

Executive Summary – Enforcement Matter – Case No. 55215

**Barnett Gathering, LLC
RN105010714
Docket No. 2017-1487-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rendon Compressor Station, located 1,800 feet south of the intersection of Rendon Estates Lane and Bennett Lawson Road, Rendon, Tarrant County

Type of Operation:

Compressor station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 30, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$49,875

Amount Deferred for Expedited Settlement: \$9,975

Total Paid to General Revenue: \$39,900

Total Due to General Revenue: \$0

Payment Plan: 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: May 30, 2017

Date(s) of NOE(s): August 1, 2017

Executive Summary – Enforcement Matter – Case No. 55215
Barnett Gathering, LLC
RN105010714
Docket No. 2017-1487-AIR-E

Violation Information

1. Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the Respondent reported no deviations in the deviation report for the September 4, 2016 through March 3, 2017 reporting period, but the deviation for continuing to operate the air emission sources at the Site without obtaining the proper authorization should have been reported [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O3114/General Operating Permit No. 511, Site-wide Requirements No. (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to renew the registration to use a standard permit by the date the registration expires. Specifically, the TCEQ Air Permits Division notified the Respondent on April 13, 2016 that a renewal application for Standard Permit Registration No. 79889 must be submitted by October 4, 2016 in order to avoid the expiration of Standard Permit Registration No. 79889 on October 4, 2016, the Respondent did not submit a registration renewal application for Standard Permit Registration No. 79889 by October 4, 2016, Standard Permit Registration No. 79889 expired on October 4, 2016, and the Respondent continued to operate the air emission sources at the Site without obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.604(2) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 31, 2017, the Respondent obtained Standard Permit Registration No. 147772 that authorized the operation of the air emission sources and associated emissions at the Site.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, submit a revised deviation report for the September 4, 2016 through March 3, 2017 reporting period to report the deviation for continuing to operate the air emission sources at the Site without obtaining the proper authorization; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 55215
Barnett Gathering, LLC
RN105010714
Docket No. 2017-1487-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Scott Buechler, Operations Manager, Barnett Gathering, LLC, 810 Houston Street, Fort Worth, Texas 76102

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	31-Jul-2017			
	PCW	14-Oct-2022	Screening	14-Aug-2017	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Barnett Gathering, LLC				
Reg. Ent. Ref. No.	RN105010714				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	55215	No. of Violations	2		
Docket No.	2017-1487-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Yuliya Dunaway		
		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	\$45,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$9,000
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Notes	Enhancement for one order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$4,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$119	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,150	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$49,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$49,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$49,875
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DEFERRAL	20.0%	Reduction	Adjustment	-\$9,975
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$39,900
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Screening Date 14-Aug-2017

Docket No. 2017-1487-AIR-E

PCW

Respondent Barnett Gathering, LLC

Policy Revision 4 (April 2014)

Case ID No. 55215

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105010714

Media [Statute] Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	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%
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) 20%

>> 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 order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 14-Aug-2017 **Docket No.** 2017-1487-AIR-E **PCW**
Respondent Barnett Gathering, LLC *Policy Revision 4 (April 2014)*
Case ID No. 55215 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN105010714
Media [Statute] Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O3114/General Operating Permit No. 511, Site-wide Requirements No. (b)(2), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the Respondent reported no deviations in the deviation report for the September 4, 2016 through March 3, 2017 reporting period, but the deviation for continuing to operate the air emission sources at the Site without obtaining the proper authorization should have been reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 134 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

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	

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 \$78 **Violation Final Penalty Total** \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Barnett Gathering, LLC
Case ID No. 55215
Reg. Ent. Reference No. RN105010714
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$250	2-Apr-2017	1-Jul-2023	6.25	\$78	n/a	\$78

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the September 4, 2016 through March 3, 2017 reporting period to report the deviation for for continuing to operate the air emission sources at the Site without obtaining the proper authorization. The Date Required is the date the report 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 \$250

TOTAL \$78

Screening Date 14-Aug-2017
Respondent Barnett Gathering, LLC
Case ID No. 55215
Reg. Ent. Reference No. RN105010714
Media [Statute] Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2017-1487-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 116.604(2) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to renew the registration to use a standard permit by the date the registration expires. Specifically, the TCEQ Air Permits Division notified the Respondent on April 13, 2016 that a renewal application for Standard Permit Registration No. 79889 must be submitted by October 4, 2016 in order to avoid the expiration of Standard Permit Registration No. 79889 on October 4, 2016, the Respondent did not submit a registration renewal application for Standard Permit Registration No. 79889 by October 4, 2016, Standard Permit Registration No. 79889 expired on October 4, 2016, and the Respondent continued to operate the air emission sources at the Site without obtaining the proper authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 11 314 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$41,250

Eleven monthly events are recommended from the October 4, 2016 expiration date to the August 14, 2017 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$4,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent achieved compliance on August 31, 2017, after the Notice of Enforcement dated August 1, 2017.

