

Executive Summary – Enforcement Matter – Case No. 65656
Luminant Generation Company LLC
RN102563426
Docket No. 2024-0423-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Graham Steam Electric Station, 480 Power Plant Road, on the shores of Lakes Eddleman and Graham adjacent to U.S. Highway 380, approximately 2.5 miles northwest of Graham, Young County

Type of Operation:

Steam electric station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 26, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,478

Amount Deferred for Expedited Settlement: \$3,095

Total Paid to General Revenue: \$12,383

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: November 30, 2023

Date(s) of NOE(s): February 23, 2024

Executive Summary – Enforcement Matter – Case No. 65656
Luminant Generation Company LLC
RN102563426
Docket No. 2024-0423-IWD-E

Violation Information

1. Failed to comply with permitted effluent limitations. Specifically, the total residual chlorine daily maximum concentration limit of 0.2 milligrams per liter ("mg/L") was exceeded during the monthly monitoring periods ending June 30, 2023 (0.3 mg/L) and September 30, 2023 (0.29 mg/L) [30 TEX. ADMIN. CODE 305.125(1), TEX. WATER CODE 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001].
2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a sample for total dissolved solids for the annual monitoring period ending August 31, 2023 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By December 31, 2023, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0000551000.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: James A. Burke, Manager, Luminant Generation Company LLC, 6555 Sierra Drive, Irving, Texas 75039

Renee Collins, Senior Director, Luminant Generation Company LLC, 6555 Sierra Drive, Irving, Texas 75039

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	4-Mar-2024	Screening	4-Mar-2024	EPA Due	5-Mar-2024
	PCW	15-Jul-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Luminant Generation Company LLC				
Reg. Ent. Ref. No.	RN102563426				
Facility/Site Region	3-Abilene	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	65656	No. of Violations	2
Docket No.	2024-0423-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kolby Farren
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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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	2.0%	Adjustment	Subtotals 2, 3, & 7	\$375
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Notes	Enhancement for one NOV for with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$377	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.7%	Adjustment	\$103
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.		
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Final Penalty Amount	\$15,478
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,478
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,095
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$12,383
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Screening Date	4-Mar-2024	Docket No.	2024-0423-IWD-E	PCW
Respondent	Luminant Generation Company LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65656			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102563426			
Media	Water Quality			
Enf. Coordinator	Kolby Farren			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3)	0%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for one NOV for with dissimilar violations.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 2%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date	4-Mar-2024	Docket No. 2024-0423-IWD-E	PCW
Respondent	Luminant Generation Company LLC	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	65656	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN102563426		
Media	Water Quality		
Enf. Coordinator	Kolby Farren		
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001		
Violation Description	Failed to comply with permitted effluent limitations. Specifically, the total residual chlorine daily maximum concentration limit of 0.2 milligrams per liter ("mg/L") was exceeded during the monthly monitoring periods ending June 2023 (0.3 mg/L) and September 2023 (0.29 mg/L).		
Base Penalty			\$25,000

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
			Percent	30.0%	

>> Programmatic Matrix					
		Harm			
	Falsification	Major	Moderate	Minor	
			Percent	0.0%	

Matrix Notes	Total residual chlorine was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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.
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Adjustment		\$17,500
		\$7,500

Violation Events																
Number of Violation Events	2	60 Number of violation days														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty
daily																
weekly																
monthly																
quarterly	x															
semiannual																
annual																
single event																
		\$15,000														

Two quarterly events are recommended for the quarters containing the months of June and September 2023.	
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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 achieved compliance by December 31, 2023.			
Violation Subtotal			\$11,250	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$252
Violation Final Penalty Total	\$11,627
This violation Final Assessed Penalty (adjusted for limits)	
\$11,627	

Economic Benefit Worksheet

Respondent Luminant Generation Company LLC
Case ID No. 65656
Reg. Ent. Reference No. RN102563426
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2023	31-Dec-2023	0.50	\$252	n/a	\$252

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, 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

\$10,000

TOTAL

\$252

Screening Date	4-Mar-2024	Docket No.	2024-0423-IWD-E	PCW
Respondent	Luminant Generation Company LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65656			
Reg. Ent. Reference No.	RN102563426			
Media	Water Quality			
Enf. Coordinator	Kolby Farren			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002			
Violation Description	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a sample for total dissolved solids for the annual monitoring period ending August 31, 2023.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="365"/>	Number of violation days
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	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$3,750"/>
	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"/>	

One single event is recommended.

