

Executive Summary – Enforcement Matter – Case No. 60340
JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
RN100237502
Docket No. 2021-0187-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Longview Gas Plant, 3407 West Camp Switch Road, Longview, Gregg County

Type of Operation:

Natural gas plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 21, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,983

Amount Deferred for Expedited Settlement: \$7,196

Total Paid to General Revenue: \$28,787

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: November 16, 2020

Date(s) of NOE(s): January 15, 2021

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RN100237502
Docket No. 2021-0187-AIR-E

Violation Information

1. Failed to create and maintain records for a period of at least two years and make available upon request to the Commission and any local air pollution control agency having jurisdiction. Specifically, on October 22, 2020, TCEQ staff requested the records for the engine maintenance, including the replacement of the oxygen sensor for the oxygen sensor-based controllers by October 30, 2020, but the requested records were not provided [30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B), 106.512(2)(C)(i), and 122.143(4), Federal Operating Permit ("FOP") No. O3097, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. Specifically, the Respondent did not maintain the records for the time of operation and the reason the engine was operating during that time for the Standby Diesel Generator [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CFR § 60.4214(b), FOP No. O3097, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to record at least 98 percent ("%") of the required daily flare observations in the flare operation log. Specifically, the Respondent conducted daily flare observations during the operational shift walk throughs and any time operators or contractors were out at the Plant, but the Respondent did not record that the flare was observed, the time of day of the observation, and whether or not the flare was smoking [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), FOP No. O3097, GTC and STC Nos. 1.A and 3.A.(iv)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame. Specifically, the thermocouple for the Normal Operation Flare became inoperable on June 30, 2020 and the flare flame was not being monitored by a thermocouple or any other equivalent device [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), 40 CFR § 60.18(f)(2), New Source Review Permit Nos. 23110 and PSD-TX-835, SC No. 2, FOP No. O3097, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to report all instances of deviations. Specifically, the deviation report for the December 16, 2019 through June 15, 2020 reporting period did not include the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3097, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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6. Failed to submit a semi-annual 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63 Subpart ZZZZ compliance report. Specifically, the semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period was due by January 31, 2020, but was not submitted until January 6, 2021 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6650(b)(3), FOP No. O3097, GTC and STC Nos. 1.A and 1.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On January 6, 2021, the Respondent submitted the semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Begin maintaining the records for the engine maintenance, including the replacement of the oxygen sensor as necessary for the oxygen sensor-based controllers for a period of at least two years and make them available upon request to the Commission and any local air pollution control agency having jurisdiction;

ii. Begin keeping the records of the operation of the Standby Diesel Generator in emergency and non-emergency service that are recorded through the non-resettable hour meter and of the time of operation of the Standby Diesel Generator and the reason the Standby Diesel Generator was in operation during that time;

iii. Begin recording at least 98% of the required daily flare observations in the flare operation log including the time of day of the observation and whether or not the flare was smoking;

iv. Monitor the North Operation Flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame; and

v. Submit a revised deviation report for the December 16, 2019 through June 15, 2020 reporting period to report the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame.

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RN100237502
Docket No. 2021-0187-AIR-E**

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mauricio Mascolo, General Manager, JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP, P.O. Box 1227, Houston, Texas 77251

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	20-Jan-2021			
	PCW	20-Apr-2023	Screening	28-Jan-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP				
Reg. Ent. Ref. No.	RN100237502				
Facility/Site Region	5-Tyler	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	60340	No. of Violations	6		
Docket No.	2021-0187-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Johnnie Wu		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$26,000
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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	42.0%	Adjustment	Subtotals 2, 3, & 7	\$10,920
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Notes: Enhancement for one NOV with dissimilar violations and two orders containing a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$937
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,787
Estimated Cost of Compliance	\$26,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,983
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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	\$35,983
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,983
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,196
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$28,787
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Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 42%

>> 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 dissimilar violations and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 42%

Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.8(c)(2)(B), 106.512(2)(C)(i), and 122.143(4), Federal Operating Permit ("FOP") No. O3097, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to create and maintain records for a period of at least two years and make available upon request to the Commission and any local air pollution control agency having jurisdiction. Specifically, on October 22, 2020, TCEQ staff requested the records for the engine maintenance, including the replacement of the oxygen sensor for the oxygen sensor-based controllers by October 30, 2020, but the requested records were not provided.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and 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 Number of violation days 90

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'x' is marked for 'single event'.

