

Executive Summary – Enforcement Matter – Case No. 60563

IACX Rock Creek LLC

RN100220052

Docket No. 2021-0428-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Sneed Booster Station, located approximately 2,000 feet south of the Ranch-to-Market Road 1319 and Sneed Road intersection, Moore County

Type of Operation:

Natural gas compressor station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 3, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$43,541

Amount Deferred for Expedited Settlement: \$8,708

Total Paid to General Revenue: \$34,833

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 22, 2021 and August 2, 2021

Date(s) of NOE(s): March 2, 2021 and September 30, 2021

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RN100220052
Docket No. 2021-0428-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4.62 pounds ("lbs") of carbon monoxide ("CO"), 10.30 lbs of hydrogen sulfide ("H₂S"), 2.44 lbs of nitrogen oxides ("NO_x"), 949.17 lbs of sulfur dioxide ("SO₂"), and 1.27 lbs of volatile organic compounds ("VOC") from the Flare, Emissions Point Number ("EPN") FLR1, during an emissions event (Incident No. 330662) that occurred on February 21, 2020 and lasted 56 minutes. The emissions event occurred due to the formation of a hydrate or ice block in the line that caused the Sulfur Recovery Unit ("SRU") to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 83193 and PSDTX1104, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2568, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.98 lbs of CO, 86.63 lbs of H₂S, 21.02 lbs of NO_x, 7,978.96 lbs of SO₂, and 0.04 lb of VOC from the Flare, EPN FLR1 and released 2,359.26 lbs of SO₂ from the Tail Gas Incinerator, EPN TGI, during an emissions event (Incident No. 334957) that began on May 1, 2020 and lasted 110 hours and 35 minutes. The emissions event occurred when welding was being done that caused a fire, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 334957 was due by May 20, 2020, but was not submitted until May 23, 2020 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O2568, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 12.66 lbs of CO, 16.87 lbs of H₂S, 6.66 lbs of NO_x, 1,554.12 lbs of SO₂, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 339529) that occurred on February 3, 2020 and lasted two hours and 14 minutes. The emissions event occurred when one side of the flow meter was plugged that caused low flow from the transmitter and the SRU to shut down, resulting in flaring. Since the

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Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 339529 was due by February 4, 2020 at 12:00 a.m., but was not submitted until July 26, 2020, at 12:20 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O3586, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6.87 lbs of H₂S, 632.89 lbs of SO₂, 0.17 lb of CO, 0.02 lb of NO_x, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 362615) that occurred on July 18, 2021 and lasted 51 minutes. The emissions event occurred due to a power drop that caused the SRU to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, 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 May 23, 2020, submitted the final record for Incident No. 334957; and
- b. On July 26, 2020, submitted the initial notification for Incident No. 339529.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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- i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 330662;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334957;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 339529; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362615.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 422-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Tony Hines, Senior Vice President of Operations, IACX Rock Creek LLC, 9101 State Highway 136, Borger, Texas 79007
Justin Wheeler, Director of Environmental, Health & Safety, IACX Rock Creek LLC, 5001 LBJ Freeway, Suite 300, Dallas, Texas 75244

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Mar-2021			
	PCW	28-Nov-2022	Screening	25-Mar-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	IACX Rock Creek LLC
Reg. Ent. Ref. No.	RN100220052
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60563	No. of Violations	6
Docket No.	2021-0428-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		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	\$35,500
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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	23.0% Adjustment	Subtotals 2, 3, & 7	\$8,165
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Notes	Enhancement for one order without a denial of liability. Reduction for two notices of intent to conduct an audit.
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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	-\$124
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,820	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$43,541
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$43,541
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$43,541
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DEFERRAL	20.0% Reduction	Adjustment	-\$8,708
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$34,833
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Screening Date 25-Mar-2021

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PCW

Respondent IACX Rock Creek LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60563

