CAPTION: Docket No. 2010-1991-AIR-E. Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Ector County; RN100209436; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1991-AIR-E **TCEQ ID:** RN100209436 **CASE NO.:** 40833

RESPONDENT NAME: DCP Midstream, LP

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Andector Booster Station, located off a private road approximately two miles southeast of the intersection of the private road with Ranch Road ("RR") 181 and approximately 8.2 miles north of the intersection of RR 181 and State Highway 158 near Goldsmith, Ector County

TYPE OF OPERATION: Oil and gas production booster station

SMALL BUSINESS: ___ **Yes** _X_ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 18, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. John Igoe, Senior Environmental Engineer, DCP Midstream, LP, 10 Desta Drive, Suite 400W, Midland, Texas 79705

Mr. R.D. Trommell, Vice President of Operations Area West, DCP Midstream, LP, 10 Desta Drive, Suite 400W, Midland, Texas 79705

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 23 through November 12, 2010 **Date of NOV/NOE Relating to this Case:** November 16, 2010 (NOE) **Background Facts:** This was a routine investigation. **AIR** Failed to include the 8,150 gallon lube oil tank, Emission Point No. ("EPN") LUBE1; three Waukesha water pump engines, EPNs WTRPMP1, WTRPMP2, and WTRPMP3; and three storage tanks, EPNs T-1A, T-2A, and T-3A, authorized under Permit By Rule Registration No. 56754, in Federal Operating Permit ("FOP") No. O-02503 [30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b)].	**Total Assessed:** $1,975 **Total Deferred:** $395 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,580 **Compliance History Classifications:** Person/CN - Average Site/RN - High **Major Source:** X **Yes** __ **No** **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that on February 23, 2010, FOP Permit No. O-02503 was revised to include the 8,150 gallon lube oil tank, EPN LUBE1; three Waukesha water pump engines, EPNs WTRPMP1, WTRPMP2, and WTRPMP3; and three storage tanks, EPNs T-1A, T-2A, and T-3A .

Additional ID No(s).: Air Account EB0197H

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	22-Nov-2010				
PCW	13-Dec-2010	**Screening**	9-Dec-2010	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	DCP Midstream, LP		
Reg. Ent. Ref. No.	RN100209436		
Facility/Site Region	7-Midland	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	40833	**No. of Violations**	1
Docket No.	2010-1991-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Miriam Hall
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 **Maximum** $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$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 **4.0%** Enhancement — ***Subtotals 2, 3, & 7*** **$100**

Notes: Enhancement for one same/similar NOV and one dissimilar NOV. Reduction for one Notice of Intent to conduct an audit and one Disclosure of 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 $129
Approx. Cost of Compliance $2,500
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$1,975**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$1,975**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$1,975**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$395**

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 **$1,580**

Screening Date 9-Dec-2010 **Docket No.** 2010-1991-AIR-E **PCW**

Respondent DCP Midstream, LP

Case ID No. 40833

Reg. Ent. Reference No. RN100209436

Media [Statute] Air

Enf. Coordinator Miriam Hall

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	1	2%
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 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%

		Please Enter Yes or No	
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) 4%

>> 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 one same/similar NOV and one dissimilar NOV. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date	9-Dec-2010	**Docket No.** 2010-1991-AIR-E	**PCW**
Respondent	DCP Midstream, LP		*Policy Revision 2 (September 2002)*
Case ID No.	40833		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN100209436		
Media [Statute]	Air		
Enf. Coordinator	Miriam Hall		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.121 and Tex. Health & Safety Code §§ 382.054 and 382.085(b)

Violation Description Failed to include the 8,150 gallon lube oil tank, Emission Point No. ("EPN") LUBE1; three Waukesha water pump engines, EPNs WTRPMP1, WTRPMP2, and WTRPMP3; and three storage tanks, EPNs T-1A, T-2A, and T-3A, authorized under Permit By Rule Registration No. 56754, in Federal Operating Permit No. O-02503.

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 rule requirement.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 378 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent came into compliance on February 23, 2010, and the NOE was issued on November 16, 2010.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $129

Statutory Limit Test

Violation Final Penalty Total $1,975

This violation Final Assessed Penalty (adjusted for limits) $1,975

Economic Benefit Worksheet

Respondent DCP Midstream, LP
Case ID No. 40833
Req. Ent. Reference No. RN100209436
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or $							
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs	$2,500	10-Feb-2009	23-Feb-2010	1.04	$129	n/a	$129
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of revising the permit from the date the permit was last renewed to the date it was revised.