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts to Comply with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A.

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$232 Violation Final Penalty Total \$2,485

This violation Final Assessed Penalty (adjusted for limits) \$2,485

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 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	\$1,500	30-Oct-2020	1-Dec-2023	3.09	\$232	n/a	\$232
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

Estimated cost to begin maintaining the records for the engine maintenance, including the replacement of the oxygen sensor as necessary for the oxygen sensor-based controllers for a period of at least two years and make them available upon request to the Commission and any local air pollution control agency having jurisdiction. The Date Required is the date the requested records were due and the Final Date is the estimated 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

\$1,500

TOTAL

\$232

Screening Date 28-Jan-2021
Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0187-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.4214(b), FOP No. O3097, GTC and STC No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. Specifically, the Respondent did not maintain the records for the time of operation and the reason the engine was operating during that time for the Standby Diesel Generator.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 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	\$1,500	16-Nov-2020	1-Dec-2023	3.04	\$228	n/a	\$228
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

Estimated cost to begin keeping the records of the operation of the Standby Diesel Generator in emergency and non-emergency service that are recorded through the non-resettable hour meter and of the time of operation of the Standby Diesel Generator and the reason the Standby Diesel Generator was in operation during that time. The Date Required is the investigation date and the Final Date is the estimated 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

\$1,500

TOTAL

\$228

Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(4)(A)(ii) and 122.143(4), FOP No. O3097, GTC and STC Nos. 1.A and 3.A.(iv)(3), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to record at least 98 percent ("%") of the required daily flare observations in the flare operation log. Specifically, the Respondent conducted daily flare observations during the operational shift walk throughs and any time operators or contractors were out at the Plant, but the Respondent did not record that the flare was observed, the time of day of the observation, and whether or not the flare was smoking.

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 73 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 \$228 Violation Final Penalty Total \$5,325

This violation Final Assessed Penalty (adjusted for limits) \$5,325

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 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	\$1,500	16-Nov-2020	1-Dec-2023	3.04	\$228	n/a	\$228
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

Estimated cost to begin recording at least 98% of the required daily flare observations in the flare operation log including the time of day of the observation and whether or not the flare was smoking. The Date Required is the investigation date and the Final Date is the estimated 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

\$1,500

TOTAL

\$228

Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(c), and 122.143(4), 40 CFR § 60.18(f)(2), New Source Review Permit Nos. 23110 and PSD-TX-835, SC No. 2, FOP No. O3097, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame. Specifically, the thermocouple for the Normal Operation Flare became inoperable on June 30, 2020 and the flare flame was not being monitored by a thermocouple or any other equivalent device.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would 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 3 212 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended from the June 30, 2020 initial non-compliance date to the January 28, 2021 screening date.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,791

Violation Final Penalty Total \$15,975

This violation Final Assessed Penalty (adjusted for limits) \$15,975

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 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	\$20,000	30-Jun-2020	1-Dec-2023	3.42	\$228	\$4,563	\$4,791
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	Estimated cost to monitor the North Operation Flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame. The Date Required is the first date of non-compliance and the Final Date is the estimated 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	\$20,000	TOTAL	\$4,791
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Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3097, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the December 16, 2019 through June 15, 2020 reporting period did not include the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame.