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100220052

Media Air

Enf. Coordinator Amanda Diaz

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	1	25%
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>)	2	-2%
	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) 23%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order without a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 23%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 23%

Screening Date 25-Mar-2021 **Docket No.** 2021-0428-AIR-E **PCW**
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Case ID No. 60563 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100220052
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 83193 and PSDTX1104, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2568, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 4.62 pounds ("lbs") of carbon monoxide ("CO"), 10.30 lbs of hydrogen sulfide ("H2S"), 2.44 lbs of nitrogen oxides ("NOx"), 949.17 lbs of sulfur dioxide ("SO2"), and 1.27 lbs of volatile organic compounds ("VOC") from the Flare, Emissions Point Number ("EPN") FLR1, during an emissions event (Incident No. 330662) that occurred on February 21, 2020 and lasted 56 minutes. The emissions event occurred due to the formation of a hydrate or ice block in the line that caused the Sulfur Recovery Unit ("SRU") to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events: 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly 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 \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$1,679 Violation Final Penalty Total \$9,225
This violation Final Assessed Penalty (adjusted for limits) \$9,225

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	21-Feb-2020	1-Jul-2023	3.36	\$1,679	n/a	\$1,679

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 330662. The Date Required is the date the emissions event occurred 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 \$10,000

TOTAL \$1,679

Screening Date 25-Mar-2021 **Docket No.** 2021-0428-AIR-E **PCW**
Respondent IACX Rock Creek LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60563 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100220052
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.98 lbs of CO, 86.63 lbs of H2S, 21.02 lbs of NOx, 7,978.96 lbs of SO2, and 0.04 lb of VOC from the Flare, EPN FLR1 and released 2,359.26 lbs of SO2 from the Tail Gas Incinerator, EPN TGI, during an emissions event (Incident No. 334957) that began on May 1, 2020 and lasted 110 hours and 35 minutes. The emissions event occurred when welding was being done that caused a fire, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		Percent 50.0%
Potential					

>> 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 \$12,500

\$12,500

Violation Events

Number of Violation Events 1 5 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One weekly 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 \$12,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,519 **Violation Final Penalty Total** \$15,375

This violation Final Assessed Penalty (adjusted for limits) \$15,375

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-May-2020	15-May-2023	3.04	\$1,519	n/a	\$1,519

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334957. The Date Required is the date the emissions event began 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 \$10,000

TOTAL \$1,519

Screening Date 25-Mar-2021 **Docket No.** 2021-0428-AIR-E **PCW**
Respondent IACX Rock Creek LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60563 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100220052
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. 02568, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 334957 was due by May 20, 2020, but was not submitted until May 23, 2020.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures on May 23, 2020, prior to the Notice of Enforcement ("NOE") dated March 2, 2021.	

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**
Violation Final Penalty Total
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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				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	20-May-2020	23-May-2020	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the final record for Incident No. 334957. The Date Required is the date the final record 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 \$0

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Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 12.66 lbs of CO, 16.87 lbs of H2S, 6.66 lbs of NOx, 1,554.12 lbs of SO2, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 339529) that occurred on February 3, 2020 and lasted two hours and 14 minutes. The emissions event occurred when one side of the flow meter was plugged that caused low flow from the transmitter and the SRU to shut down, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
					0.0%
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$7,500

One monthly 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	x	<input type="text"/>

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,704 **Violation Final Penalty Total** \$9,225

This violation Final Assessed Penalty (adjusted for limits) \$9,225

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	3-Feb-2020	1-Jul-2023	3.41	\$1,704	n/a	\$1,704

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 339529. The Date Required is the date the emissions event occurred 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 \$10,000

TOTAL \$1,704

Screening Date 25-Mar-2021 **Docket No.** 2021-0428-AIR-E **PCW**
Respondent IACX Rock Creek LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60563 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100220052
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. 03586, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 339529 was due by February 4, 2020 at 12:00 a.m., but was not submitted until July 26, 2020, at 12:20 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 173 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes: The Respondent completed the corrective measures on July 26, 2020, prior to the NOE dated March 2, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$6 Violation Final Penalty Total \$246
This violation Final Assessed Penalty (adjusted for limits) \$246

