

Executive Summary – Enforcement Matter – Case No. 56419
Tenaska Gateway Partners, LTD.
RN101514214
Docket No. 2018-1009-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Tenaska Gateway Generating Station, 7589 State Highway 315 East, Long Branch, Rusk County

Type of Operation:

Electric power generation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 12, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$94,251

Amount Deferred for Expedited Settlement: \$18,850

Total Paid to General Revenue: \$75,401

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: June 7, 2018

Date(s) of NOE(s): July 12, 2018

Executive Summary – Enforcement Matter – Case No. 56419
Tenaska Gateway Partners, LTD.
RN101514214
Docket No. 2018-1009-AIR-E

Violation Information

1. Failed to comply with the 24-hour emissions totals limit for individual occurrences. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions limit of 5,000 pounds ("lbs") based on 24-hour period for 24 days that occurred from March 27, 2012 to December 8, 2016, resulting in 34,428 lbs of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 106.263(d)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O1883, General Terms and Conditions ("GTC") and Special Terms and Conditions Nos. 8 and 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations. Specifically, the deviation reports for the September 12, 2013 through March 11, 2014, March 12, 2014 through September 11, 2014, and September 12, 2015 through March 11, 2016 reporting periods did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to report all instances of deviations. Specifically, the deviation report for the March 12, 2013 through September 11, 2013 reporting period did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to report all instances of deviations. Specifically, the Respondent reported no deviations in the deviation reports for the September 12, 2014 through March 11, 2015 and September 12, 2016 through March 11, 2017 reporting periods, but the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period should have been reported [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On October 6, 2017, submitted the deviation report for the March 12, 2017 through September 11, 2017 reporting period that included the deviation for failing to comply with the emissions limit of 5,000 lbs based on a 24-hour period; and
- b. On April 27, 2018, obtained an amendment for New Source Review Permit No. 40039 that authorized the maintenance, startup, and shutdown CO emissions for the Turbine/Heat Recovery Steam Generating Unit Nos. 1, 2, and 3.

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Tenaska Gateway Partners, LTD.
RN101514214
Docket No. 2018-1009-AIR-E

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division, Enforcement Team 5, MC R-04, (817) 588-5892; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Larry G. Carlson, Vice President Environmental Affairs, Tenaska Gateway Partners, LTD., 14302 FNB PKWY, Omaha, Nebraska 68154

Todd S. Jonas, Senior Vice President, Tenaska Gateway Partners, LTD., 14302 FNB PKWY, Omaha, Nebraska 68154

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	16-Jul-2018			
	PCW	28-Sep-2021	Screening	18-Jul-2018	EPA Due 8-Jan-2019

RESPONDENT/FACILITY INFORMATION

Respondent	Tenaska Gateway Partners, LTD.				
Reg. Ent. Ref. No.	RN101514214				
Facility/Site Region	5-Tyler	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	56419	No. of Violations	4
Docket No.	2018-1009-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$145,000
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$14,500
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Notes	Reduction for High Performer Classification.
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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	-\$36,249
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$324	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$1,150	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$94,251
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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

Final Penalty Amount	\$94,251
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$94,251
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DEFERRAL	20.0%	Reduction	Adjustment	-\$18,850
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$75,401
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Screening Date18-Jul-2018

RespondentTenaska Gateway Partners, LTD.

Case ID No.56419

Reg. Ent. Reference No.RN101514214

Media [Statute]Air

Enf. CoordinatorMargarita Dennis

Docket No.2018-1009-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High PerformerAdjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes	Reduction for High Performer Classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date 18-Jul-2018
Respondent Tenaska Gateway Partners, LTD.
Case ID No. 56419
Reg. Ent. Reference No. RN101514214
Media [Statute] Air
Enf. Coordinator Margarita Dennis

Docket No. 2018-1009-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.263(d)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O1883, General Terms and Conditions ("GTC") and Special Terms and Conditions Nos. 8 and 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the 24-hour emissions totals limit for individual occurrences. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions limit of 5,000 pounds ("lbs") based on a 24-hour period for 24 days that occurred from March 27, 2012 to December 8, 2016, resulting in 34,428 lbs of unauthorized CO emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 18 24 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$135,000

Eighteen monthly events are recommended for the instances of non-compliance that occurred from March 27, 2012 to December 8, 2016.

