

Executive Summary – Enforcement Matter – Case No. 49128

WTG Jameson, LP

RN101246478

Docket No. 2014-1162-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Jameson Gas Plant, 1000 Gas Plant Road, Silver, Coke County

Type of Operation:

Natural gas processing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes: Docket No. 2015-0287-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 10, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$70,380

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$70,380

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 4, 2014 and August 13, 2014

Date(s) of NOE(s): July 21, 2014 and September 25, 2014

Executive Summary – Enforcement Matter – Case No. 49128

WTG Jameson, LP

RN101246478

Docket No. 2014-1162-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emission rate (“MAER”) of 1.24 pounds per hour (“lbs/hr”) of hydrogen sulfide (“H₂S”) and 124.00 lbs/hr of sulfur dioxide (“SO₂”) for the Acid Gas Flare, Emission Point Number (“EPN”) FL-384 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit (“FOP”) No. O865, Special Terms and Conditions (“STC”) No. 9, and New Source Review (“NSR”) Permit Nos. 9941 and PSDTX687, Special Conditions Nos. 1 and 3 and General Conditions No. 8].
2. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O865 General Terms and Conditions].
3. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O865, STC No. 9, and Standard Permit Registration No. 53757].
4. Failed to submit an initial notification for Incident No. 198354 within 24 hours of the discovery of the emissions event [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O865, STC No. 2F].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On May 28, 2013, corrected the calculation spreadsheet which is used to ensure the discovery and reporting of deviations; and
- b. On August 15, 2013, reported the required deviation on the January 19, 2013 through July 18, 2013 semi-annual deviation report.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on May 14, 2014 (Incident No. 198354);
 - ii. Implement measures and/or procedures to ensure the timely submittal of emissions events reports; and
 - iii. Implement measures and procedures to ensure that all instances of deviations are included in deviation reports.

Executive Summary – Enforcement Matter – Case No. 49128

WTG Jameson, LP

RN101246478

Docket No. 2014-1162-AIR-E

- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 180 days, implement measures to demonstrate compliance with the MAER for H₂S and SO₂ emissions for EPN FL-384.
- d. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Elena Hofmann, Environmental Manager, WTG Jameson, LP, 211 North Colorado Street, Midland, Texas 79701

Michael Davis, Executive Vice-President, WTG Jameson, LP, 211 North Colorado Street, Midland, Texas 79701

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	28-Jul-2014	Screening	6-Aug-2014	EPA Due	
	PCW	6-Aug-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	WTG Jameson, LP		
Reg. Ent. Ref. No.	RN101246478		
Facility/Site Region	8-San Angelo	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49128	No. of Violations	4
Docket No.	2014-1162-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Farhaud Abbaszadeh
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$38,250
---	-------------------	-----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	84.0% Enhancement	Subtotals 2, 3, & 7	\$32,130
---------------------------	--------------------------	--------------------------------	-----------------

Notes
 Enhancement for one NOV with same/similar violations and four orders with a denial of liability. Reduction for one Notice of Intent to conduct an audit.

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	\$0
--	-------------------	------------

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

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$70,380
-----------------------------	-----------------------	-----------------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$70,380
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$70,380
-----------------------------------	-------------------------------	-----------------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	-----------------------	-------------------	------------

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	\$70,380
------------------------	-----------------

Screening Date 6-Aug-2014

Docket No. 2014-1162-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 4 (April 2014)

Case ID No. 49128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 84%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same/similar violations and four orders with a denial of liability.
Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 84%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 84%

Screening Date 6-Aug-2014

Docket No. 2014-1162-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 4 (April 2014)

Case ID No. 49128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O865, Special Terms and Conditions ("STC") No. 9, and New Source Review ("NSR") Permit Nos. 9941 and PSDTX687, Special Conditions Nos. 1 and 3 and General Conditions No. 8

Violation Description

Failed to comply with the maximum allowable emission rate ("MAER") of 1.24 pounds per hour ("lbs/hr") of hydrogen sulfide ("H2S") and 124.00 lbs/hr of sulfur dioxide ("SO2") for the Acid Gas Flare, Emissions Point Number ("EPN") FL-384. Specifically, during the period of January 1, 2012 through January 18, 2014, the MAER for H2S was exceeded for 198 days by an average of .01 lb/hr and the MAER for SO2 was exceeded for 202 days by an average of 1.04 lbs/hr, resulting in approximately 59.15 pounds ("lbs") of unauthorized H2S emissions and 5,048.76 lbs of unauthorized SO2 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 9