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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				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	4-Feb-2020	26-Jul-2020	0.47	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 339529. The Date Required is the date the initial notification 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

\$6

Screening Date 25-Mar-2021 **Docket No.** 2021-0428-AIR-E **PCW**
Respondent IACX Rock Creek LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60563 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100220052
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6.87 lbs of H2S, 632.89 lbs of SO2, 0.17 lb of CO, 0.02 lb of NOx, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 362615) that occurred on July 18, 2021 and lasted 51 minutes. The emissions event occurred due to a power drop that caused the SRU to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly 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 \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$912 **Violation Final Penalty Total** \$9,225

This violation Final Assessed Penalty (adjusted for limits) \$9,225

Economic Benefit Worksheet

Respondent IACX Rock Creek LLC
Case ID No. 60563
Reg. Ent. Reference No. RN100220052
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	18-Jul-2021	15-May-2023	1.82	\$912	n/a	\$912

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362615. The Date Required is the date the emissions event occurred 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 \$10,000

TOTAL \$912



Compliance History Report

Compliance History Report for CN605745843, RN100220052, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN605745843, IACX Rock Creek LLC **Classification:** SATISFACTORY **Rating:** 7.04

Regulated Entity: RN100220052, Sneed Booster Station **Classification:** SATISFACTORY **Rating:** 2.47

Complexity Points: 13 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: Approximately 2,000 feet south of the Ranch-to-Market Road 1319 and Sneed Road intersection in Moore County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER MR0029L	AIR OPERATING PERMITS PERMIT 2568
AIR NEW SOURCE PERMITS AFS NUM 4834100014	AIR NEW SOURCE PERMITS PERMIT 7894
AIR NEW SOURCE PERMITS ACCOUNT NUMBER MR0029L	AIR NEW SOURCE PERMITS PERMIT 73350
AIR NEW SOURCE PERMITS REGISTRATION 38617	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1104
AIR NEW SOURCE PERMITS PERMIT 83193	AIR EMISSIONS INVENTORY ACCOUNT NUMBER MR0029L
TAX RELIEF ID NUMBER 16021	

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

Date Compliance History Report Prepared: November 18, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 18, 2017 to November 18, 2022

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

Name: Amanda Diaz

Phone: (713) 422-8912

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: 08/27/2020 ADMINORDER 2019-1456-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
SC 4 of Permit No. 89193/PSDTX1104 PERMIT
Special Terms and Conditions No. 8 OP

Description: Failure to meet minimum sulfur recovery efficiency requirements included in the site's permit for 77 days from July 1, 2018 to June 30, 2019.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 19, 2018	(1477578)
Item 2	August 31, 2018	(1512780)
Item 3	February 19, 2019	(1544829)
Item 4	June 13, 2019	(1575571)
Item 5	June 18, 2019	(1575448)
Item 6	June 19, 2019	(1575391)
Item 7	August 09, 2019	(1575310)
Item 8	August 13, 2019	(1575631)
Item 9	August 15, 2019	(1575997)
Item 10	August 16, 2019	(1590212)
Item 11	August 28, 2019	(1571720)
Item 12	October 08, 2019	(1597086)
Item 13	January 16, 2020	(1599058)
Item 14	January 23, 2020	(1599057)
Item 15	April 30, 2020	(1645652)
Item 16	May 08, 2020	(1646511)
Item 17	July 23, 2020	(1664664)
Item 18	October 09, 2020	(1679495)
Item 19	November 09, 2020	(1685529)
Item 20	December 14, 2020	(1685817)
Item 21	January 04, 2021	(1697967)
Item 22	January 07, 2021	(1698522)
Item 23	March 09, 2021	(1699277)
Item 24	March 30, 2021	(1704145)
Item 25	May 24, 2021	(1706024)
Item 26	June 03, 2021	(1724266)
Item 27	August 23, 2021	(1738520)
Item 28	November 09, 2021	(1755898)
Item 29	January 19, 2022	(1782565)
Item 30	May 09, 2022	(1788832)
Item 31	May 18, 2022	(1806016)
Item 32	May 19, 2022	(1817342)
Item 33	May 27, 2022	(1818209)
Item 34	July 15, 2022	(1827403)