Violation Subtotal \$37,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$45,375

This violation Final Assessed Penalty (adjusted for limits) \$45,375

Economic Benefit Worksheet

Respondent Barnett Gathering, LLC
Case ID No. 55215
Reg. Ent. Reference No. RN105010714
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
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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	\$900	4-Oct-2016	31-Aug-2017	0.91	\$41	n/a	\$41
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain Standard Permit Registration No. 147772 that authorized the operation of the air emission sources and associated emissions at the Site. The Date Required is the date the authorization expired and the 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 \$900

TOTAL \$41



Compliance History Report

Compliance History Report for CN604046912, RN105010714, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator:	CN604046912, Barnett Gathering, LLC	Classification:	SATISFACTORY	Rating:	0.61
Regulated Entity:	RN105010714, RENDON COMPRESSOR STATION	Classification:	SATISFACTORY	Rating:	7.50
Complexity Points:	5	Repeat Violator:	NO		
CH Group:	03 - Oil and Gas Extraction				
Location:	1,800 FT SOUTH OF THE INTERSECTION OF RENDON ESTATES LANE AND BENNETT LAWSON ROAD, RENDON TARRANT COUNTY, TX				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):					
AIR NEW SOURCE PERMITS	AFS NUM 4843901697	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER TAA021U		
AIR NEW SOURCE PERMITS	REGISTRATION 147772	AIR NEW SOURCE PERMITS	REGISTRATION 147773		
AIR OPERATING PERMITS	PERMIT 3114	AIR OPERATING PERMITS	ACCOUNT NUMBER TAA021U		
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER TAA021U	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER TAA021U		
Compliance History Period:	September 01, 2012 to August 31, 2017	Rating Year:	2017	Rating Date:	09/01/2017
Date Compliance History Report Prepared:	October 31, 2017				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	October 31, 2012 to October 31, 2017				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Shelby Orme			Phone:	(512) 239-1001

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

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

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

- 1 Effective Date: 12/06/2016 ADMINORDER 2016-1168-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Operating Permit 511 OP

Description: Respondent failed to submit a PCC no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit No. O3114/General Operating Permit No. 511, Site-wide Requirements (b)(3), and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the PCC for the March 4, 2015 through March 3, 2016 certification period was due by April 2, 2016, but was not submitted until May 27, 2016.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 11, 2014	(1185335)
Item 2	June 29, 2015	(1260920)

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BARNETT GATHERING, LLC
RN105010714

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2017-1487-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Barnett Gathering, LLC (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 together stipulate that:

1. The Respondent owns and operates a compressor station located 1,800 feet south of the intersection of Rendon Estates Lane and Bennett Lawson Road in Rendon, Tarrant County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$49,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$39,900 of the penalty and \$9,975 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.

6. 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 Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on August 31, 2017, the Respondent obtained Standard Permit Registration No. 147772 that authorized the operation of the air emission sources and associated emissions at the Site.

II. ALLEGATIONS

During a record review for the Site conducted on May 30, 2017, an investigator documented that the Respondent:

1. Failed to submit a deviation report no later than 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O3114/General Operating Permit No. 511, Site-wide Requirements No. (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent reported no deviations in the deviation report for the September 4, 2016 through March 3, 2017 reporting period, but the deviation for continuing to operate the air emission sources at the Site without obtaining the proper authorization should have been reported.
2. Failed to renew the registration to use a standard permit by the date the registration expires, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.604(2) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the TCEQ Air Permits Division notified the Respondent on April 13, 2016 that a renewal application for Standard Permit Registration No. 79889 must be submitted by October 4, 2016 in order to avoid the expiration of Standard Permit Registration No. 79889 on October 4, 2016, the Respondent did not submit a registration renewal application for Standard Permit Registration No. 79889 by October 4, 2016, Standard Permit Registration No. 79889 expired on October 4, 2016, and the Respondent continued to operate the air emission sources at the Site without obtaining the proper authorization.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements

set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Barnett Gathering, LLC, Docket No. 2017-1487-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 at the Site:
 - a. Within 30 days after the effective date of this Order, submit a revised deviation report for the September 4, 2016 through March 3, 2017 reporting period to report the deviation for continuing to operate the air emission sources at the Site without obtaining the proper authorization.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall 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:

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

with a copy to:

Air Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

2/10/2023

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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.



Signature

12/6/2022

Date

Scott Buechler

Name (Printed or typed)
Authorized Representative of
Barnett Gathering, LLC

Operations Manager

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision I of this Order.