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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1597-AIR-E **TCEQ ID:** RN102344645 **CASE NO.:** 38452
RESPONDENT NAME: Frontera Generation Limited Partnership

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"/> IMMEDIATE 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: Frontera Energy Center, 320 South Goodwin Road, Mission, Hidalgo County</p> <p>TYPE OF OPERATION: Power 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 January 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: 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 Respondent: Mr. Michael G. Taylor, Plant Director, Frontera Generation Limited Partnership, 320 South Goodwin Road, Mission, Texas 78572 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: August 14, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 31, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to timely submit a permit compliance certification ("PCC") and semi-annual deviation report. Specifically, the Respondent did not submit the PCC for the April 4, 2008 through April 3, 2009 reporting period nor the semi-annual deviation report for the October 4, 2008 through April 3, 2009 reporting period, until August 14, 2009 [30 TEX. ADMIN. CODE §§ 122.146(1), 122.145(2)(B) and (C), and 122.143(4), Federal Operating Permit No. O-01888, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$5,600</p> <p>Total Deferred: \$1,120 <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: \$4,480</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 the Respondent has submitted the PCC for the April 4, 2008 through April 3, 2009 reporting period, and the semi-annual deviation report for the October 4, 2008 through April 3, 2009 reporting period, on August 14, 2009. Also, a plan was developed to ensure timely submission of the required reports by implementing monthly compliance calendar reviews with the management team and re-introducing a tiered review procedure.</p>

Additional ID No(s): HN0403K



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	21-Sep-2009	Screening	25-Sep-2009	EPA Due	28-May-2010
	PCW	23-Sep-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Frontera Generation Limited Partnership		
Reg. Ent. Ref. No.	RN102344646		
Facility/Site Region	15-Harlingen	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38452	No. of Violations	1
Docket No.	2009-1597-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**

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

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 25-Sep-2009

Docket No. 2009-1597-AIR-E

PCW

Respondent Frontera Generation Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 38452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102344645

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Compliance History Worksheet

>> Compliance History *Sife* 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	6	12%
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%
<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) 37%

>> 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

Enhancement due to one similar NOV, six non-similar NOVs, and one 1660-styled Order within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 37%

Screening Date 25-Sep-2009

Docket No. 2009-1597-AIR-E

PCW

Respondent Frontera Generation Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 38452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102344645

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.146(1), 122.145(2)(B) and (C), and 122.143(4), Federal Operating Permit No. O-01888, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to timely submit a permit compliance certification ("PCC") and a semi-annual deviation report. Specifically, the Respondent did not submit the PCC for the April 4, 2008 through April 3, 2009 reporting period nor the semi-annual deviation report for the October 4, 2008 through April 3, 2009 reporting period, until August 14, 2009, as documented during an investigation conducted on August 14, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 102

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended based on the untimely submittal of a PCC and semi-annual deviation report.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

\$1,250

Notes The Respondent returned to compliance on August 14, 2009, and the NOE is dated August 31, 2009.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$3

Statutory Limit Test

Violation Final Penalty Total \$5,600

This violation Final Assessed Penalty (adjusted for limits) \$5,600

Economic Benefit Worksheet

Respondent: Frontera Generation Limited Partnership
Case ID No.: 38452
Reg. Ent. Reference No.: RN102344645
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
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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	4-May-2009	14-Aug-2009	0.28	\$3	n/a	\$3
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 and semi-annual deviation report. Date required is the date the reports should have been submitted. Final date is the date the compliance report and semi-annual deviation report were 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	\$3
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Compliance History Report Pending

Customer/Respondent/Owner-Operator: CN601235534 Frontera Generation Limited Partnership Classification: AVERAGE Rating: 1.02
 Regulated Entity: RN102344645 FRONTERA ENERGY CENTER Classification: AVERAGE Site Rating: 1.02

ID Number(s):	WASTEWATER	PERMIT	WQ0004051000
	WASTEWATER	PERMIT	TPDES0116785
	WASTEWATER	PERMIT	TX0116785
	AIR NEW SOURCE PERMITS	PERMIT	37613
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HN0403K
	AIR NEW SOURCE PERMITS	AFS NUM	4821500084
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX900
	AIR NEW SOURCE PERMITS	REGISTRATION	81457
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX900M1
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HN0403K
	AIR OPERATING PERMITS	PERMIT	1827
	AIR OPERATING PERMITS	PERMIT	1888
	STORMWATER	PERMIT	TXR05S699
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	86176
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HN0403K

Location: 320 S GOODWIN RD, MISSION, TX, 78572

TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: September 23, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 23, 2004 to September 23, 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: 9/1/2009 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.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
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: Federal Operating Permit No. O-01888 OP

Description: Failed to timely submit a complete PCC and SDR within 30 days of the end of the reporting period. Specifically, the Respondent submitted the PCC for the April 4, 2007 through October 3, 2007 reporting period, and the SDR for the April 4, 2007 through October 3, 2007 reporting period, on October 7, 2008. The PCC and SDR were 156 days late.

