

Executive Summary – Enforcement Matter – Case No. 61903
SWG Pipeline, L.L.C.
RN100212539
Docket No. 2022-0200-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

East Rhome Compressor Station, 6867 East Highway 114, Rhome, Wise 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: July 26, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,125

Amount Deferred for Expedited Settlement: \$5,625

Total Paid to General Revenue: \$22,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 21, 2019 through October 25, 2021

Date(s) of NOE(s): January 18, 2022

Executive Summary – Enforcement Matter – Case No. 61903
SWG Pipeline, L.L.C.
RN100212539
Docket No. 2022-0200-AIR-E

Violation Information

1. Failed to comply with the maximum emissions rate ("MER"). Specifically, during a stack test conducted on February 28, 2017, the Respondent exceeded the formaldehyde MER of 0.47 pound per hour ("lb/hr") by 0.033 lb/hr for Caterpillar 3612, Emissions Point Number ("EPN") E-17A, resulting in approximately 655.78 pounds ("lbs") of unauthorized formaldehyde emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, Federal Operating Permit ("FOP") No. O3862, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MER. Specifically, during a stack test conducted on February 26, 2018, the Respondent exceeded the formaldehyde MER of 0.47 lb/hr by 0.285 lb/hr for Caterpillar 3612, EPN E-17A, resulting in approximately 3,180.60 lbs of unauthorized formaldehyde emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, FOP No. O3862, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 6, 2019, the Respondent obtained a revision for Standard Permit Registration No. 83910 that increased the formaldehyde hourly MER for Caterpillar 3612, EPN E-17A.

Technical Requirements:

N/A

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: Timothy Patton Copeland II, Senior Director of Operations, SWG Pipeline, L.L.C., 415 Private Road 3502, Bridgeport, Texas 76426-4465

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Jan-2022	Screening	1-Feb-2022	EPA Due	13-Jul-2022
	PCW	17-Jun-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	SWG Pipeline, L.L.C.
Reg. Ent. Ref. No.	RN100212539
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61903	No. of Violations	2
Docket No.	2022-0200-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		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	\$37,500
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$9,375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$96	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$850	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$28,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,125
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$22,500
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Screening Date 1-Feb-2022

Docket No. 2022-0200-AIR-E

PCW

Respondent SWG Pipeline, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 61903

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212539

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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) 0%

>> 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

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 1-Feb-2022

Docket No. 2022-0200-AIR-E

PCW

Respondent SWG Pipeline, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 61903

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212539

Media Air

Enf. Coordinator Mackenzie Mehlmann

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, Federal Operating Permit ("FOP") No. O3862, 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 comply with the maximum emissions rate ("MER"). Specifically, during a stack test conducted on February 28, 2017, the Respondent exceeded the formaldehyde ("CH2O") MER of 0.47 pound per hour ("lb/hr") by 0.033 lb/hr for Caterpillar 3612, Emissions Point Number ("EPN") E-17A, resulting in approximately 655.78 pounds ("lbs") of unauthorized CH2O emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 362 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance from February 28, 2017 to February 25, 2018.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

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

Notes

The Respondent completed the corrective measures on June 6, 2019, prior to the Notice of Enforcement ("NOE") dated January 18, 2022.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$96

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent SWG Pipeline, L.L.C.
Case ID No. 61903
Reg. Ent. Reference No. RN100212539
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	\$850	28-Feb-2017	6-Jun-2019	2.27	\$96	n/a	\$96
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain a revision for Standard Permit Registration No. 83910 that increased the CH2O hourly MER for Caterpillar 3612, EPN E-17A. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$850

TOTAL

\$96

Screening Date 1-Feb-2022
Respondent SWG Pipeline, L.L.C.
Case ID No. 61903
Reg. Ent. Reference No. RN100212539
Media Air
Enf. Coordinator Mackenzie Mehlmann

Docket No. 2022-0200-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, FOP No. O3862, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MER. Specifically, during a stack test conducted on February 26, 2018, the Respondent exceeded the CH2O MER of 0.47 lb/hr by 0.285 lb/hr for Caterpillar 3612, EPN E-17A, resulting in approximately 3,180.60 lbs of unauthorized CH2O emissions.