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 met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

197 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

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 \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$296

Violation Final Penalty Total \$2,485

This violation Final Assessed Penalty (adjusted for limits) \$2,485

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 5

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	\$1,500	15-Jul-2020	1-Dec-2023	3.38	\$254	n/a	\$254
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	15-Jul-2020	1-Dec-2023	3.38	\$42	n/a	\$42

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the December 16, 2019 through June 15, 2020 reporting period to report the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation report was due and the Final Dates are the estimated dates 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

\$1,750

TOTAL

\$296

Screening Date 28-Jan-2021

Docket No. 2021-0187-AIR-E

PCW

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

Policy Revision 4 (April 2014)

Case ID No. 60340

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100237502

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6650(b)(3), FOP No. O3097, GTC and STC Nos. 1.A and 1.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report. Specifically, the semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period was due by January 31, 2020, but was not submitted until January 6, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (15.0%).

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 341

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), Count (x).

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

Table with columns: Effort Type (Extraordinary, Ordinary, N/A), Status (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

Notes The Respondent completed the corrective measures on January 6, 2021, prior to the Notice of Enforcement dated January 15, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12 Violation Final Penalty Total \$4,388

This violation Final Assessed Penalty (adjusted for limits) \$4,388

Economic Benefit Worksheet

Respondent JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP
Case ID No. 60340
Reg. Ent. Reference No. RN100237502
Media Air
Violation No. 6

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	31-Jan-2020	6-Jan-2021	0.93	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to submit the semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period. The Date Required is the date the semi-annual compliance report was due 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

\$250

TOTAL

\$12



Compliance History Report

Compliance History Report for CN604797068, RN100237502, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604797068, JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP **Classification:** SATISFACTORY **Rating:** 4.45

Regulated Entity: RN100237502, Longview Gas Plant **Classification:** SATISFACTORY **Rating:** 4.45

Complexity Points: 16 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 3407 West Camp Switch Road, Longview, Gregg County, Texas 75604-9124

TCEQ Region: REGION 05 - TYLER

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GJ0003W

AIR NEW SOURCE PERMITS PERMIT 19994

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GJ0003W

AIR NEW SOURCE PERMITS REGISTRATION 14352

AIR NEW SOURCE PERMITS REGISTRATION 26085

AIR NEW SOURCE PERMITS REGISTRATION 47116

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX835

AIR NEW SOURCE PERMITS REGISTRATION 159255

WASTEWATER EPA ID TX0000485

AIR OPERATING PERMITS PERMIT 3097

AIR NEW SOURCE PERMITS PERMIT 23110

AIR NEW SOURCE PERMITS AFS NUM 4818300001

AIR NEW SOURCE PERMITS REGISTRATION 15368

AIR NEW SOURCE PERMITS REGISTRATION 44414

AIR NEW SOURCE PERMITS REGISTRATION 54008

AIR NEW SOURCE PERMITS REGISTRATION 135206

WASTEWATER PERMIT WQ0005349000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GJ0003W

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: March 06, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 06, 2018 to March 06, 2023

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

Name: Johnnie Wu

Phone: (512) 239-2524

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: 07/16/2019 ADMINORDER 2018-1475-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 Terms and Conditions OP

Description: Failure 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(a) and 122.146(2), Federal Operating Permit ("FOP") No. O3097, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the PCC for the June 15, 2016 through June 14, 2017 certification period was due by July 14, 2017, but was not submitted until November 28, 2017.

Classification: Moderate

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

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: Failure to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(C), FOP No. O3097, GTC, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the deviation report for the December 16, 2016 through June 15, 2017 reporting period was due by July 15, 2017, but was not submitted until November 28, 2017.

- 2 Effective Date: 06/02/2020 ADMINORDER 2019-1617-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-3097, STC 1A OP
FOP O-3097, STC 1F OP
Description: Failure to maintain engine catalyst temperature within operating limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 24, 2018	(1776439)
Item 2	August 03, 2018	(1776438)
Item 3	October 19, 2018	(1776469)
Item 4	February 05, 2019	(1776485)
Item 5	April 18, 2019	(1776440)
Item 6	May 07, 2019	(1776445)
Item 7	July 18, 2019	(1776455)
Item 8	October 23, 2019	(1776470)
Item 9	January 22, 2020	(1776486)
Item 10	April 20, 2020	(1776441)
Item 11	July 27, 2020	(1776461)
Item 12	August 04, 2020	(1663328)
Item 13	September 21, 2020	(1677234)
Item 14	October 21, 2020	(1776471)
Item 15	January 13, 2021	(1692463)
Item 16	January 19, 2021	(1776487)
Item 17	April 29, 2021	(1776442)
Item 18	July 27, 2021	(1776457)
Item 19	October 18, 2021	(1776472)
Item 20	January 25, 2022	(1790545)
Item 21	April 26, 2022	(1813280)
Item 22	July 27, 2022	(1834983)
Item 23	October 26, 2022	(1856119)
Item 24	November 21, 2022	(1854976)
Item 25	January 30, 2023	(1875241)

