits) \$2,025

# Economic Benefit Worksheet

**Respondent** Luminant Generation Company LLC  
**Case ID No.** 39787  
**Req. Ent. Reference No.** RN101559854  
**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
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	25-Feb-2010	15-Apr-2010	0.13	\$2	n/a	\$2
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 an annual compliance certification. The Date Required is the date the report was due and the Final Date is the date of compliance.
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**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**

\$2

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN603256413 Luminant Generation Company LLC	Classification: AVERAGE	Rating: 1.13
Regulated Entity:	RN101559854 NORTH LAKE STEAM ELECTRIC STATION	Classification: HIGH	Site Rating: 0.08

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DB0251U
	AIR NEW SOURCE PERMITS	AFS NUM	4811300012
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000838946
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31882
	WASTEWATER	PERMIT	WQ0001249000
	WASTEWATER	PERMIT	TPDES0030295
	WASTEWATER	PERMIT	TX0030295
	AIR OPERATING PERMITS	ACCOUNT NUMBER	DB0251U
	AIR OPERATING PERMITS	PERMIT	61
	DAM SAFETY	ID NUMBER	TX00832
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	DB0251U

Location: 14901 S NORTHLAKE RD, COPPELL, TX, 75019

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: May 25, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 24, 2005 to May 24, 2010

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

Name: Heather Podlipny Phone: (512) 239 - 2603

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Luminant Generation Company LLC
4. If Yes, who was/were the prior owner(s)/operator(s) ? OWNOPR TXU Generation Company LP
5. When did the change(s) in owner or operator occur? 10/09/2007 OWNOPR TXU Generation Company LP
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.  
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	05/24/2005	(442469)
2	06/22/2005	(442470)
3	07/21/2005	(442471)
4	08/22/2005	(442472)
5	09/23/2005	(442473)
6	10/24/2005	(471580)
7	11/22/2005	(471581)
8	12/22/2005	(471582)
9	01/03/2006	(449566)
10	01/03/2006	(449791)
11	01/03/2006	(449797)
12	01/23/2006	(471583)
13	01/24/2006	(452406)
14	02/21/2006	(471578)
15	03/23/2006	(471579)
16	04/24/2006	(500189)
17	05/22/2006	(500190)
18	06/21/2006	(500191)
19	07/20/2006	(500192)
20	08/17/2006	(522300)
21	09/20/2006	(522301)
22	09/27/2006	(522299)
23	10/11/2006	(513169)
24	10/20/2006	(522302)
25	11/15/2006	(515147)
26	11/16/2006	(546983)
27	12/19/2006	(546984)
28	01/17/2007	(546985)
29	02/20/2007	(546982)
30	02/28/2007	(542105)
31	03/01/2007	(542130)
32	03/20/2007	(579390)
33	04/20/2007	(579391)
34	05/22/2007	(579392)
35	06/20/2007	(579393)
36	07/19/2007	(579394)
37	08/16/2007	(602791)
38	09/20/2007	(602792)
39	10/18/2007	(602794)
40	10/19/2007	(602793)
41	11/15/2007	(621135)
42	12/19/2007	(621136)
43	01/29/2008	(615726)
44	01/29/2008	(616037)
45	01/30/2008	(616279)
46	01/31/2008	(616659)
47	02/19/2008	(673224)
48	03/20/2008	(673226)
49	04/17/2008	(641475)
50	04/17/2008	(641646)
51	04/18/2008	(673227)
52	05/20/2008	(670736)
53	05/20/2008	(691378)
54	06/18/2008	(691379)
55	07/17/2008	(691380)
56	08/20/2008	(712308)
57	09/16/2008	(685617)
58	09/16/2008	(685623)

59 09/18/2008 (712309)  
 60 10/16/2008 (712310)  
 61 10/16/2008 (712311)  
 62 11/20/2008 (728607)  
 63 12/17/2008 (751689)  
 64 02/17/2009 (751686)  
 65 03/23/2009 (751687)  
 66 04/20/2009 (751688)  
 67 05/20/2009 (769473)  
 68 06/11/2009 (769474)  
 69 06/23/2009 (747544)  
 70 07/29/2009 (808070)  
 71 08/20/2009 (808071)  
 72 09/17/2009 (808072)  
 73 10/23/2009 (808073)  
 74 11/20/2009 (808074)  
 75 12/17/2009 (808075)  
 76 01/20/2010 (808076)  
 77 02/18/2010 (808069)  
 78 05/18/2010 (802607)

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

Date: 06/30/2006 (500192) CN603256413  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (579393) CN603256413  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (751686) CN603256413  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

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  
LUMINANT GENERATION  
COMPANY LLC  
RN101559854**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0890-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 Luminant Generation Company LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an electricity generation plant at 14901 South Northlake Road in Coppell, Dallas 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 24, 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 Two Thousand Twenty-Five Dollars (\$2,025) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid One Thousand Six Hundred Twenty Dollars (\$1,620) of the administrative penalty and Four Hundred Five Dollars (\$405) 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 April 15, 2010, the Respondent submitted the annual compliance certification ("ACC") for the period of July 1, 2009 through January 26, 2010.
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 ACC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 13, 2010. Specifically, the Respondent did not submit the ACC report for the July 1, 2009 through January 26, 2010 reporting period until April 15, 2010.

## 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: Luminant Generation Company LLC, Docket No. 2010-0890-AIR-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. ...*  
For the Executive Director

\_\_\_\_\_  
Date 9/21/2010

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.

*Kim Mireles*  
Signature

\_\_\_\_\_  
Date 8/10/2010

Kim Mireles  
Name (Printed or typed)  
Authorized Representative of  
Luminant Generation Company LLC

Director of Environmental  
Title Generation

**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.