Good Faith Efforts to Comply

25.0%

Reduction \$33,750

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

Notes The Respondent achieved compliance on April 27, 2018, prior to the Notice of Enforcement ("NOE") dated July 12, 2018.

Violation Subtotal \$101,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$274

Violation Final Penalty Total \$87,750

This violation Final Assessed Penalty (adjusted for limits) \$87,750

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Tenaska Gateway Partners, LTD. 56419 RN101514214 Air 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	27-Mar-2012	27-Apr-2018	6.09	\$274	n/a	\$274
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Actual cost to obtain an amendment for New Source Review Permit No. 40039 that authorized the maintenance, startup, and shutdown CO emissions for the Turbine/Heat Recovery Steam Generating Unit Nos. 1, 2, and 3. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.						

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$900	TOTAL	\$274
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Screening Date	18-Jul-2018	Docket No.	2018-1009-AIR-E	PCW
Respondent	Tenaska Gateway Partners, LTD.			Policy Revision 4 (April 2014)
Case ID No.	56419			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN101514214			
Media [Statute]	Air			
Enf. Coordinator	Margarita Dennis			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to report all instances of deviations. Specifically, the deviation reports for the September 12, 2013 through March 11, 2014, March 12, 2014 through September 11, 2014, and September 12, 2015 through March 11, 2016 reporting periods did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period.			
		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		Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.			
		Adjustment	\$24,750	
			\$250	
Violation Events				
	Number of Violation Events	3	1279	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			Violation Base Penalty \$750
	Three single events are recommended (one event for each report).			
Good Faith Efforts to Comply		25.0%	Reduction	\$187
	Extraordinary Ordinary N/A	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Notes	The Respondent achieved compliance on October 6, 2017, prior to the NOE dated July 12, 2018.		
		Violation Subtotal	\$563	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$50	Violation Final Penalty Total	\$488
	This violation Final Assessed Penalty (adjusted for limits)			\$488

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Tenaska Gateway Partners, LTD. 56419 RN101514214 Air 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	11-Oct-2013	6-Oct-2017	3.99	\$50	n/a	\$50
Notes for DELAYED costs	Estimated cost to submit the deviation report for the March 12, 2017 through September 11, 2017 reporting period that included the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period. The Date Required is the date the first deviation report was due and the Final Date date of compliance.						

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$250	TOTAL	\$50
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Screening Date	18-Jul-2018	Docket No.	2018-1009-AIR-E	PCW	
Respondent	Tenaska Gateway Partners, LTD.			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	56419			<i>PCW Revision March 26, 2014</i>	
Reg. Ent. Reference No.	RN101514214				
Media [Statute]	Air				
Enf. Coordinator	Margarita Dennis				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to report all instances of deviations. Specifically, the deviation report for the March 12, 2013 through September 11, 2013 reporting period did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period.				
		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 7.0%
Matrix Notes	More than 30% but less than 70% of the rule requirements were not met.				
		Adjustment	\$23,250		
			\$1,750		
Violation Events					
	Number of Violation Events	1	1460	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
	Violation Base Penalty	\$1,750			
	One single event is recommended.				
Good Faith Efforts to Comply	25.0%		Reduction	\$437	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent achieved compliance on October 6, 2017, prior to the NOE dated July 12, 2018.				
	Violation Subtotal	\$1,313			
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	\$0	Violation Final Penalty Total	\$1,138		
This violation Final Assessed Penalty (adjusted for limits)		\$1,138			

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Tenaska Gateway Partners, LTD. 56419 RN101514214 Air 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit Worksheet for Violation No. 2.						

