

**Executive Summary – Enforcement Matter – Case No. 61373**

**IACX Rock Creek LLC**

**RN100216613**

**Docket No. 2021-1271-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Rock Creek Gas Plant, 1000 West 10th Street, Borger, Hutchinson County

**Type of Operation:**

Natural gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 9, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$23,875

**Total Paid to General Revenue:** \$23,875

**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:** July 1, 2021

**Date(s) of NOE(s):** August 16, 2021

***Violation Information***

1. Failed to submit a notification within ten days, or as soon as practicable, prior to any scheduled maintenance, startup, or shutdown activity that is expected to cause an unauthorized emission. Specifically, the Respondent planned a maintenance activity (Incident No. 360493) that began on May 18, 2020 and the notification for Incident No.

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**Docket No. 2021-1271-AIR-E**

360493 was due by May 8, 2020, but was not submitted until June 18, 2021 [30 TEX. ADMIN. CODE §§ 101.211(a) and 122.143(4), Federal Operating Permit ("FOP") No. O2449, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.G, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 788.16 pounds ("lbs") of sulfur dioxide and 8.56 lbs of hydrogen sulfide from the Acid Gas Flare, Emissions Point Number FLR1, during an emissions event (Incident No. 360493) that began on May 18, 2020 and lasted 48 hours. The emissions event occurred due to a planned maintenance activity, resulting in flaring. Since the Respondent did not comply with the scheduled maintenance, startup, or shutdown activity reporting requirements, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 3131A, Special Conditions No. 1, FOP No. O2449, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented a corrective measure by submitting the notification for Incident No. 360493 on June 18, 2021.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Implement measures and/or procedures designed to ensure that notifications for any scheduled maintenance, startup, or shutdown activities are submitted in a timely manner; and

ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360493.

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

**Executive Summary – Enforcement Matter – Case No. 61373**

**IACX Rock Creek LLC**

**RN100216613**

**Docket No. 2021-1271-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Tony Hines, Senior Vice President of Operations, 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

<b>DATES</b>	<b>Assigned</b>	23-Aug-2021	<b>Screening</b>	24-Aug-2021	<b>EPA Due</b>	
	<b>PCW</b>	27-May-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	IACX Rock Creek LLC
<b>Reg. Ent. Ref. No.</b>	RN100216613
<b>Facility/Site Region</b>	1-Amarillo
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61373	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-1271-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mackenzie Mehlmann
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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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.

<b>Compliance History</b>	<b>91.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$11,375</b>
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Notes: Enhancement for one NOV with same or similar violations, two orders containing a denial of liability, and two orders without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,574  
 Estimated Cost of Compliance: \$11,750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$23,875</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$23,875</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$23,875</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

<b>PAYABLE PENALTY</b>	<b>\$23,875</b>
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**Screening Date** 24-Aug-2021

**Docket No.** 2021-1271-AIR-E

**PCW**

**Respondent** IACX Rock Creek LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61373

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100216613

**Media** Air

**Enf. Coordinator** Mackenzie Mehlmann

### 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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	2	50%
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> )	1	-2%
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)** 91%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same or similar violations, two orders containing a denial of liability, and two orders without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 91%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 91%

**Screening Date** 24-Aug-2021  
**Respondent** IACX Rock Creek LLC  
**Case ID No.** 61373  
**Reg. Ent. Reference No.** RN100216613  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Docket No.** 2021-1271-AIR-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.211(a) and 122.143(4), Federal Operating Permit ("FOP") No. O2449, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.G, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit a notification within ten days, or as soon as practicable, prior to any scheduled maintenance, startup, or shutdown activity that is expected to cause an unauthorized emission. Specifically, the Respondent planned a maintenance activity (Incident No. 360493) that began on May 18, 2020 and the notification for Incident No. 360493 was due by May 8, 2020, but was not submitted until June 18, 2021.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirements were not met.

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 406 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$5,000

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** \$5,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$219

**Violation Final Penalty Total** \$9,550

**This violation Final Assessed Penalty (adjusted for limits)** \$9,550

# Economic Benefit Worksheet

**Respondent** IACX Rock Creek LLC  
**Case ID No.** 61373  
**Reg. Ent. Reference No.** RN100216613  
**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	\$1,500	8-May-2020	1-Feb-2023	2.74	\$205	n/a	\$205
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	8-May-2020	18-Jun-2021	1.11	\$14	n/a	\$14

**Notes for DELAYED costs**

Estimated costs to submit the notification for Incident No. 360493 (\$250) and to implement measures and/or procedures designed to ensure that notifications for any scheduled maintenance, startup, or shutdown activities are submitted in a timely manner (\$1,500). The Dates Required are the date the notification was due and the Final Dates are the date the initial notification was submitted and 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

