

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1557-AIR-E **TCEQ ID:** RN100216993 **CASE NO.:** 40430
RESPONDENT NAME: Brazos Electric Power Cooperative, Inc.

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: North Texas Power Plant, 602 West Lake Drive, Weatherford, Parker County</p> <p>TYPE OF OPERATION: Natural gas fired power plant</p> <p>SMALL BUSINESS: ___ 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 December 27, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. David P. Murphy, P.E., Vice President, Generation, Brazos Electric Power Cooperative, Inc., P.O. Box 2585, Waco, Texas 76702 Mr. Dennis McWhorter, President, Brazos Electric Power Cooperative, Inc., P.O. Box 2585, Waco, Texas 76702 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 6, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 31, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to submit the Permit Compliance Certification ("PCC") within 30 days after the end of the compliance period. Specifically, the PCC for the compliance period from May 30, 2009 to May 29, 2010, was not submitted until August 13, 2010, 76 days after the end of the compliance period [30 TEX. ADMIN. CODE § 122.146(1) and (2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-00003, General Terms and Conditions].</p>	<p>Total Assessed: \$2,075</p> <p>Total Deferred: \$415 <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: \$1,660</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</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, by August 13, 2010, the Respondent submitted the PCC for the annual compliance period ending May 29, 2010.</p>

Additional ID No(s).: PC0005T; Operating Permit O-00003



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Sep-2010	Screening	20-Sep-2010	EPA Due	28-May-2011
	PCW	21-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Brazos Electric Power Cooperative, Inc.
Reg. Ent. Ref. No.	RN100216993
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40430	No. of Violations	1
Docket No.	2010-1557-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **8.0%** Enhancement **Subtotals 2, 3, & 7** **\$200**

Notes: Enhancement for two NOVs with dissimilar violations and two months of self-reported effluent violations.

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** **\$625**

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

Total EB Amounts: \$2
 Approx. Cost of Compliance: \$250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,075**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$2,075**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,075**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$415**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,660**

Screening Date 20-Sep-2010

Docket No. 2010-1557-AIR-E

PCW

Respondent Brazos Electric Power Cooperative, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40430

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216993

Media [Statute] Air

Enf. Coordinator Evette Alvarado

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("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	4	8%
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 judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 8%

>> 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 for two NOVs with dissimilar violations and two months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date 20-Sep-2010

Docket No. 2010-1557-AIR-E

PCW

Respondent Brazos Electric Power Cooperative, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40430

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216993

Media [Statute] Air

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 122.146(1) and (2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-00003, General Terms and Conditions

Violation Description

Failed to submit the permit compliance certification ("PCC") within 30 days after the end of the compliance period. Specifically, the PCC for the compliance period from May 30, 2009 to May 29, 2010, was not submitted until August 13, 2010, 76 days after the end of the compliance period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by August 13, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,075

This violation Final Assessed Penalty (adjusted for limits) \$2,075

Economic Benefit Worksheet

Respondent Brazos Electric Power Cooperative, Inc.
Case ID No. 40430
Req. Ent. Reference No. RN100216993
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	\$250	28-Jun-2010	13-Aug-2010	0.13	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual compliance certification. Date required is the date the PCC was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$2

Compliance History Report

Customer/Respondent/Owner-Operator: CN600128821 Brazos Electric Power Cooperative, Inc. Classification: AVERAGE Rating: 2.68
 Regulated Entity: RN100216993 NORTH TEXAS POWER PLANT Classification: AVERAGE Site Rating: 0.18

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	PC0005T
	AIR OPERATING PERMITS	PERMIT	3
	WASTEWATER	PERMIT	WQ0001904000
	WASTEWATER	EPA ID	TX0062189
	AIR NEW SOURCE PERMITS	REGISTRATION	14515
	AIR NEW SOURCE PERMITS	PERMIT	45473
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PC0005T
	AIR NEW SOURCE PERMITS	AFS NUM	4836700027
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	PC0005T