748 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$33,750

Nine quarterly events are recommended based on the days of non-compliance for the period of January 1, 2012 through January 18, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$979

Violation Final Penalty Total \$62,100

This violation Final Assessed Penalty (adjusted for limits) \$62,100

Economic Benefit Worksheet

Respondent WTG Jameson, LP
Case ID No. 49128
Reg. Ent. Reference No. RN101246478
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	\$5,000	1-Jan-2012	1-Dec-2015	3.92	\$979	n/a	\$979
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures to demonstrate compliance with the MAER for H2S and SO2 emissions for EPN FL-384, in accordance with NSR Permit Nos. 9941 and PSDTX687. The Date Required is the violation start date. The Final Date is the estimated 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

\$5,000

TOTAL

\$979

Screening Date 6-Aug-2014

Docket No. 2014-1162-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 4 (April 2014)

Case ID No. 49128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Farhaudd Abbaszadeh

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(A) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O865, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, the deviation reports for the January 19, 2012 through July 18, 2012 and the July 19, 2012 through January 18, 2013 reporting periods did not include deviations for exceeding the permitted emission rates for H2S and SO2.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

363 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended for the two incomplete reports.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$228

Violation Final Penalty Total \$920

This violation Final Assessed Penalty (adjusted for limits) \$920

Economic Benefit Worksheet

Respondent WTG Jameson, LP
Case ID No. 49128
Reg. Ent. Reference No. RN101246478
Media Air
Violation No. 2

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	\$1,500	17-Aug-2012	1-Jul-2015	2.87	\$215	n/a	\$215
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	17-Aug-2012	15-Aug-2013	0.99	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to implement measures and procedures to ensure that all instances of deviations are included in deviation reports and to report the required deviation in the semi-annual deviation report. The Date Required is the date the deviation report was due and the Final Dates are the dates the deviation report was submitted and the estimated 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

\$1,750

TOTAL

\$228

Screening Date 6-Aug-2014

Docket No. 2014-1162-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 4 (April 2014)

Case ID No. 49128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 0865, STC No. 9, and Standard Permit Registration No. 53757

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,488.71 lbs of carbon monoxide ("CO"), 746.03 lbs of nitrogen oxides ("NOx"), 343.98 lbs of SO2, 1,233.17 lbs of volatile organic compounds ("VOC"), and 3.66 lbs of H2S from the Low Pressure Flare, EPN FL-382, and 1,495.30 lbs of CO, 749 lbs of NOx, 344.24 lbs of SO2, 1,252.55 lbs of VOC, and 3.66 lbs of H2S from the High Pressure Flare, EPN FL-381, during an emissions event (Incident No. 198354) that occurred on May 14, 2014 and lasted 12 hours and 55 minutes. This event occurred when the Plant's inlet gas, residue gas, and ethane/propane mix gas were routed to the flares during a planned shutdown to conduct an inspection of the Plant's electrical power distribution. Since the emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$566

Violation Final Penalty Total \$6,900

This violation Final Assessed Penalty (adjusted for limits) \$6,900

Economic Benefit Worksheet

Respondent WTG Jameson, LP
Case ID No. 49128
Reg. Ent. Reference No. RN101246478
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-May-2014	1-Jul-2015	1.13	\$566	n/a	\$566

Notes for DELAYED costs

Estimated costs to implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on May 14, 2014 (Incident No. 198354). The Date Required is the date the emissions event occurred. The Final Date is the estimated 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

\$10,000

TOTAL

\$566

Screening Date 6-Aug-2014

Docket No. 2014-1162-AIR-E

PCW

Respondent WTG Jameson, LP

Policy Revision 4 (April 2014)

Case ID No. 49128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101246478

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O865, STC No. 2F

Violation Description Failed to submit an initial notification for Incident No. 198354 within 24 hours of the discovery of the emissions event. Specifically, the event was discovered on May 14, 2014 at 6:30 a.m. and the initial notification was not submitted until May 15, 2014 at 9:17 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$460

This violation Final Assessed Penalty (adjusted for limits) \$460

Economic Benefit Worksheet

Respondent WTG Jameson, LP
Case ID No. 49128
Reg. Ent. Reference No. RN101246478
Media Air
Violation No. 4