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Screening Date	18-Jul-2018	Docket No.	2018-1009-AIR-E	PCW
Respondent	Tenaska Gateway Partners, LTD.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	56419			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101514214			
Media [Statute]	Air			
Enf. Coordinator	Margarita Dennis			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1883, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to report all instances of deviations. Specifically, the Respondent reported no deviations in the deviation reports for the September 12, 2014 through March 11, 2015 and September 12, 2016 through March 11, 2017 reporting periods, but the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period should have been reported.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
			Percent	15.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$21,250	
			\$3,750	
Violation Events				
	Number of Violation Events	2	914	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	Two single events are recommended (one event for each report).			
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance on October 6, 2017, prior to the NOE dated July 12, 2018.			
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$0	Violation Final Penalty Total	\$4,875
	This violation Final Assessed Penalty (adjusted for limits)			\$4,875

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Tenaska Gateway Partners, LTD. 56419 RN101514214 Air 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit Worksheet for Violation No. 2.						

Avoided CostsANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Compliance History Report

Compliance History Report for CN600790679, RN101514214, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN600790679, Tenaska Gateway Partners, LTD. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101514214, TENASKA GATEWAY GENERATING STATION **Classification:** HIGH **Rating:** 0.00

Complexity Points: 22 **Repeat Violator:** NO

CH Group: 06 - Electric Power Generation

Location: 7589 STATE HIGHWAY 315 E, LONG BRANCH, RUSK COUNTY TX 75669-0355

TCEQ Region: REGION 05 - TYLER

ID Number(s):

WASTEWATER PERMIT WQ0004111000

WASTEWATER EPA ID TX0118559

AIR NEW SOURCE PERMITS PERMIT 40039

AIR NEW SOURCE PERMITS ACCOUNT NUMBER RL0171L

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX925

AIR NEW SOURCE PERMITS AFS NUM 4840100037

AIR NEW SOURCE PERMITS REGISTRATION 99633

AIR NEW SOURCE PERMITS REGISTRATION 150523

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX925M1

AIR NEW SOURCE PERMITS REGISTRATION 142108

AIR OPERATING PERMITS ACCOUNT NUMBER RL0171L

AIR OPERATING PERMITS PERMIT 1883

AIR EMISSIONS INVENTORY ACCOUNT NUMBER RL0171L

STORMWATER PERMIT TXR05DA99

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: January 07, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 07, 2014 to January 07, 2019

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

Name: Carol McGrath

Phone: (210) 403-4063

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 24, 2014	(1155068)
Item 2	February 17, 2014	(1162376)
Item 3	March 25, 2014	(1169002)
Item 4	April 21, 2014	(1159450)
Item 5	April 24, 2014	(1176186)
Item 6	May 20, 2014	(1182421)
Item 7	June 17, 2014	(1189304)
Item 8	July 21, 2014	(1201262)

Item 9	August 13, 2014	(1201263)
Item 10	September 16, 2014	(1207617)
Item 11	October 22, 2014	(1214024)
Item 12	November 14, 2014	(1220261)
Item 13	December 18, 2014	(1226083)
Item 14	January 12, 2015	(1233077)
Item 15	February 16, 2015	(1244070)
Item 16	March 17, 2015	(1250453)
Item 17	April 02, 2015	(1278760)
Item 18	April 17, 2015	(1257350)
Item 19	May 19, 2015	(1264114)
Item 20	June 04, 2015	(1254298)
Item 21	June 23, 2015	(1271204)
Item 22	August 17, 2015	(1284966)
Item 23	August 27, 2015	(1274041)
Item 24	September 23, 2015	(1292051)
Item 25	October 20, 2015	(1298234)
Item 26	November 11, 2015	(1303676)
Item 27	December 15, 2015	(1299703)
Item 28	December 23, 2015	(1310667)
Item 29	January 22, 2016	(1317437)
Item 30	February 22, 2016	(1326790)
Item 31	March 18, 2016	(1333571)
Item 32	April 22, 2016	(1340698)
Item 33	May 20, 2016	(1347517)
Item 34	June 24, 2016	(1353912)
Item 35	July 19, 2016	(1360906)
Item 36	August 18, 2016	(1367342)
Item 37	September 23, 2016	(1374069)
Item 38	October 14, 2016	(1380209)
Item 39	November 22, 2016	(1386161)
Item 40	December 06, 2016	(1377313)
Item 41	December 23, 2016	(1392307)
Item 42	January 25, 2017	(1398924)
Item 43	February 23, 2017	(1405830)
Item 44	March 20, 2017	(1412917)
Item 45	April 24, 2017	(1419411)
Item 46	May 24, 2017	(1427050)
Item 47	June 14, 2017	(1433043)
Item 48	July 07, 2017	(1441618)
Item 49	August 25, 2017	(1445292)
Item 50	September 22, 2017	(1451879)
Item 51	October 24, 2017	(1457751)
Item 52	November 22, 2017	(1463180)
Item 53	December 20, 2017	(1469605)
Item 54	January 25, 2018	(1476315)
Item 55	February 21, 2018	(1488492)
Item 56	March 23, 2018	(1492151)
Item 57	April 18, 2018	(1495435)
Item 58	May 24, 2018	(1502368)
Item 59	June 22, 2018	(1509492)
Item 60	July 25, 2018	(1515809)
Item 61	August 23, 2018	(1521849)
Item 62	September 25, 2018	(1529034)
Item 63	October 23, 2018	(1535353)
Item 64	December 19, 2018	(1531806)

