

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-1447-AIR-E **TCEQ ID:** RN100218379 **CASE NO.:** 38319
RESPONDENT NAME: Eagle Rock Field Services, L.P.

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: Lefors Gas Plant, 13098 Ranch Road 1321, Lefors, Gray 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 February 22, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Rachel M. Trainer, Environmental Manager, Eagle Rock Field Services, L.P., 16701 Greenspoint Park Drive, Suite 200, Houston, Texas 77060-2314 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: June 23 through 25, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 27, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to report the annual compliance certification ("ACC") within 30 days after the ACC period and to report deviations. Specifically, the ACC for the July 1, 2007 to June 30, 2008 ACC period was due on July 30, 2008, but was not submitted until September 29, 2008. Additionally, the deviation report for the April 1, 2007 to September 30, 2007 contained six deviations, but a revised deviation report submitted on September 29, 2008 contained 106 deviations. Lastly, the deviation report for the October 1, 2007 to March 31, 2008 semi-annual deviation reporting period contained no deviations, but a revised deviation report submitted on September 29, 2008 contained 14 deviations [30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and General Operating Permit No. O-00813, General Terms and Conditions].</p>	<p>Total Assessed: \$5,700</p> <p>Total Deferred: \$1,140 <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: \$4,560</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 implemented the following corrective measures at the Plant:</p> <p>a. Submitted the annual compliance certification ("ACC") for the July 1, 2007 to June 30, 2008 ACC period on September 29, 2008; and</p> <p>b. Submitted corrected semi-annual deviation reports for the April 1, 2007 to September 30, 2007 and the October 1, 2007 to March 31, 2008 semi-annual deviation reporting periods on September 29, 2008.</p>

Additional ID No(s): GH0007I



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	31-Aug-2009	Screening	8-Sep-2009	EPA Due	24-May-2010
	PCW	4-Sep-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eagle Rock Field Services, L.P.
Reg. Ent. Ref. No.	RN100218379
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38319	No. of Violations	1
Docket No.	2009-1447-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	1.0% Enhancement	Subtotals 2, 3, & 7	\$75
---------------------------	------------------	--------------------------------	------

Notes
Penalty enhancement due to one previous NOV for unrelated violations.
Penalty reduction due to one Notice of Audit letter submitted.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,875
--	-------------------	---------

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

Total EB Amounts \$37
Approx. Cost of Compliance \$800
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,700
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$5,700
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,700
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0% Reduction	Adjustment	-\$1,140
-----------------	-----------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,560
------------------------	---------

Screening Date 8-Sep-2009

Docket No. 2009-1447-AIR-E

PCW

Respondent Eagle Rock Field Services, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38319

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218379

Media [Statute] Air

Enf. Coordinator Trina Grieco

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	1	2%
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 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 <i>(number of judgments 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>	1	-1%
	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%
<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) 1%

>> **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 enhancement due to one previous NOV for unrelated violations. Penalty reduction due to one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 1%

Screening Date: 8-Sep-2009	Docket No.: 2009-1447-AIR-E	PCW			
Respondent: Eagle Rock Field Services, L.P.	<i>Policy Revision 2 (September 2002)</i>				
Case ID No.: 38319	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No.: RN100218379					
Media [Statute]: Air					
Enf. Coordinator: Trina Grieco					
Violation Number: 1					
Rule Cite(s):	30 Tex. Admin. Code §§ 122.145(2)(C) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and General Operating Permit No. O-00813, General Terms and Conditions				
Violation Description:	Failed to report the annual compliance certification ("ACC") within 30 days after the ACC period and to report deviations. Specifically, the ACC for the July 1, 2007 to June 30, 2008 ACC period was due on July 30, 2008, but was not submitted until September 29, 2008. Additionally, the deviation report for the April 1, 2007 to September 30, 2007 contained six deviations, but a revised deviation report submitted on September 29, 2008 contained 108 deviations. Lastly, the deviation report for the October 1, 2007 to March 31, 2008 semi-annual deviation reporting period contained no deviations, but a revised deviation report submitted on September 29, 2008 contained 14 deviations.				
Base Penalty:		\$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"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent: <input type="text" value="25%"/>	
Matrix Notes:	The Respondent failed to comply with 100% of the rule requirements.				
Adjustment:				\$7,500	
				\$2,500	
Violation Events					
Number of Violation Events		<input type="text" value="3"/>	Number of violation days		
		<input type="text" value="335"/>			
mark only one with an x	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	<input checked="" type="text" value="x"/>			
				Violation Base Penalty: <input type="text" value="\$7,500"/>	
Three single events are recommended for the one late report and the two deficient reports.					
Good Faith Efforts to Comply		25.0%	Reduction		
		<input type="text" value="1,875"/>			
		<input type="text" value="\$1,875"/>			
		<input type="text" value="0"/>			
		<input type="text" value="0"/>			
		<input type="text" value="0"/>			
Notes:		The Respondent completed corrective actions on September 29, 2008 (before the August 27, 2009 NOE).			
Violation Subtotal:				\$5,625	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount:		<input type="text" value="\$37"/>	Violation Final Penalty Total: <input type="text" value="\$5,700"/>		
This violation Final Assessed Penalty (adjusted for limits):				\$5,700	

