

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-1833-AIR-E TCEQ ID: RN100210822 CASE NO.: 38684**  
**RESPONDENT NAME: DCP Midstream, LP**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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> La Gloria Gas Plant, 641 County Road 405, Falfurrias, Jim Wells County</p> <p><b>TYPE OF OPERATION:</b> Gas 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 April 26, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. John Muennink, Enforcement Division, Enforcement Team 5, R-14 Corpus Christi Regional Office, (361) 825-3423; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. John Onderek, Plant Manager, DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202  Mr. Richard S. Rehm, Vice President of Operations – South Division, DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<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> August 17 through September 15, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 4, 2009</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Since this emissions event was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Special Terms and Conditions No. 2F].</p> <p>2) Failure to submit the initial notification for Incident No. 127340 within 24 hours after the discovery of the event [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,127</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$5,063</p> <p><b>Total Paid (Due) to General Revenue:</b> \$5,064</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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>Findings Orders Justification:</b> Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent reviewed the requirements of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B) with operators on September 14, 2009, in order to ensure the timely reporting of emissions events.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p>

Additional ID No(s): JG0017B

Attachment A  
Docket Number: 2009-1833-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>DCP Midstream, LP</b>
<b>Payable Penalty Amount:</b>	<b>Ten Thousand One Hundred Twenty-Seven Dollars (\$10,127)</b>
<b>SEP Amount:</b>	<b>Five Thousand Sixty-Three Dollars (\$5,063)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")-Abandoned Tire Clean-Up</b>
<b>Location of SEP:</b>	<b>Jim Wells County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Abandoned Tire Clean-Up Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	9-Nov-2009	Screening	10-Nov-2009	EPA Due	18-Apr-2010
	PCW	10-Nov-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	DCP Midstream, LP		
Reg. Ent. Ref. No.	RN100210822		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38684	No. of Violations	2
Docket No.	2009-1833-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		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**

### 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: Enhancement due to two NOVs with same or similar violations, one 1660 Agreed Order and one Findings Order. Reduction due to one Notice of Audit letter submitted and one Disclosure of Violation.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 10-Nov-2009

Docket No. 2009-1833-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 2 (September 2002)

Case ID No. 38684

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210822

Media [Statute] Air

Enf. Coordinator John Muennink

### 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)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<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) 52%

>> 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 two NOVs with same or similar violations, one 1660 Agreed Order and one Findings Order. Reduction due to one Notice of Audit letter submitted and one Disclosure of Violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date 10-Nov-2009

Docket No. 2009-1833-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 2 (September 2002)

Case ID No. 38684

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210822

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.615(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit No. O-02556, Special Terms and Conditions No. 2F

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 50,847 pounds of volatile organic compounds from a blowdown vent header during an emissions event (Incident No. 127340) that began July 27, 2009 and lasted 23 hours. The event was the result of a slug of natural gas liquid entering the plant from the field. Since this emissions event was reported late, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

One daily event is recommended based on the emissions event that occurred on July 27, 2009.

Good Faith Efforts to Comply

25.0% Reduction \$2,500

Before NOV NOV to EDRPP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent completed corrective measures on September 14, 2009, prior to the November 4, 2009 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$10

Statutory Limit Test

Violation Final Penalty Total \$12,700

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** DCP Midstream, LP

**Case ID No.** 38684

**Reg. Ent. Reference No.** RN100210822

**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				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	28-Jul-2009	14-Sep-2009	0.13	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	28-Jul-2009	28-Jul-2009	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to submit a timely initial notification and to review the requirements of 30 Tex. Admin. Code § 101.201(a)(1)(A) and (B) with operators, in order to ensure the timely reporting of emissions events. The Date Required is the date that the report was due. The Final Date is the date that the report was submitted and the date that corrective measures were completed.

**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

\$1,750

TOTAL

\$10

Screening Date 10-Nov-2009

Docket No. 2009-1833-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 2 (September 2002)

Case ID No. 38684

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100210822

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the initial notification for Incident No. 127340 within 24 hours after the discovery of the event. Specifically, the report was due on July 28, 2009 by 9:00 A.M. but was not submitted until 3:02 P.M.

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	1%

Matrix Notes

The Respondent has met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the one late report.

Good Faith Efforts to Comply

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

Notes The Respondent completed corrective measures on September 14, 2009, prior to the November 4, 2009 NOE.

\$25

Violation Subtotal \$76

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

# Economic Benefit Worksheet

**Respondent** DCP Midstream, LP  
**Case ID No.** 38684  
**Reg. Ent. Reference No.** RN100210822  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit ("EB") for Violation No. 2 included in the EB for Violation No. 1.