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="15.0%"/>
	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 that did 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 type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Six quarterly events are recommended from the February 26, 2018 non-compliant stack test date to the June 6, 2019 compliance date.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures on June 6, 2019, prior to the NOE dated January 18, 2022.

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 SWG Pipeline, L.L.C.
Case ID No. 61903
Reg. Ent. Reference No. RN100212539
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

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 CN604592279, RN100212539, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604592279, SWG Pipeline, L.L.C. **Classification:** SATISFACTORY **Rating:** 0.23

Regulated Entity: RN100212539, East Rhome Compressor Station **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 6867 East Highway 114, Rhome, Wise County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER WN0217K **AIR OPERATING PERMITS** PERMIT 3862

AIR NEW SOURCE PERMITS ACCOUNT NUMBER WN0217K **AIR NEW SOURCE PERMITS** AFS NUM 4849700066

AIR NEW SOURCE PERMITS REGISTRATION 83910 **AIR EMISSIONS INVENTORY** ACCOUNT NUMBER WN0217K

TAX RELIEF ID NUMBER 19994

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 03, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 03, 2019 to April 03, 2024

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 29, 2020	(1645443)
Item 2	February 26, 2021	(1703494)
Item 3	May 26, 2021	(1722818)
Item 4	August 11, 2021	(1739910)
Item 5	August 26, 2021	(1747025)
Item 6	July 19, 2023	(1909616)
Item 7	January 23, 2024	(1945747)

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: 06/12/2019 (1575681)

Disclosure Date: 10/29/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)
30 TAC Chapter 117, SubChapter B 117.405(a)
30 TAC Chapter 117, SubChapter B 117.410(a)
30 TAC Chapter 117, SubChapter B 117.450(a)(2)
30 TAC Chapter 117, SubChapter B 117.450(b)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to identify exempt diesel generator engines located onsite in the Initial Control Plan.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)
30 TAC Chapter 117, SubChapter B 117.452(a)
30 TAC Chapter 117, SubChapter B 117.452(c)
30 TAC Chapter 117, SubChapter H 117.9030(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to submit Final Control Report for units onsite subject to the emission specifications in 30 TAC 117.405.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to include discovered violations in Title V Deviation Report. This includes the failure to submit Initial and Final Control Report for units onsite subject to the emission specifications in 30 TAC 117.405 and

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
SWG PIPELINE, L.L.C.
RN100212539

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0200-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 SWG Pipeline, L.L.C. (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 at 6867 East Highway 114 in Rhome, Wise 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 \$28,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,500 of the penalty and \$5,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on June 6, 2019, the Respondent obtained a revision for Standard Permit Registration No. 83910 that increased the formaldehyde ("CH₂O") hourly maximum emissions rate ("MER") for Caterpillar 3612, Emissions Point Number ("EPN") E-17A.

II. ALLEGATIONS

During a record review for the Plant conducted from October 21, 2019 through October 25, 2021, an investigator documented that the Respondent:

1. Failed to comply with the MER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, Federal Operating Permit ("FOP") No. O3862, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on February 28, 2017, the Respondent exceeded the CH₂O MER of 0.47 pound per hour ("lb/hr") by 0.033 lb/hr for Caterpillar 3612, EPN E-17A, resulting in approximately 655.78 pounds ("lbs") of unauthorized CH₂O emissions.
2. Failed to comply with the MER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration No. 83910, FOP No. O3862, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on February 26, 2018, the Respondent exceeded the CH₂O MER of 0.47 lb/hr by 0.285 lb/hr for Caterpillar 3612, EPN E-17A, resulting in approximately 3,180.60 lbs of unauthorized CH₂O emissions.

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: SWG Pipeline, L.L.C., Docket No. 2022-0200-AIR-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/22/2024

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

7/1/2024

Date

Timothy Patton Copeland II

Sr. Director - Operations

Name (Printed or typed)
Authorized Representative of
SWG Pipeline, L.L.C.

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.