Economic Benefit Worksheet

Respondent: Eagle Rock Field Services, L.P.
Case ID No.: 38319
Reg. Ent. Reference No.: RN100218379
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

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)	\$800	30-Oct-2007	29-Sep-2008	0.92	\$37	n/a	\$37

Notes for DELAYED costs: Estimated cost to complete and submit three accurate Title V reports. The date required is the due date of the first report that was submitted, but was incomplete and the final date is the date corrective actions were completed (three accurate reports were submitted).

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	\$800	TOTAL	\$37
----------------------------	-------	--------------	------

Compliance History Report

Customer/Respondent/Owner-Operator: CN602959397 Eagle Rock Field Services, L.P. Classification: AVERAGE Rating: 1.94
Regulated Entity: RN100218379 LEFORS GAS PLANT Classification: AVERAGE Site Rating: 0.83

ID Number(s):	AIR OPERATING PERMITS	PERMIT	813
	AIR OPERATING PERMITS	ACCOUNT NUMBER	GH00071
	AIR NEW SOURCE PERMITS	PERMIT	6531A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GH00071
	AIR NEW SOURCE PERMITS	PERMIT	56004
	AIR NEW SOURCE PERMITS	AFS NUM	4817900040
	AIR NEW SOURCE PERMITS	PERMIT	48520
	AIR NEW SOURCE PERMITS	REGISTRATION	88086
Location:	13098 RANCH ROAD 1321, NEAR LEFORS, GRAY COUNTY, TX 79054		
TCEQ Region:	REGION 01 - AMARILLO		

Date Compliance History Prepared: August 31, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 31, 2004 to August 31, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

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? Eagle Rock Field Services, L.P.
4. If Yes, who was/were the prior owner(s)/operator(s) ? ONEOK Field Services Company
5. When did the change(s) in owner or operator occur? 12/01/2005
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 08/19/2005 (405898)
 - 2 05/18/2006 (462326)
 - 3 08/30/2007 (572378)
 - 4 03/05/2008 (613643)
 - 5 08/27/2009 (766751)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/06/2008 (813643)

CN602959397

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.147(a)(1)
40 CFR Chapter 64, SubChapter C, PT 64 64.7

Description: Failure to implement compliance assurance monitoring within the required time frame of 04/17/2007.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.147(a)(1)
40 CFR Chapter 64, SubChapter C, PT 64 64.7

Description: Failure to implement compliance assurance monitoring prior to the deadline of 04/17/2007.

F. Environmental audits.

Notice of Intent Date: 07/22/2008 (703846)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EAGLE ROCK FIELD SERVICES, L.P.
RN100218379**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1447-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eagle Rock Field Services, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a natural gas processing plant at 13098 Ranch Road 1321 near Lefors, Gray 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 September 1, 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 Seven Hundred Dollars (\$5,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Sixty Dollars (\$4,560) of the administrative penalty and One Thousand One Hundred Forty Dollars (\$1,140) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Submitted the annual compliance certification ("ACC") for the July 1, 2007 to June 30, 2008 ACC period on September 29, 2008; and
 - b. Submitted corrected semi-annual deviation reports for the April 1, 2007 to September 30, 2007 and the October 1, 2007 to March 31, 2008 semi-annual deviation reporting periods on September 29, 2008.
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 report the ACC within 30 days after the ACC period and to report deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and General Operating Permit No. O-00813, General Terms and Conditions, as documented during an investigation conducted on June 23 through 25, 2009. Specifically, the ACC for the July 1, 2007 to June 30, 2008 ACC period was due on July 30, 2008, but was not submitted until September 29, 2008. Additionally, the deviation report for the April 1, 2007 to September 30, 2007 contained six deviations, but a revised deviation report submitted on September 29, 2008 contained 106 deviations. Lastly, the deviation report for the October 1, 2007 to March 31, 2008 semi-annual deviation reporting period contained no deviations, but a revised deviation report submitted on September 29, 2008 contained 14 deviations.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Eagle Rock Field Services, L.P., Docket No. 2009-1447-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 J. Rollin

For the Executive Director

1/29/2010

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]

Signature

12/08/2009

Date

Rachel M. Trainer

Name (Printed or typed)
Authorized Representative of
Eagle Rock Field Services, L.P.

Environmental Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.