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:

Notice of Intent Date: 03/13/2018 (1479275)

No DOV Associated

Notice of Intent Date: 02/09/2021 (1774138)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
IACX ROCK CREEK LLC
RN100220052

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0428-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 IACX Rock Creek LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas compressor station located approximately 2,000 feet south of the Ranch-to-Market Road 1319 and Sneed Road intersection in Moore County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$43,541 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$34,833 of the penalty and \$8,708 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 Site:
 - a. On May 23, 2020, submitted the final record for Incident No. 334957; and
 - b. On July 26, 2020, submitted the initial notification for Incident No. 339529.

II. ALLEGATIONS

1. During a record review for the Site conducted on February 22, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 83193 and PSDTX1104, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2568, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4.62 pounds ("lbs") of carbon monoxide ("CO"), 10.30 lbs of hydrogen sulfide ("H₂S"), 2.44 lbs of nitrogen oxides ("NO_x"), 949.17 lbs of sulfur dioxide ("SO₂"), and 1.27 lbs of volatile organic compounds ("VOC") from the Flare, Emissions Point Number ("EPN") FLR1, during an emissions event (Incident No. 330662) that occurred on February 21, 2020 and lasted 56 minutes. The emissions event occurred due to the formation of a hydrate or ice block in the line that caused the Sulfur Recovery Unit ("SRU") to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 39.98 lbs of CO, 86.63 lbs of H₂S, 21.02 lbs of NO_x, 7,978.96 lbs of SO₂, and 0.04 lb of VOC from the Flare, EPN FLR1 and released 2,359.26 lbs of SO₂ from the Tail Gas Incinerator, EPN TGI, during an emissions event (Incident No. 334957) that began on May 1, 2020 and lasted 110 hours and 35 minutes. The emissions event occurred when welding was being done that caused a fire, resulting in flaring. Since the

Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- c. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O2568, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 334957 was due by May 20, 2020, but was not submitted until May 23, 2020.
 - d. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 12.66 lbs of CO, 16.87 lbs of H₂S, 6.66 lbs of NO_x, 1,554.12 lbs of SO₂, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 339529) that occurred on February 3, 2020 and lasted two hours and 14 minutes. The emissions event occurred when one side of the flow meter was plugged that caused low flow from the transmitter and the SRU to shut down, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - e. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O3586, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 339529 was due by February 4, 2020 at 12:00 a.m., but was not submitted until July 26, 2020, at 12:20 p.m.
2. During a record review for the Site conducted on August 2, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83193 and PSDTX1104, SC No. 1, FOP No. O2568, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 6.87 lbs of H₂S, 632.89 lbs of SO₂, 0.17 lb of CO, 0.02 lb of NO_x, and 0.04 lb of VOC from the Flare, EPN FLR1, during an emissions event (Incident No. 362615) that occurred on July 18, 2021 and lasted 51 minutes. The emissions event occurred due to a power drop that caused the SRU to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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: IACX Rock Creek LLC, Docket No. 2021-0428-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements at the Site:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 330662;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334957;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 339529; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362615.
 - b. Within 45 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but

not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

3/30/2023

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.

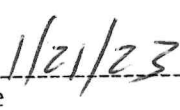
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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.

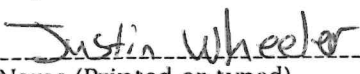
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature



Date



Name (Printed or typed)
Authorized Representative of
IACX Rock Creek LLC



Title

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

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