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 $2,500

TOTAL $129

Compliance History

Customer/Respondent/Owner-Operator:	CN601229917	DCP Midstream, LP	Classification: AVERAGE	Rating: 2.42
Regulated Entity:	RN100209436	ANDECTOR BOOSTER STATION	Classification: HIGH	Site Rating: 0.00

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	EB0197H
AIR OPERATING PERMITS	PERMIT	2503
AIR NEW SOURCE PERMITS	REGISTRATION	33105
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EB0197H
AIR NEW SOURCE PERMITS	REGISTRATION	56754
AIR NEW SOURCE PERMITS	PERMIT	73561
AIR NEW SOURCE PERMITS	AFS NUM	4813500092
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	EB0197H

Location: Off a private road approximate 2 miles southeast of the intersection of the private road with Ranch Road ("RR") 181 and approximately 8.2 miles north of the intersection of RR 181 and State Highway 158 near Goldsmith

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: December 06, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 06, 2005 to December 06, 2010

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

Name: Miriam Hall Phone: 239-1044

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 02/13/2006 (400046)
2 02/13/2006 (400095)
3 01/04/2007 (405878)
4 02/16/2006 (455616)
5 02/17/2006 (456049)
6 03/06/2006 (456610)
7 05/04/2006 (461780)
8 06/01/2006 (480092)
9 07/11/2006 (486199)
10 09/05/2006 (487147)

11 10/10/2006 (515715)
12 03/16/2007 (553923)
13 04/05/2007 (556094)
14 05/17/2007 (559354)
15 08/03/2007 (567576)
16 09/06/2007 (593412)
17 10/30/2007 (599335)
18 11/30/2007 (610116)
19 04/15/2008 (638402)
20 04/15/2008 (641754)
21 06/19/2008 (682651)
22 08/07/2008 (688974)
23 06/08/2009 (747503)
24 07/02/2009 (760595)
25 08/24/2009 (766391)
26 10/02/2009 (777947)
27 01/15/2010 (788203)
28 01/13/2010 (788329)
29 10/11/2010 (866644)
30 11/17/2010 (868350)

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

Date: 06/09/2009 (747503) CN601229917

Self Report? NO Classification: Moderate

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

Description: Failure to submit complete and accurate deviation reports. The RE has failed to submit deviations associated to blowdown emission during MSS activities. This is an alleged violation of 30 TAC 122.145(2)(A) which is a category B(3) violation according to the EIC version 12. This is also a violation of 5C Texas Health and Safety Code Chapter 382.085 (B).

Self Report? NO Classification: Moderate

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

Description: Failure to maintain records of recordable maintenance, startup, and shutdown events associated with compressor blow downs is an alleged violation of 30 TAC 101.211(b). This is an EIC Category B3 complete failure to submit or maintain required data, documents, notifications, plans, or reports, and the violation is not specified in Category A.

Date: 11/16/2010 (868350) CN601229917

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter V 106.492(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to operate the emergency flare as represented. The emergency flare operated without a functioning thermocouple or flame monitoring system as required by permit #56754. The Emergency flare operated without a continuously burning pilot as required by permit #56754.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264(7)
5C THSC Chapter 382 382.085(b)

Description: Failure to register a replacement tank as required. DCPM failed to register Tank TK-3-r-1 under 30 TAC 106.352 within 10 days of construction.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter O 106.352(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to construct the vent for tank TK-3-r-1 as required by the Permit by Rule. The vent height for tank TK-3-r-1 was less than required under 30 TAC 106.352.

F. Environmental audits.

Notice of Intent Date: 02/18/2008 (639365)
Disclosure Date: 08/18/2008

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.620(a)(11)

Description: DCPM determined H2S process fugitives are being emitted from the facility. The station is located more than 1/4 mile from the nearest off-plant receptor, DCPM was required to inspect and repair the equipment or to monitor the H2S emissions in accordance with 30 TAC § 116.620(a)(11). DCPM failed to inspect and repair the equipment or to monitor H2S emissions with ambient property line monitors, from August 19, 2004 to the present, in violation of 30 TAC § 116.620(a)(11).

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter F 116.611(a)(2)

Description: Because DCPM was not aware of the H2S emissions prior to the audit, DCPM failed to represent H2S emissions from all sources at the facility in the PI-7 registration form for the standard permit.

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
DCP MIDSTREAM, LP	**§**	
RN100209436	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1991-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 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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates an oil and gas production booster station off a private road approximately two miles southeast of the intersection of the private road with Ranch Road ("RR") 181 and approximately 8.2 miles north of the intersection of RR 181 and State Highway 158 near Goldsmith, Ector County, Texas (the "Station").

2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 21, 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 One Thousand Nine Hundred Seventy-Five Dollars ($1,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Five Hundred Eighty Dollars ($1,580) of the administrative penalty and Three Hundred Ninety-Five Dollars ($395) 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 23, 2010, Federal Operating Permit No. O-02503 was revised to include the 8,150 gallon lube oil tank, Emission Point No. ("EPN") LUBE1; three Waukesha water pump engines, EPNs WTRPMP1, WTRPMP2, and WTRPMP3; and three storage tanks, EPNs T-1A, T-2A, and T-3A .

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have failed to include the 8,150 gallon lube oil tank, EPN LUBE1; three Waukesha water pump engines, EPNs WTRPMP1, WTRPMP2, and WTRPMP3; and three storage tanks, EPNs T-1A, T-2A, and T-3A, authorized under Permit By Rule Registration No. 56754, in Federal Operating Permit No. O-02503, in violation of 30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b), as documented during an investigation conducted September 23 through November 12, 2010.

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: DCP Midstream, LP, Docket No. 2010-1991-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in 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

_____ 3/23/2011
For the Executive Director 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.

_____ 1-31-2011
Signature Date

R.D. Trammell VP - Operations Area West
Name (Printed or typed) Title
Authorized Representative of
DCP Midstream, LP

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.