

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0232-AIR-E **TCEQ ID:** RN102700176 **CASE NO.:** 39156  
**RESPONDENT NAME:** Devon Gas Services, L.P.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lateral B-117 Compressor Station, located south of County Road 4421, approximately 0.6 mile east of United States Highway 81/287, north of Rhome, Wise County</p> <p><b>TYPE OF OPERATION:</b> Natural gas compressor station</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 July 19, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495  Respondent: Mr. Scott Wallace, EHS Manager for Midstream and Marketing, Devon Gas Services, L.P., 20 North Broadway Avenue, Oklahoma City, Oklahoma 73102  Mr. Jerry W. Holsworth, Attorney-in-Fact, Devon Gas Services, L.P., 20 North Broadway Avenue, Oklahoma City, Oklahoma 73102  Respondent's Attorney: 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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> November 16, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 4, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to submit a renewal application at least six months prior to the expiration of a Federal Operating Permit ("FOP")/General Operating Permit ("GOP"), and continued to operate emissions sources at the Plant after the permit expired. Specifically, the FOP/GOP expired on November 21, 2008, but an application was not submitted until January 8, 2009 [FOP No. O-02543/GOP 514, Site-wide requirements (b)(1), 30 TEX. ADMIN. CODE §§ 122.121, 122.143(4), and 122.505(c), and TEX. HEALTH &amp; SAFETY CODE §§ 382.054 and 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,625</p> <p><b>Total Deferred:</b> \$1,125  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,500</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input 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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that, on February 12, 2009, the Respondent was issued a new FOP No. O-3250/GOP 514 to authorize the emission units at the Plant.</p>

Additional ID No(s): Air Account ID No. WN1210B



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	8-Feb-2010	Screening	12-Feb-2010	EPA Due	1-Nov-2010
	PCW	29-Mar-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Devon Gas Services, L.P.
Reg. Ent. Ref. No.	RN102700176
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39156	No. of Violations	1
Docket No.	2010-0232-AIR-E	Order Type	1860
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No change due to average performer classification.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$1,875</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$23
Approx. Cost of Compliance	\$2,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$5,625</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

**Final Penalty Amount** **\$5,625**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$5,625</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$1,125</b>
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Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$4,500</b>
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Screening Date: 12-Feb-2010

Docket No.: 2010-0232-AIR-E

PCW

Respondent: Devon Gas Services, L.P.

Policy Revision 2 (September 2002)

Case ID No.: 39156

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102700176

Media [Statute]: Air

Enf. Coordinator: Terry Murphy

### 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)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments 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) 0%

>> 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

No change due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-Feb-2010

Docket No. 2010-0232-AIR-E

PCW

Respondent Devon Gas Services, L.P.

Policy Revision 2 (September 2002)

Case ID No. 39156

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102700176

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s)

Federal Operating Permit ("FOP") No. C-02543/General Operating Permit ("GOP") 514, Site-wide requirements (b)(1), 30 Tex. Admin. Code §§ 122.121, 122.143(4), and 122.505(c), and Tex. Health & Safety Code §§ 382.054 and 382.085(b)

Violation Description

Failed to submit a renewal application at least six months prior to the expiration of a FOP/GOP, and continued to operate emissions sources at the Plant after the permit expired, as documented during an investigation conducted on November 16, 2009. Specifically, the FOP/GOP expired on November 21, 2008, but an application was not submitted until January 8, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

83 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended from the permit expiration date (November 21, 2008) to the permit issuance date (February 12, 2009).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent completed corrective actions on February 12, 2009, and the NOE is dated February 4, 2010.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount \$23

Statutory Limit Test

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

# Economic Benefit Worksheet

**Respondent** Devon Gas Services, L.P.  
**Case ID No.** 39156  
**Reg. Ent. Reference No.** RN102700176  
**Media** Air  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	21-Nov-2008	12-Feb-2009	0.23	\$23	n/a	\$23
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a Title V Permit renewal application. The Date Required is the date the permit expired, and the Final Date is the date a new permit was issued.