**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

\$0

TOTAL

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601229917 DCP Midstream, LP Classification: AVERAGE Rating: 2.57  
Regulated Entity: RN100210822 LA GLORIA GAS PLANT Classification: AVERAGE Site Rating: 16.92

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JG0017B
	AIR OPERATING PERMITS	PERMIT	2556
	AIR NEW SOURCE PERMITS	PERMIT	26974
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JG0017B
	AIR NEW SOURCE PERMITS	AFS NUM	4824900002
	AIR NEW SOURCE PERMITS	PERMIT	73507
	AIR NEW SOURCE PERMITS	PERMIT	73510
	AIR NEW SOURCE PERMITS	REGISTRATION	74738
	AIR NEW SOURCE PERMITS	REGISTRATION	80358
	AIR NEW SOURCE PERMITS	PERMIT	85162
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1250021
	WATER LICENSING	LICENSE	1250021
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JG0017B

Location: 641 COUNTY ROAD 405

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: November 09, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 09, 2004 to November 09, 2009

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

Name: John Muennink Phone: (361) 825-3100

## 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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/11/2004

ADMINORDER 2003-1122-AIR-E

Classification: Moderate

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

Description: Failure to report all instances of deviations, the probable cause of the deviation, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

Effective Date: 02/18/2008

ADMINORDER 2006-1576-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

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

Description: Failed to submit initial notification for the February 28, 2006 emissions event within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov: Permit No. 73507, Special Cond. No. 1 OP

Description: Failed to prevent the unauthorized release of 382,947.02 lbs of nonmethane/nonethane natural gas during and emissions event that began February 28, 2006 and lasted 176 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit initial notification for the October 18, 2005 emissions event within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov: Permit No. 73507, Special Cond. No. 1 OP

Description: Failed to prevent the unauthorized release of 33,342.64 lbs of nonmethane/nonethane natural gas during an emissions event that began October 18, 2005 and lasted 282 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to give notification for a scheduled start-up activity (incident number 67924) prior to the commencement of the activity. Specifically, the initial notification was submitted on November 13, 2005 at 1958 hours as an air startup activity instead of an emissions event, but started on Nov. 13, 2005 at 0830 hours.

Classification: Moderate

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

Rqmt Prov: Permit No. 73507, Special Cond. No. 1 OP

Description: Failed to prevent the unauthorized release of 15,390.53 lbs of nonmethane/nonethane natural gas during an emissions event that began November 13, 2005 and lasted 7 hours and 45 minutes.

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	03/21/2005	(374388)
2	08/09/2005	(401542)
3	11/16/2005	(434687)
4	12/06/2005	(435823)
5	12/13/2005	(438832)
6	01/02/2006	(439385)
7	03/27/2006	(459870)
8	04/27/2006	(463051)
9	06/28/2006	(483295)
10	06/29/2006	(463278)
11	08/29/2006	(463419)
12	08/31/2006	(510907)
13	10/12/2006	(511063)
14	03/09/2007	(517532)
15	06/06/2007	(561119)
16	08/20/2007	(609178)
17	12/03/2007	(610577)
18	12/07/2007	(610761)
19	02/14/2008	(616038)
20	02/24/2008	(615188)

21 03/25/2008 (638144)  
 22 04/21/2008 (619033)  
 23 05/21/2009 (737811)  
 24 05/26/2009 (745598)  
 25 05/26/2009 (745765)  
 26 07/09/2009 (760893)  
 27 11/04/2009 (766228)

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

**Date:** 04/22/2008 (619033) **CN601229917**  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Conditions PERMIT  
 Special Condition 3 PERMIT  
 Special Term & Condition 9 OP  
**Description:** Failure to maintain all air pollution emission capture and abatement equipment in good working order and operating properly  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter F 116.615(9)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Conditions PERMIT  
 Special Term and Condition 11.B OP  
**Description:** Failure to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operation.

**Date:** 05/27/2009 (745598) **CN601229917**  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-2556, Special Condition No. 3B(II) OP  
**Description:** Failure to determine compliance with the applicable stationary vent visible emissions limit provided in Title 30 TAC §111.111(a)(1). Specifically, DCP Midstream failed to determine the opacity of visible emissions that exited the stack of the 2650 horsepower Superior 16SGTB Residue Compressor Engine (Emission Point No. C-104), located at the La Gloria Gas Plant. The visible emissions occurred for twenty minutes on May 29, 2007.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-2556, Special Condition No. 7 OP  
**Description:** Failure to comply with the compliance assurance monitoring requirements as specified in Federal Operating Permit No. O-2556 Compliance Assurance Monitoring Summary. Specifically, DCP Midstream failed to maintain records of alarm events and duration of alarm events for Acid Gas Flare F-2 (Emission Point No. X-314), located at the La Gloria Gas Plant, from December 16, 2004 to January 24, 2008.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)  
 5C THSC Chapter 382 382.085(b)  
 O-2556, Special Condition No. 7A OP  
**Description:** Failure to report, in writing, to the executive director all instances of deviations, for the reporting periods between July 1, 2004 to June 30, 2008, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit. Specifically, DCP Midstream failed to report non-compliance with compliance assurance monitoring requirements as a deviation in previously submitted semi-annual Deviation Reports.  
**Self Report?** NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-2556, Special Condition No. 1A OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, DCP Midstream discovered missing caps or plugs on valves 9315, 9317, 9318, and 9321 on September 25, 2007, on valve 3356 on September 27, 2007, on valves 2883, 2995, 2998, 3357, 0668, 1967, 1982c, 0304d, 0310, 0351c, 0373, 0374, 1280, 1281, 1300, 9302, 9318, and 2176 on June 23, 2008, and on three unidentified valves, referenced in Company Event Number 170, on October 1, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-2556, Special Condition No. 4A OP