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	\$1,500	15-May-2014	1-Jul-2015	1.13	\$85	n/a	\$85
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 costs to implement measures and/or procedures to ensure the timely submittal of emissions event reports. The Date Required is the date the initial notification was due and the Final Date is the estimated 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

\$1,500

TOTAL

\$85

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN602679813, RN101246478, Rating Year 2014 which includes Compliance (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN602679813, WTG Jameson, LP **Classification:** SATISFACTORY **Rating:** 6.43

Regulated Entity: RN101246478, JAMESON GAS PLANT **Classification:** SATISFACTORY **Rating:** 17.04

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 1000 GAS PLANT ROAD SILVER, TEXAS 76945-3249, COKE COUNTY

TCEQ Region: REGION 08 - SAN ANGELO

ID Number(s):

- | | |
|--|---|
| AIR NEW SOURCE PERMITS PERMIT 9941 | AIR NEW SOURCE PERMITS REGISTRATION 38792 |
| AIR NEW SOURCE PERMITS REGISTRATION 44641 | AIR NEW SOURCE PERMITS REGISTRATION 48204 |
| AIR NEW SOURCE PERMITS ACCOUNT NUMBER CN0003A | AIR NEW SOURCE PERMITS REGISTRATION 52491 |
| AIR NEW SOURCE PERMITS AFS NUM 4808100001 | AIR NEW SOURCE PERMITS EPA PERMIT PSDTX687 |
| AIR NEW SOURCE PERMITS EPA PERMIT PSDTX372M1 | AIR NEW SOURCE PERMITS REGISTRATION 53545 |
| AIR NEW SOURCE PERMITS REGISTRATION 53544 | AIR NEW SOURCE PERMITS REGISTRATION 52489 |
| AIR NEW SOURCE PERMITS REGISTRATION 52490 | AIR NEW SOURCE PERMITS REGISTRATION 52554 |
| AIR NEW SOURCE PERMITS REGISTRATION 52490 | AIR NEW SOURCE PERMITS REGISTRATION 89323 |
| AIR NEW SOURCE PERMITS REGISTRATION 53757 | AIR NEW SOURCE PERMITS REGISTRATION 124212 |
| AIR NEW SOURCE PERMITS REGISTRATION 90828 | AIR OPERATING PERMITS ACCOUNT NUMBER CN0003A |
| AIR OPERATING PERMITS PERMIT 2428 | AIR EMISSIONS INVENTORY ACCOUNT NUMBER CN0003A |
| AIR OPERATING PERMITS PERMIT 865 | |

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: October 14, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 29, 2009 to September 29, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 11/27/2009 ADMINORDER 2008-0979-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:SOP O865, Special Condition 3 OP
 Description: Failed to conduct quarterly observations for visible emissions from all stationary vents for emission units in.

operation.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SOP 0865, Special Condition 7 OP

Description: Failed to conduct weekly visible emissions observations and to keep appropriate records for the acid gas flare (EPN 384).

Classification: Minor

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

Rqmt Prov:Special Condition No. 5 PERMIT

Description: Failed to calculate the the mass rate of hydrogen sulfide ("H2S") in pounds per hour ("lbs/hr") that is sent to the acid gas flare (EPN 384) at least daily and to calculate the total annual quantity at the end of each calender year in tons per year, in order to determine compliance with sulfur dioxide emission limits.

Classification: Moderate

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

Rqmt Prov:Permit # 55477, Special Condition 5 PERMIT

Description: Failed to conduct initial stack sampling for carbon monoxide ("CO") and nitrogen oxide ("NOx") on two of the four engines (EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4) authorized under the permit, within 180 days of the issuance of the permit on November 6, 2003.

Classification: Moderate

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

Rqmt Prov:Permit #55477, Special Condition 6 PERMIT

Description: Failed to conduct evaluations of the engine performance of EPN Nos. E-31-1, E-31-2, E-31-3 and E-31-4 within 360 days after the issuance of the permit, and quarterly thereafter, by measuring the NOx, CO and oxygen content of the exhaust and using the results to calculate emissions of NOx and CO in lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)
5C THSC Chapter 382 382.085(b)

Description: Failed to conduct testing for NOx and CO emissions from engine EPN Nos. E-1, E-44-1A, E-2 and E-44-1B at least biannually.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(i)
30 TAC Chapter 106, SubChapter W 106.512(2)(C)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failed to change oxygen sensors quarterly, and to perform required emissions testing within seven days of oxygen sensor replacements for EPN Nos. E-1, E-2, E-3, E-44-1A, E-44-1B, E-45-1B, 36-6, 36-7 and 36-8.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.147(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to install, calibrate, maintain and operate a monitoring system for engines that are subject to Compliance Assurance Monitoring ("CAM") requirements.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.221(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a significant revision for SOP 0865 to the TCEQ in a timely manner.

