

**Executive Summary – Enforcement Matter – Case No. 62857**

**TGNR East Texas LLC**

**RN102585965**

**Docket No. 2022-1353-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Central Compressor Station, located approximately 0.14 mile southeast of the intersection of County Road 278 and U.S. Highway 79, Carthage, Panola 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:** May 24, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,400

**Amount Deferred for Expedited Settlement:** \$1,880

**Total Paid to General Revenue:** \$7,520

**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 11, 2022 and November 21, 2023

**Date(s) of NOE(s):** August 24, 2022 and December 15, 2023

**Executive Summary – Enforcement Matter – Case No. 62857**

**TGNR East Texas LLC  
RN102585965  
Docket No. 2022-1353-AIR-E**

***Violation Information***

1. Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the August 15, 2020 through August 14, 2021 certification period was due by September 13, 2021, but was not submitted until July 21, 2022 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O739/General Operating Permit ("GOP") No. 514, Terms and Conditions No. (b)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit a PCC within 30 days of any certification period. Specifically, the PCC for the August 15, 2022 through August 14, 2023 certification period was due by September 13, 2023, but was not submitted until November 7, 2023 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O739/GOP No. 514, Terms and Conditions No. (b)(3), 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 July 21, 2022, submitted the PCC for the August 15, 2020 through August 14, 2021 certification period;
- b. On November 7, 2023, submitted the PCC for the August 15, 2022 through August 14, 2023 certification period;
- c. By February 1, 2024, implemented data tool forms and task reminders for enhanced reporting efficiency in order to ensure that the PCCs are submitted in a timely manner; and
- d. By March 1, 2024, hired an Air Quality Engineer to be responsible for future timely compliance reporting submissions.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 62857**  
**TGNR East Texas LLC**  
**RN102585965**  
**Docket No. 2022-1353-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Chrissy Schaffner, Environmental, Health, and Safety Director, TGNR East Texas LLC, 811 Main Street, Suite 3500, Houston, Texas 77002

**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>	30-Aug-2022			
	<b>PCW</b>	15-Apr-2024	<b>Screening</b>	6-Sep-2022	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	TGNR East Texas LLC
<b>Reg. Ent. Ref. No.</b>	RN102585965
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	62857	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2022-1353-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>	Desmond Martin	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>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>	\$10,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	4.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$400
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Notes: Enhancement for one NOV with same/similar violations. Reduction for one Notice of Intent to conduct an audit.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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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>	-\$1,000
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$192	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,400
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$9,400
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,400
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,880
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,520
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Screening Date 6-Sep-2022

Docket No. 2022-1353-AIR-E

PCW

Respondent TGNR East Texas LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62857

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102585965

Media Air

Enf. Coordinator Desmond Martin

### 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> )	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> )	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)** 4%

#### >> 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/similar violations. Reduction for one Notice of Intent to conduct an audit.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 4%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 4%

**Screening Date** 6-Sep-2022 **Docket No.** 2022-1353-AIR-E **PCW**  
**Respondent** TGNR East Texas LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62857 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102585965  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O739/General Operating Permit ("GOP") No. 514, Terms and Conditions No. (b)(3), and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the August 15, 2020 through August 14, 2021 certification period was due by September 13, 2021, but was not submitted until July 21, 2022.

**Base Penalty** \$25,000

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual			
	Potential			

**>> Programmatic Matrix**

	Major	Moderate	Minor	<b>Percent</b>
Falsification	x			

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

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 310 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**

**10.0%** Reduction \$500

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

**Notes** The Respondent completed the corrective actions by February 1, 2024, after the Notice of Enforcement ("NOE") dated August 24, 2022.

**Violation Subtotal** \$4,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$190

**Violation Final Penalty Total** \$4,700

**This violation Final Assessed Penalty (adjusted for limits)** \$4,700

## Economic Benefit Worksheet

**Respondent** TGNR East Texas LLC  
**Case ID No.** 62857  
**Reg. Ent. Reference No.** RN102585965  
**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	13-Sep-2021	1-Feb-2024	2.39	\$179	n/a	\$179
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-Sep-2021	21-Jul-2022	0.85	\$11	n/a	\$11

**Notes for DELAYED costs**

Estimated costs to submit the PCC for the August 15, 2020 through August 14, 2021 certification period (\$250) and to implement data tool forms and task reminders for enhanced reporting efficiency in order to ensure that the PCCs are submitted in a timely manner (\$1,500). The Dates Required is the date the PCC was due and the Final Dates are the dates of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,750

**TOTAL** \$190

**Screening Date** 6-Sep-2022 **Docket No.** 2022-1353-AIR-E **PCW**  
**Respondent** TGNR East Texas LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62857 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102585965  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number**   
**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. O739/GOP No. 514, Terms and Conditions No. (b)(3), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description**  
 Failed to submit a PCC within 30 days of any certification period. Specifically, the PCC for the August 15, 2022 through August 14, 2023 certification period was due by September 13, 2023, but was not submitted until November 7, 2023.