Description: Failure to submit notification of the date construction of an affected facility commenced, postmarked no later than 30 days after such date. Specifically, DCP Midstream began construction of Tank T-53 on December 15, 2007; however, construction notification was not submitted to the Agency until January 28, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)(II)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(h)  
5C THSC Chapter 382 382.085(b)  
O-2556, Special Condition 1A OP

Description: Failure to submit a Notification of Compliance Status before the close of business on the 60th day following the completion of the relevant compliance demonstration activity. Specifically, DCP Midstream conducted a performance test for Generator G-5 on October 27, 2007, but did not submit the performance test results to the Agency until January 15, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)  
5C THSC Chapter 382 382.085(b)  
O-2556, Special Condition No. 4A OP

Description: Failure to submit a notification of the actual date of initial start-up of an affected facility postmarked within 15 days after such date. Specifically, DCP Midstream failed to submit Initial Start-up Notifications, to the Agency, for Tanks T-52 and T-53 within 15 days after the tanks were put into service. Tank T-52 commenced initial start-up on March 8, 2008 and Tank T-53 commenced initial start-up on February 29, 2008. The Initial Start-up Notifications were submitted on March 28, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(g)  
5C THSC Chapter 382 382.085(b)  
O-2556, Special Condition No. 1A OP

Description: Failure to submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin. Specifically, DCP Midstream submitted a Notification of Intent to conduct a performance test on Compressor Engine C-105 on May 28, 2008. The performance test was conducted on June 19, 2008.

F. Environmental audits.

Notice of Intent Date: 03/04/2004 (268215)  
Disclosure Date: 11/16/2004  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10  
Description: Failure to include flash gas emissions in EIQ.

Notice of Intent Date: 04/26/2007 (564285)  
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  
DCP MIDSTREAM, LP  
RN100210822

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-1833-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DCP Midstream, 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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a gas plant at 641 County Road 405 in Falfurrias, Jim Wells County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During a record review on August 17 through September 15, 2009, TCEQ staff documented that:
  - a. The Respondent released 50,847 pounds of volatile organic compounds from a blowdown vent header during an emissions event (Incident No. 127340) that began July 27, 2009 and lasted 23 hours. The event was the result of a slug of natural gas liquid entering the Plant from the field; and
  - b. The Respondent failed to submit the initial notification for Incident No. 127340 within 24 hours after the discovery of the event. Specifically, the report was due on July 28, 2009 by 9:00 A.M. but was not submitted until 3:02 P.M.
4. The Respondent received notice of the violations on November 9, 2009.
5. The Executive Director recognizes that the Respondent reviewed the requirements of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B) with operators on September 14, 2009, in order to ensure the timely reporting of emissions events.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit No. O-02556, Special Terms and Conditions No. 2F. Since this emissions event was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 3.b., the Respondent failed to submit the initial notification for Incident No. 127340 within 24 hours after the discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Ten Thousand One Hundred Twenty-Seven Dollars (\$10,127) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Thousand Sixty-Four Dollars (\$5,064) of the administrative penalty. Five Thousand Sixty-Three Dollars (\$5,063) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand One Hundred Twenty-Seven Dollars (\$10,127) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: DCP Midstream, LP, Docket No. 2009-1833-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Five Thousand Sixty-Three Dollars (\$5,063) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John S. Rehm  
For the Executive Director

\_\_\_\_\_  
Date 4/5/2010

I, the undersigned, have read and understand the attached Agreed Order in the matter of DCP Midstream, LP. I am authorized to agree to the attached Agreed Order on behalf of DCP Midstream, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, DCP Midstream, LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Richard S. Rehm  
Signature

\_\_\_\_\_  
Date 2/23/2010

Richard S. Rehm  
Name (Printed or typed)  
Authorized Representative of  
DCP Midstream, LP

V.P. Operations - S. Div.  
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.



Attachment A  
Docket Number: 2009-1833-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>DCP Midstream, LP</b>
<b>Payable Penalty Amount:</b>	<b>Ten Thousand One Hundred Twenty-Seven Dollars (\$10,127)</b>
<b>SEP Amount:</b>	<b>Five Thousand Sixty-Three Dollars (\$5,063)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")-Abandoned Tire Clean-Up</b>
<b>Location of SEP:</b>	<b>Jim Wells County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Abandoned Tire Clean-Up Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