Classification: Minor

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

Description: Failed to report, in writing, to the TCEQ all instances of deviations documented in the investigation, in all deviation reports from the July 20, 2005 through January 19, 2006 reporting period to the present.

2 Effective Date: 11/27/2009 ADMINORDER 2009-0820-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 13 OP

Description: Failed to submit a complete and timely PCC for the January 20, 2008 through January 19, 2009 reporting period, as documented during an investigation conducted on May 19, 2009. Specifically, the Respondent failed to include the period January 20, 2008 through July 19, 2008 in the report, failed to submit the report by February 18, 2009, and

failed to include a signed certification of accuracy and completeness by a responsible official.
Classification: Moderate

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

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a complete semi-annual deviation report for the January 20, 2008 through July 19, 2008 reporting period, as documented during an investigation conducted on May 19, 2009. Specifically, the Respondent failed to include the deviation for failing to conduct stack sampling for Emission Point Numbers E-31-1 and E-31-2.

Classification: Moderate

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

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a timely semi-annual deviation report for the period July 20, 2008 through January 19, 2009. Specifically, the report was due by February 18, 2009 but was not submitted until May 18, 2009.

3 Effective Date: 12/04/2010 ADMINORDER 2010-0826-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition 5 PA

Description: Failed to submit an alternate sampling facility design for approval within 180 days after the permit was issued, as documented during an investigation conducted on April 9, 2010. Specifically, NSRP 55477 was issued on November 6, 2003 and no sampling platform has been constructed for Unit 650 [Emission Point No. ("EPN") E-31-1] and Unit 651 (EPN E-31-2) nor has the Respondent submitted an alternate sampling facility design

4 Effective Date: 09/30/2013 ADMINORDER 2012-2691-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GT&C & ST&C No. 2.F. OP

Description: Failed to report Incident Nos. 171853, 172109, and 170344 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:53757 PERMIT

General Tems & Conditions & ST&C No. 9 OP

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:53757 PERMIT

GT&C and ST&C Nos. 9 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:53757 PERMIT

GT&C and ST&C No. 9 OP

Description: Failed to prevent unauthorized emissions.

3. Criminal convictions:

N/A

3. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 August 18, 2010 (849228)
Item 2 August 10, 2012 (1023654)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/21/2014 (1172452) CN602679813
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
9941 PERMIT
Description: Failure to maintain a properly operating flare.

F. Environmental audits:

Notice of Intent Date: 02/14/2014 (1156818)
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

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
9941 PERMIT
Description: Failure to maintain a properly operating flare.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period September 29, 2009 and September 29, 2014