**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 \$2,000

TOTAL \$23

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601320484 Devon Gas Services, L.P. Classification: AVERAGE Rating: 3.55  
Regulated Entity: RN102700176 LATERAL B-117 COMPRESSOR STATION Classification: HIGH Site Rating: 0.00  
ID Number(s):  
AIR NEW SOURCE PERMITS AFS NUM 4849700677  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER WN0210B  
AIR NEW SOURCE PERMITS REGISTRATION 90732  
AIR OPERATING PERMITS ACCOUNT NUMBER WN0210B  
AIR OPERATING PERMITS PERMIT 3250  
AIR OPERATING PERMITS PERMIT 3250  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER WN0210B

Location: south of County Road 4421, approximately 0.6 mile east of United States Highway 81/287, north of Rhome, in Wise County

TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: February 10, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 10, 2005 to February 10, 2010

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

Name: Terry Murphy Phone: (512) 239-5025

## 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.

## 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	02/01/2007	(538071)
2	02/21/2008	(617213)
3	01/07/2009	(709286)
4	02/04/2010	(779428)

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

N/A

- 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



**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS:

That **DEVON GAS SERVICES, L.P.** has made, constituted and appointed, and by these presents does make, constitute and appoint **Jerry W. Holsworth** as its true and lawful Agent and Attorney-in-Fact, giving and granting unto him full power and authority to execute for and on its behalf for its sole and exclusive benefit and not on behalf of any other person, in whole or in part, any and all types of instruments affecting or pertaining to the following:

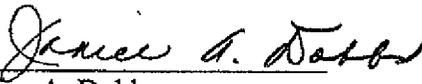
- 28. the purchase, gathering, processing, sale, exchange, transportation, or other disposition of natural gas, natural gas liquids and crude oil;
- 29. the acquisition of real and personal property, including easements and permits, and the engineering, design, procurement, construction, operation and maintenance of pipelines, processing plants, treaters, compressors, meters and other ancillary facilities to accomplish the above; and
- 30. Federal and State regulations pertaining thereof.

The authority conferred by this Power of Attorney shall extend to such other acts of any nature and kind required or desirable in carrying out or incident to carrying out the purposes of the Power of Attorney with such terms, conditions and reservations as the Agent and Attorney-in-Fact may deem expedient, hereby granting to him the power and authority to do and perform any and all acts and things whatsoever necessary or proper to be done in carrying out the foregoing as fully to all intents and purposes as Devon Gas Services, L.P. might or could do if acting directly through its duly authorized officials.

THUS DONE AND SIGNED this 17<sup>th</sup> day of June, 2003.

ATTEST:

DEVON GAS SERVICES, L.P.

  
\_\_\_\_\_  
Janice A. Dobbs  
Secretary

  
\_\_\_\_\_  
Darryl G. Smette  
Senior Vice President

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

On this 17<sup>th</sup> day of June, 2003, before me appeared Darryl G. Smette and Janice A. Dobbs, who being by me duly sworn did say that they are the Senior Vice President and the Secretary, respectively, of Devon Gas Services, L.P. and that said instrument was signed on behalf of said Company by authority of the General Manager and said Darryl G. Smette and Janice A. Dobbs acknowledged to be the free act and deed of said Company.



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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DEVON GAS SERVICES, L.P.  
RN102700176**

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

## **AGREED ORDER DOCKET NO. 2010-0232-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 Devon Gas 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 compressor station located south of County Road 4421, approximately 0.6 mile east of United States Highway 81/287, north of Rhome, in Wise 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 February 9, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Six Hundred Twenty-Five Dollars (\$5,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Dollars (\$4,500) of the

administrative penalty and One Thousand One Hundred Twenty-Five Dollars (\$1,125) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that, on February 12, 2009, the Respondent was issued a new Federal Operating Permit ("FOP") No. O-3250/General Operating Permit ("GOP") 514 to authorize the emission units at the Plant.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a renewal application at least six months prior to the expiration of a FOP/GOP, and continued to operate emissions sources at the Plant after the permit expired, in violation of FOP No. O-02543/GOP 514, Site-wide requirements (b)(1), 30 TEX. ADMIN. CODE §§ 122.121, 122.143(4), and 122.505(c), and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b), as documented during an investigation conducted on November 16, 2009. Specifically, the FOP/GOP expired on November 21, 2008, but an application was not submitted until January 8, 2009.

## 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: Devon Gas Services, L.P., Docket No. 2010-0232-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

J. Du Szaulin  
For the Executive Director

8/20/2010  
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.

JW Holsworth  
Signature

5-19-2010  
Date

JERRY W. HOLSWORTH  
Name (Printed or typed)  
Authorized Representative of  
Devon Gas Services, L.P.

ATTORNEY IN FACT  
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.