Location: 602 W LAKE DR, WEATHERFORD, PARKER CO.,TX

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: September 21, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 21, 2005 to September 21, 2010

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

Name: Evette Alvarado Phone: (512) 239 - 2573

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: 9/1/2010 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.
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	09/23/2005	(443860)
2	10/10/2005	(474013)
3	10/26/2005	(434875)
4	11/28/2005	(474014)
5	11/28/2005	(474016)
6	01/05/2006	(474015)

7	02/21/2006	(474011)
8	03/10/2006	(453453)
9	03/24/2006	(474012)
10	04/21/2006	(501956)
11	04/24/2006	(501953)
12	05/25/2006	(501954)
13	06/16/2006	(501955)
14	08/14/2006	(524232)
15	09/21/2006	(524233)
16	10/16/2006	(582839)
17	11/21/2006	(582840)
18	11/28/2006	(519519)
19	12/27/2006	(582841)
20	01/22/2007	(582842)
21	02/21/2007	(582833)
22	03/06/2007	(582834)
23	03/23/2007	(593290)
24	04/20/2007	(582835)
25	04/20/2007	(582843)
26	05/21/2007	(582836)
27	06/21/2007	(582837)
28	07/23/2007	(582838)
29	08/21/2007	(603731)
30	09/24/2007	(603732)
31	10/23/2007	(622406)
32	11/02/2007	(597908)
33	11/20/2007	(622407)
34	12/19/2007	(622408)
35	02/22/2008	(674099)
36	03/14/2008	(674100)
37	04/14/2008	(674101)
38	04/17/2008	(674102)
39	05/09/2008	(692395)
40	06/12/2008	(692396)
41	08/13/2008	(713508)
42	09/12/2008	(713509)
43	10/13/2008	(713510)
44	10/27/2008	(713511)
45	11/11/2008	(729537)
46	12/09/2008	(729538)
47	02/09/2009	(752781)
48	03/09/2009	(752782)
49	04/03/2009	(759004)
50	04/13/2009	(752783)
51	05/04/2009	(770423)
52	06/10/2009	(770424)
53	07/16/2009	(810846)
54	08/04/2009	(810847)
55	08/20/2009	(766088)
56	09/03/2009	(810848)
57	10/06/2009	(810849)
58	11/10/2009	(810850)
59	12/03/2009	(810851)
60	01/12/2010	(810852)
61	02/05/2010	(810845)
62	03/14/2010	(833030)
63	04/15/2010	(833031)
64	05/11/2010	(833032)
65	06/13/2010	(846936)

66 07/08/2010 (861433)
67 08/31/2010 (842508)

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

Date: 03/23/2007 (593290)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/30/2007 (582838)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/03/2009 (759004) CN600128821
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2009 (810847) CN600128821
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BRAZOS ELECTRIC POWER
COOPERATIVE, INC.
RN100216993**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1557-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 Brazos Electric Power Cooperative, Inc. ("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-fired power plant at 602 West Lake Drive in Weatherford, Parker 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 5, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Seventy-Five Dollars (\$2,075) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Sixty Dollars

(\$1,660) of the administrative penalty and Four Hundred Fifteen Dollars (\$415) 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, by August 13, 2010, the Respondent submitted the Permit Compliance Certification ("PCC") for the annual compliance period ending May 29, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit the PCC within 30 days after the end of the compliance period, in violation of 30 TEX. ADMIN. CODE § 122.146(1) and (2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-00003, General Terms and Conditions. Specifically, the PCC for the compliance period from May 30, 2009 to May 29, 2010, was not submitted until August 13, 2010, 76 days after the end of the compliance period.

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: Brazos Electric Power Cooperative, Inc., Docket No. 2010-1557-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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

12/16/2010
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.

David P. Murphy P.E. P.E.
Signature *PRS*

Oct 21, 2010
Date

David P. Murphy P.E.
Name (Printed or typed)
Authorized Representative of
Brazos Electric Power Cooperative, Inc.

V.P. Generation
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.