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: 11/30/2022 (1875242)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JGE GAS SOLUTIONS, LP F/K/A
AMERICAN MIDSTREAM GAS
SOLUTIONS, LP
RN100237502

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2021-0187-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 JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas plant located at 3407 West Camp Switch Road in Longview, Gregg 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 \$35,983 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$28,787 of the penalty and \$7,196 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 January 6, 2021, the Respondent submitted the semi-annual 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period.

II. ALLEGATIONS

During a record review for the Plant conducted on November 16, 2020, an investigator documented that the Respondent:

1. Failed to create and maintain records for a period of at least two years and make available upon request to the Commission and any local air pollution control agency having jurisdiction, in violation of 30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B), 106.512(2)(C)(i), and 122.143(4), Federal Operating Permit ("FOP") No. O3097, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 22, 2020, TCEQ staff requested the records for the engine maintenance, including the replacement of the oxygen sensor for the oxygen sensor-based controllers by October 30, 2020, but the requested records were not provided.
2. Failed to maintain records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CFR § 60.4214(b), FOP No. O3097, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records for the time of operation and the reason the engine was operating during that time for the Standby Diesel Generator.
3. Failed to record at least 98 percent ("%") of the required daily flare observations in the flare operation log, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), FOP No. O3097, GTC and STC Nos. 1.A and 3.A.(iv)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent conducted daily flare observations during the operational shift walk throughs and any time operators or contractors were out at the Plant, but the Respondent did not record that the flare was observed, the time of day of the observation, and whether or not the flare was smoking.
4. Failed to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame, in violation of 30 TEX. ADMIN.

CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), 40 CFR § 60.18(f)(2), New Source Review Permit Nos. 23110 and PSD-TX-835, SC No. 2, FOP No. O3097, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the thermocouple for the Normal Operation Flare became inoperable on June 30, 2020 and the flare flame was not being monitored by a thermocouple or any other equivalent device.

5. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3097, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the December 16, 2019 through June 15, 2020 reporting period did not include the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame.
6. Failed to submit a semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6650(b)(3), FOP No. O3097, GTC and STC Nos. 1.A and 1.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report for the July 1, 2019 through December 31, 2019 reporting period was due by January 31, 2020, but was not submitted until January 6, 2021.

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: JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP, Docket No. 2021-0187-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 Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining the records for the engine maintenance, including the replacement of the oxygen sensor as necessary for the oxygen sensor-based controllers for a period of at least two years and make them

- available upon request to the Commission and any local air pollution control agency having jurisdiction;
- ii. Begin keeping the records of the operation of the Standby Diesel Generator in emergency and non-emergency service that are recorded through the non-resettable hour meter and of the time of operation of the Standby Diesel Generator and the reason the Standby Diesel Generator was in operation during that time;
 - iii. Begin recording at least 98% of the required daily flare observations in the flare operation log including the time of day of the observation and whether or not the flare was smoking;
 - iv. Monitor the North Operation Flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame; and
 - v. Submit a revised deviation report for the December 16, 2019 through June 15, 2020 reporting period to report the deviations for failing to maintain the records for the engine maintenance, failing to maintain the records for the operation of the Standby Diesel Generator, failing to record at least 98% of the required daily flare observations in the flare operation log, and failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame.
- 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 Plant 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

8/21/2023


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

06/30/2023

Date

Mauricio Mascolo

General Manager

Name (Printed or typed)

Title

Authorized Representative of

JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP

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 1 of this Order.