\$1,750

**TOTAL**

\$219

**Screening Date** 24-Aug-2021 **Docket No.** 2021-1271-AIR-E **PCW**  
**Respondent** IACX Rock Creek LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61373 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100216613  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 3131A, Special Conditions No. 1, FOP No. O2449, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 788.16 pounds ("lbs") of sulfur dioxide and 8.56 lbs of hydrogen sulfide from the Acid Gas Flare, Emissions Point Number FLR1, during an emissions event (Incident No. 360493) that began on May 18, 2020 and lasted 48 hours. The emissions event occurred due to a planned maintenance activity, resulting in flaring. Since the Respondent did not comply with the scheduled maintenance, startup, or shutdown activity reporting requirements, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**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 checked="" 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** IACX Rock Creek LLC  
**Case ID No.** 61373  
**Reg. Ent. Reference No.** RN100216613  
**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	18-May-2020	1-Feb-2023	2.71	\$1,355	n/a	\$1,355

**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. 360493. 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**

\$1,355

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN605745843, RN100216613, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605745843, IACX Rock Creek LLC      **Classification:** SATISFACTORY      **Rating:** 5.36  
**Regulated Entity:** RN100216613, ROCK CREEK GAS PLANT      **Classification:** SATISFACTORY      **Rating:** 26.83  
**Complexity Points:** 9      **Repeat Violator:** NO  
**CH Group:** 03 - Oil and Gas Extraction  
**Location:** 1000 WEST 10TH STREET, BORGER, HUTCHINSON COUNTY, TEXAS  
**TCEQ Region:** REGION 01 - AMARILLO

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HW0020F	<b>AIR OPERATING PERMITS</b> PERMIT 2449
<b>AIR NEW SOURCE PERMITS</b> PERMIT 3131A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 33452
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HW0020F	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4823300006
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 81946	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 107545
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164844	<b>WASTEWATER</b> PERMIT WQ0005355000
<b>WASTEWATER</b> EPA ID TX0009172	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HW0020F

**Compliance History Period:** September 01, 2016 to August 31, 2021      **Rating Year:** 2021      **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** May 27, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 27, 2017 to May 27, 2022

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

**Name:** Mackenzie Mehlmann

**Phone:** (512) 239-2572

## 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: 02/19/2019      ADMINORDER 2017-1373-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 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: SC No. 1 PA  
SC No. 8 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 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: SC No. 1 PA  
SC No. 8 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate

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

Description: Failed to submit the initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event.

2 Effective Date: 03/01/2019 ADMINORDER 2018-0071-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 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: SC No. 11 PA  
SC No. 8 OP

Description: Failure to comply with the requirements of the SC No. 11 of the permit No. 3131A regarding the incinerator temperature.

Classification: Moderate

Citation: 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: SC No. 11 PA  
SC No. 8 OP

Description: Failure to comply with the provisions of the SC No. 11 of the permit No. 3131A regarding the minimum oxygen concentration for the incinerator.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 8 OP

Description: Failure to comply with the PBR representation requirements of the PBR registration No. 107545.

Classification: Moderate

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

Rqmt Prov: SC No. 10 OP

Description: Failure to comply with the deviation reporting provisions of 30 TAC Chapter 122.

3 Effective Date: 10/05/2021 ADMINORDER 2020-1305-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 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: NSR Permit No. 3131A PERMIT  
SOP 2449 OP

Description: Failure to prevent unauthorized emissions to the atmosphere from the Emergency Acid Gas Flare during an emissions event (which did not meet all affirmative defense criteria).

Classification: Major

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

Rqmt Prov: GTC and STC No. 2.F OP

Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 26, 2017	(1776861)
Item 2	November 14, 2017	(1449952)
Item 4	January 25, 2018	(1776877)
Item 5	April 25, 2018	(1776837)
Item 6	June 26, 2018	(1498314)
Item 7	August 24, 2018	(1776886)
Item 8	October 23, 2018	(1776867)
Item 9	January 22, 2019	(1776883)
Item 10	March 15, 2019	(1552320)
Item 11	April 24, 2019	(1776833)
Item 12	May 24, 2019	(1570042)
Item 13	September 27, 2019	(1597556)
Item 14	October 02, 2019	(1596674)
Item 15	October 28, 2019	(1776868)
Item 16	January 16, 2020	(1776879)
Item 17	February 06, 2020	(1597189)
Item 18	May 04, 2020	(1776834)
Item 19	July 29, 2020	(1776849)
Item 20	October 28, 2020	(1776864)
Item 21	December 14, 2020	(1686004)
Item 22	January 22, 2021	(1776880)
Item 23	March 25, 2021	(1702056)
Item 24	March 30, 2021	(1704144)
Item 25	April 29, 2021	(1776835)
Item 26	May 07, 2021	(1705982)
Item 27	June 30, 2021	(1735531)
Item 28	July 08, 2021	(1776850)
Item 29	October 27, 2021	(1776865)
Item 30	January 19, 2022	(1790707)
Item 31	February 03, 2022	(1788316)
Item 32	April 22, 2022	(1813442)

**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:	02/17/2022	(1783152)		
	Self Report?	NO		Classification:	Moderate
	Citation:	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) NSR Permit 3131A PERMIT SOP 2499 OP			
	Description:	Failure to comply with the provisions of special condition no. 11 of NSR Permit no. 3131A regarding incinerator temperatures.			
	Self Report?	NO		Classification:	Moderate
	Citation:	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) NSR Permit No. 3131A PERMIT SOP No. 2499 OP			
	Description:	Failure to comply with the provisions of special condition no. 22 of New Source Review (NSR) Permit no. 3131A regarding Hydrogen Sulfide (H2S) feed rate testing.			