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	10/19/2004	(366153)
2	11/18/2004	(389577)
3	12/16/2004	(427118)
4	01/14/2005	(389578)
5	02/10/2005	(347650)
6	02/22/2005	(427113)
7	03/16/2005	(389576)
8	04/20/2005	(427114)
9	05/20/2005	(427115)
10	05/27/2005	(349968)
11	06/16/2005	(427116)
12	07/06/2005	(427117)
13	08/19/2005	(447244)
14	09/20/2005	(447245)
15	10/18/2005	(491679)
16	11/17/2005	(491680)
17	12/20/2005	(491681)
18	12/27/2005	(491682)
19	02/21/2006	(491677)
20	03/21/2006	(491678)
21	04/21/2006	(505882)
22	05/22/2006	(505883)
23	06/21/2006	(505884)
24	06/27/2006	(505885)
25	08/21/2006	(528128)
26	09/21/2006	(528129)
27	10/20/2006	(551637)
28	10/20/2006	(551640)
29	11/20/2006	(551638)
30	12/21/2006	(551639)
31	02/21/2007	(588727)
32	03/14/2007	(588728)
33	04/24/2007	(588729)
34	04/30/2007	(588732)
35	05/11/2007	(588730)

36 06/01/2007 (562266)
 37 06/11/2007 (588731)
 38 08/13/2007 (605569)
 39 08/17/2007 (572339)
 40 09/14/2007 (605570)
 41 10/03/2007 (630434)
 42 10/19/2007 (630431)
 43 11/15/2007 (630432)
 44 12/13/2007 (630433)
 45 02/13/2008 (677020)
 46 03/07/2008 (638442)
 47 03/17/2008 (695640)
 48 04/11/2008 (695641)
 49 05/12/2008 (695642)
 50 06/09/2008 (717190)
 51 07/14/2008 (695643)
 52 08/28/2008 (701238)
 53 09/15/2008 (717191)
 54 09/30/2008 (732563)
 55 10/06/2008 (732562)
 56 10/23/2008 (732564)
 57 11/21/2008 (732565)
 58 12/19/2008 (732566)
 59 12/19/2008 (732567)
 60 02/09/2009 (755854)
 61 03/04/2009 (755855)
 62 03/09/2009 (772851)
 63 05/11/2009 (772852)
 64 08/31/2009 (765529)

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

Date: 09/30/2004 (366153) CN601235534
 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: 12/31/2004 (389578) CN601235534
 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: 05/05/2005 (349968)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.62
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 Description: Failure to perform a hazardous waste determination on every solid waste generated.

Date: 08/20/2007 (572339) CN601235534
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
 Description: Failure to certify compliance with the terms and conditions of the permit for at least each 12-month period following the initial permit issuance.

Date: 02/29/2008 (695640) CN601235534
 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

Date: 08/31/2008 (717191) CN601235534
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

Date: 11/30/2008 (732566) CN601235534
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
FRONTERA GENERATION LIMITED
PARTNERSHIP
RN102344645**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1597-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 Frontera Generation Limited Partnership ("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 power station at 320 South Goodwin Road in Mission, Hidalgo 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 September 5, 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 Five Thousand Six Hundred Dollars (\$5,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Four Thousand Four Hundred Eighty Dollars (\$4,480) of the administrative penalty and One Thousand One Hundred Twenty Dollars (\$1,120) 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 submitted the permit compliance certification ("PCC") for the April 4, 2008 through April 3, 2009 reporting period, and the semi-annual deviation report for the October 4, 2008 through April 3, 2009 reporting period, on August 14, 2009. Also, a plan was developed to ensure timely submission of the required reports by implementing monthly compliance calendar reviews with the management team and re-introducing a tiered review procedure.
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 failed to timely submit a PCC and semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.146(1), 122.145(2)(B) and (C), and 122.143(4), Federal Operating Permit No. O-01888, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 14, 2009. Specifically, the Respondent did not submit the PCC for the April 4, 2008 through April 3, 2009 reporting period nor the semi-annual deviation report for the October 4, 2008 through April 3, 2009 reporting period, until August 14, 2009.

III. DENIAL

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: Frontera Generation Limited Partnership, Docket No. 2009-1597-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 12/23/2009

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 11/11/09

MICHAEL G. TAYLOR
Name (Printed or typed)
Authorized Representative of
Frontera Generation Limited Partnership

PLANT DIRECTOR
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.