**Base Penalty**

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
100% of the rule requirements were not met.					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

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

Notes: The Respondent completed the corrective actions by February 1, 2024, after the NOE dated December 15, 2023.

**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** TGNR East Texas LLC  
**Case ID No.** 62857  
**Reg. Ent. Reference No.** RN102585965  
**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)	\$250	14-Sep-2023	7-Nov-2023	0.15	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated cost to submit the PCC for the August 15, 2022 through August 15, 2023 certification period. The Date Required is the date the PCC was due and the Final Date is the date of compliance.

See the Economic Benefit in Violation No. 1 for implementing measures designed to ensure that the PCCs are submitted in a timely manner.

### 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**

\$2

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 CN605289289, RN102585965, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605289289, TGNR East Texas LLC      **Classification:** SATISFACTORY      **Rating:** 0.67  
**Regulated Entity:** RN102585965, Central Compressor Station      **Classification:** SATISFACTORY      **Rating:** 0.38  
**Complexity Points:** 7      **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** Approximately 0.14 mile southeast of the intersection of County Road 278 and United States Highway 79, Carthage, Panola County, Texas  
**TCEQ Region:** REGION 05 - TYLER

## ID Number(s):

<b>AIR OPERATING PERMITS PERMIT 739</b>	<b>AIR OPERATING PERMITS ACCOUNT NUMBER PB0003L</b>
<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER PB0003L</b>	<b>AIR NEW SOURCE PERMITS PERMIT 8413</b>
<b>AIR NEW SOURCE PERMITS PERMIT 7775</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 74457</b>
<b>AIR NEW SOURCE PERMITS AFS NUM 4836500001</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 110870</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 110872</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 110880</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 110877</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 110875</b>
<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER PB0003L</b>	

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

**Date Compliance History Report Prepared:** December 29, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 29, 2018 to December 29, 2023

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

**Name:** Desmond Martin

**Phone:** (512) 239-2814

## 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	August 13, 2020	(1666301)
Item 2	October 19, 2020	(1678939)

### **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:	08/28/2023	(1923048)
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Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
O-739 OP  
Description: Failure to submit a Title V Annual Certification in a timely manner.

**F. Environmental audits:**

Notice of Intent Date: 11/09/2021 (1803582)  
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  
TGNR EAST TEXAS LLC  
RN102585965

§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-1353-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 TGNR East Texas 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 approximately 0.14 mile southeast of the intersection of County Road 278 and United States Highway 79 in Carthage, Panola 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 \$9,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,520 of the penalty and \$1,880 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On July 21, 2022, submitted the permit compliance certification ("PCC") for the August 15, 2020 through August 14, 2021 certification period;
  - b. On November 7, 2023, submitted the PCC for the August 15, 2022 through August 14, 2023 certification period;
  - c. By February 1, 2024, implemented data tool forms and task reminders for enhanced reporting efficiency in order to ensure that the PCCs are submitted in a timely manner; and
  - d. By March 1, 2024, hired an Air Quality Engineer to be responsible for future timely compliance reporting submissions.

## II. ALLEGATIONS

1. During a record review for the Plant conducted on July 11, 2022, an investigator documented that the Respondent failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O739/General Operating Permit ("GOP") No. 514, Terms and Conditions No. (b)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC for the August 15, 2020 through August 14, 2021 certification period was due by September 13, 2021, but was not submitted until July 21, 2022.
2. During an investigation at the Plant conducted on November 21, 2023, an investigator documented that the Respondent failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O739/GOP No. 514, Terms and Conditions No. (b)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC for the August 15, 2022 through August 14, 2023 certification period was due by September 13, 2023, but was not submitted until November 7, 2023.

### 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: TGNR East Texas LLC, Docket No. 2022-1353-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

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For the Commission

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Date

  
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For the Executive Director

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6/11/2024  
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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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05/03/2024  
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Date

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Chrissy Schaffner  
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Name (Printed or typed)  
Authorized Representative of  
TGNR East Texas LLC

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Director of EHS  
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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.