**F. Environmental audits:**

Notice of Intent Date: 09/01/2017 (1437971)  
Disclosure Date: 01/26/2018  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter O 106.352  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THSC Chapter 382 382.085

Rqmt Prov: PERMIT PBR  
OP ST&C No. 8

Description: Failure to operate equipment as represented in the PBR registration and NSR application (TK-6, TK-10a, TNKSLP1, TK-28). Specifically, the tank dimensions are not correct for TK-6, TK-10A, TNKSLP1, and TK-28. The use of incorrect tank dimensions also resulted in error in the emissions calculations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.111  
30 TAC Chapter 122, SubChapter C 122.210

Description: Failure to represent the VOC loading emission from TK-6 and TNKSLP in the NSR construction authorization and in the facility's Title V Permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 101, SubChapter F 101.223  
30 TAC Chapter 106, SubChapter O 106.352(b)(6)(F)  
30 TAC Chapter 106, SubChapter A 106.8(c)  
30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.111  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT HH 63.764(j)

Rqmt Prov: OP ST&C Nos. 2(j) and 1(F)

Description: Failure to ensure that frac tank emissions meet the requirements of MACT Subpart HH and failure to determine if an associated emissions event was reportable within 24 hours and create a final record within 14 days of the event.

Viol. Classification: Moderate

Citation: 5C THSC Chapter 382 382.085  
40 CFR Part 60, Subpart VV 60.482-6  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632

Rqmt Prov: PERMIT SC No. 19.E.

Description: Failure to prevent four open ended lines subject to NSPS Subpart KKK Monitoring Program Helium Unit and six open ended lines subject to the 28VHP Monitoring Program on the G-Line Receiver.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145  
30 TAC Chapter 122, SubChapter B 122.146  
5C THSC Chapter 382 382.085

Description: Failure to report the disclosed violations as deviation in Title V deviation reports and annual certification reports.

Notice of Intent Date: 02/09/2021 (1774134)  
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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** DCP MIDSTREAM - ROCK CREEK GAS PL

**Reg Entity Add:** 1000 WEST 10TH STREET

**Reg Entity City:** BORGER

**Reg Entity No:** RN100216613

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**EPA Case No:** 06-2019-1808

**Order Issue Date (yyyymmdd):** 20190724

**Case Result:** Final Order No Penalty

**Statute:** CWA

**Sect of Statute:** 301/402

**Classification:** Minor

**Program:** NPDES - Base Program

**Citation:**

**Violation Type:** Effluent Limit Violations, Not  
Otherwise Specified

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
IACX ROCK CREEK LLC  
RN100216613

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1271-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 processing plant located at 1000 West 10th Street in Borger, Hutchinson 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 \$23,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,875 of the penalty.
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 a corrective measure at the Plant by submitting the notification for Incident No. 360493 on June 18, 2021.

## II. ALLEGATIONS

During a record review conducted on July 1, 2021, an investigator documented that the Respondent:

1. Failed to submit a notification within ten days, or as soon as practicable, prior to any scheduled maintenance, startup, or shutdown activity that is expected to cause an unauthorized emission, in violation of 30 TEX. ADMIN. CODE §§ 101.211(a) and 122.143(4), Federal Operating Permit ("FOP") No. O2449, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.G, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent planned a maintenance activity (Incident No. 360493) that began on May 18, 2020 and the notification for Incident No. 360493 was due by May 8, 2020, but was not submitted until June 18, 2021.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 3131A, Special Conditions No. 1, FOP No. O2449, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 788.16 pounds ("lbs") of sulfur dioxide and 8.56 lbs of hydrogen sulfide from the Acid Gas Flare, Emissions Point Number FLR1, during an emissions event (Incident No. 360493) that began on May 18, 2020 and lasted 48 hours. The emissions event occurred due to a planned maintenance activity, resulting in flaring. Since the Respondent did not comply with the scheduled maintenance, startup, or shutdown activity reporting requirements, 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. 2021-1271-AIR-E" to:



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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures and/or procedures designed to ensure that notifications for any scheduled maintenance, startup, or shutdown activities are submitted in a timely manner; and
    - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360493.
  - 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:

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

with a copy to:

Air Section Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

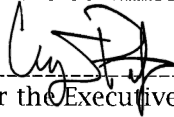
3. All relief not expressly granted in this Order is denied.

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 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 Order Compliance Team 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

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For the Commission



-----  
Date

10/12/2022

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For the Executive Director

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Date

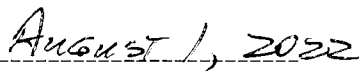
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.

  
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Signature

  
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Date

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

SR. VP. OF OPERATIONS  
-----  
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.