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**

**TENASKA GATEWAY PARTNERS,
LTD.
RN101514214**

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2018-1009-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 Tenaska Gateway Partners, LTD. (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 an electric power generation located at 7589 State Highway 315 East in Long Branch, Rusk County, Texas (the "Plant"). The Plant 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 \$94,251 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$75,401 of the penalty and \$18,850 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 the Respondent implemented the following corrective measures at the Plant:
 - a. On October 6, 2017, submitted the deviation report for the March 12, 2017 through September 11, 2017 reporting period that included the deviation for failing to comply with the carbon monoxide ("CO") emissions limit of 5,000 pounds ("lbs") based on a 24-hour period.
 - b. On April 27, 2018, obtained an amendment for New Source Review Permit No. 40039 that authorized the maintenance, startup, and shutdown CO emissions for the Turbine/Heat Recovery Steam Generating Unit Nos. 1, 2, and 3.

II. ALLEGATIONS

During a record review conducted on June 7, 2018, an investigator documented that the Respondent:

1. Failed to comply with the 24-hour emissions totals limit for individual occurrences, in violation of 30 TEX. ADMIN. CODE §§ 106.263(d)(1) and 122.143(4), Federal Operating Permit ("FOP") No. 01883, General Terms and Conditions ("GTC") and Special Terms and Conditions Nos. 8 and 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO emissions limit of 5,000 lbs based on 24-hour period for 24 days that occurred from March 27, 2012 to December 8, 2016, resulting in 34,428 lbs of unauthorized CO emissions.
2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01883, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation reports for the September 12, 2013 through March 11, 2014, March 12, 2014 through September 11, 2014, and September 12, 2015 through March 11, 2016 reporting periods did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period.
3. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01883, GTC, and TEX. HEALTH & SAFETY CODE

§ 382.085(b). Specifically, the deviation report for the March 12, 2013 through September 11, 2013 reporting period did not include the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period.

4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01883, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent reported no deviations in the deviation reports for the September 12, 2014 through March 11, 2015 and September 12, 2016 through March 11, 2017 reporting periods, but the deviation for failing to comply with the CO emissions limit of 5,000 lbs based on a 24-hour period should have been reported.

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: Tenaska Gateway Partners, LTD., Docket No. 2018-1009-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. All relief not expressly granted in this Order is denied.
3. 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 Plant operations referenced in this Order.
4. 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.
5. 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.

6. 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.
7. 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



For the Executive Director

Date

4/11/2022

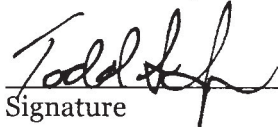
Date

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 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.



Signature

10/12/2021

Date

Todd S Jonas

Name (Printed or typed)

Senior Vice President

Title

Authorized Representative of
Tenaska Gateway Partners, LTD.

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