- Item 1 October 19, 2009** (778348) For Informational Purposes Only
- Item 2 January 28, 2010** (788048) For Informational Purposes Only
- Item 3 April 30, 2010** (798833) For Informational Purposes Only
- Item 4* August 18, 2010** (849228) For Informational Purposes Only
- Item 5 May 03, 2011** (913697) For Informational Purposes Only
- Item 6 July 15, 2011** (940892) For Informational Purposes Only
- Item 7 August 26, 2011** (950750) For Informational Purposes Only
- Item 8* August 10, 2012** (1023654) For Informational Purposes Only
- Item 9 October 10, 2012** (1029768) For Informational Purposes Only
- Item 10 December 07, 2012** (1043851) For Informational Purposes Only
- Item 11 August 30, 2013** (1114812) For Informational Purposes Only
- Item 12 October 23, 2013** (1124401) For Informational Purposes Only
- Item 13 July 21, 2014** (1172452) For Informational Purposes Only
- Item 14 September 16, 2014 (1192945) For Informational Purposes Only
- Item 15 September 25, 2014 (1190416) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WTG JAMESON, LP
RN101246478**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1162-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 WTG Jameson, LP ("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 natural gas processing plant located at 1000 Gas Plant Road in Silver, Coke 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 conducted on June 4, 2014, TCEQ staff documented that during the period of January 1, 2012 through January 18, 2014, the maximum allowable emission rate ("MAER") for hydrogen sulfide ("H₂S") was exceeded for 198 days by an average of .01 pound per hour ("lb/hr") and the MAER for sulfur dioxide ("SO₂") was exceeded for 202 days by an average of 1.04 pounds per hour ("lbs/hr"), resulting in approximately 59.15 pounds ("lbs") of unauthorized H₂S emissions and 5,048.76 lbs of unauthorized SO₂ emissions.
4. During a record review conducted on June 4, 2014, TCEQ staff documented that the deviation reports for the January 19, 2012 through July 18, 2012 and the July 19, 2012 through January 18, 2013 reporting periods did not include deviations for exceeding the permitted emissions rates for H₂S and SO₂.
5. During a record review conducted on August 13, 2014, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, the Respondent released 1,488.71 lbs of carbon monoxide ("CO"), 746.03 lbs of nitrogen oxides ("NO_x"), 343.98 lbs of SO₂, 1,233.17 lbs of volatile organic compounds ("VOC"), and 3.66 lbs of H₂S from the Low Pressure Flare, Emission Point Number ("EPN") FL-382, and 1,495.30 lbs of CO, 749 lbs of NO_x, 344.24 lbs of SO₂, 1,252.55 lbs of VOC, and 3.66 lbs of H₂S from the High Pressure Flare, EPN FL-381, during an emissions event (Incident No. 198354) that occurred on May 14, 2014 and lasted 12 hours and 55 minutes. This event occurred when the Plant's inlet gas, residue gas, and ethane/propane mix gas were routed to the flares during a planned shutdown to conduct an inspection of the Plant's electrical power distribution. Since the emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. During a record review conducted on August 13, 2014, TCEQ staff documented that the Respondent failed to submit an initial notification for Incident No. 198354 within 24 hours of the discovery of the emissions event. Specifically, the event was discovered on May 14, 2014 at 6:30 a.m. and the initial notification was not submitted until May 15, 2014 at 9:17 a.m.
7. The Respondent received notices of the violations on July 22, 2014 and September 26, 2014.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On May 28, 2013, corrected the calculation spreadsheet which is used to ensure the discovery and reporting of deviations; and

- b. On August 15, 2013, reported the required deviation on the January 19, 2013 through July 18, 2013 semi-annual deviation report.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MAER of 1.24 lbs/hr of H₂S and 124.00 lbs/hr of SO₂ for the Acid Gas Flare, EPN FL-384, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O865, Special Terms and Conditions ("STC") No. 9, and New Source Review ("NSR") Permit Nos. 9941 and PSDTX687, Special Conditions Nos. 1 and 3 and General Conditions No. 8.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O865, General Terms and Conditions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O865, STC No. 9, and Standard Permit Registration No. 53757.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit an initial notification for Incident No. 198354 within 24 hours of the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O865, STC No. 2F.
6. 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.
7. An administrative penalty in the amount of Seventy Thousand Three Hundred Eighty Dollars (\$70,380) 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 the Seventy Thousand Three Hundred Eighty Dollar (\$70,380) administrative penalty.

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 Seventy Thousand Three Hundred Eighty Dollars (\$70,380) as set forth in Section II, Paragraph 7 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: WTG Jameson, LP, Docket No. 2014-1162-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on May 14, 2014 (Incident No. 198354);
 - ii. Implement measures and/or procedures to ensure the timely submittal of emissions events reports, in accordance with 30 TEX. ADMIN. CODE § 101.201; and
 - iii. Implement measures and procedures to ensure that all instances of deviations are included in deviation reports.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. to demonstrate compliance with Ordering Provision Nos. 2.a.i., 2.a.ii., and 2.a.iii.;
 - c. Within 180 days after the effective date of this Agreed Order, implement measures to demonstrate compliance with the MAER for H₂S and SO₂ emissions for EPN FL-384, in accordance with NSR Permit Nos. 9941 and PSDTX687; and
 - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation

including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

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 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.
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

Pamela Manue J
For the Executive Director

6/5/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of WTG Jameson, LP. I am authorized to agree to the attached Agreed Order on behalf of WTG Jameson, 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, WTG Jameson, 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.

M Davis

Signature

MARCH 7, 2015
Date

MICHAEL DAVIS

Name (Printed or typed)

Authorized Representative of
WTG Jameson, LP

Executive Vice-President
Title

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