Good Faith Efforts to Comply

0.0%	Reduction <input type="text" value="\$0"/>
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>
Notes	The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$125	Statutory Limit Test
		Violation Final Penalty Total <input type="text" value="\$3,851"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,851"/>

Economic Benefit Worksheet

Respondent Luminant Generation Company LLC
Case ID No. 65656
Reg. Ent. Reference No. RN102563426
Media Water Quality
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	\$250	30-Nov-2023	15-Sep-2025	1.79	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.							

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	31-Aug-2023	4-Mar-2024	0.51	\$3	\$100	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated avoided cost to collect and analyze effluent samples. The Date Required is the initial date of noncompliance, and the Final Date is the screening date.							

Approx. Cost of Compliance \$350

TOTAL \$125



Compliance History Report

Compliance History Report for CN603256413, RN102563426, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN603256413, Luminant Generation Company LLC **Classification:** SATISFACTORY **Rating:** 0.29

Regulated Entity: RN102563426, GRAHAM STEAM ELECTRIC STATION **Classification:** SATISFACTORY **Rating:** 0.48

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 06 - Electric Power Generation

Location: 480 Power Plant Road, on the shores of Lakes Eddleman and Graham adjacent to United States Highway 380, approximately 2.5 miles northwest of the City of Graham, Young County, Texas

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER YB0017V	AIR OPERATING PERMITS PERMIT 48
AIR NEW SOURCE PERMITS PERMIT 45434	AIR NEW SOURCE PERMITS ACCOUNT NUMBER YB0017V
AIR NEW SOURCE PERMITS AFS NUM 4850300001	WASTEWATER PERMIT WQ0000551000
WASTEWATER EPA ID TX0001163	AIR EMISSIONS INVENTORY ACCOUNT NUMBER YB0017V
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000751065	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 32351

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: July 15, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 15, 2020 to July 15, 2025

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

Name: Kolby Farren	Phone: (512) 239-2098
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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	July 23, 2020	(1673480)
Item 2	August 17, 2020	(1666031)
Item 3	August 24, 2020	(1680254)
Item 4	September 24, 2020	(1686825)
Item 5	October 23, 2020	(1693171)
Item 6	November 12, 2020	(1685052)

Item 7	November 24, 2020	(1712206)
Item 8	December 21, 2020	(1712207)
Item 9	January 20, 2021	(1712208)
Item 10	February 25, 2021	(1725261)
Item 11	March 24, 2021	(1725262)
Item 12	April 25, 2021	(1725263)
Item 13	May 24, 2021	(1739944)
Item 14	May 26, 2021	(1711190)
Item 15	June 25, 2021	(1747530)
Item 16	July 23, 2021	(1751621)
Item 17	August 25, 2021	(1766044)
Item 18	September 24, 2021	(1766045)
Item 19	October 25, 2021	(1776568)
Item 20	November 01, 2021	(1770521)
Item 21	November 04, 2021	(1765876)
Item 22	November 22, 2021	(1783539)
Item 23	November 30, 2021	(1773768)
Item 24	December 20, 2021	(1790559)
Item 25	January 14, 2022	(1783114)
Item 26	January 24, 2022	(1798356)
Item 27	February 25, 2022	(1806233)
Item 28	March 25, 2022	(1813294)
Item 29	April 25, 2022	(1819868)
Item 30	May 25, 2022	(1828711)
Item 31	June 25, 2022	(1834995)
Item 32	July 15, 2022	(1810828)
Item 33	July 25, 2022	(1842204)
Item 34	August 25, 2022	(1848340)
Item 35	September 24, 2022	(1856132)
Item 36	October 25, 2022	(1862493)
Item 37	November 22, 2022	(1869409)
Item 38	December 23, 2022	(1875253)
Item 39	December 28, 2022	(1859930)
Item 40	January 24, 2023	(1882077)
Item 41	February 24, 2023	(1889895)
Item 42	March 06, 2023	(1881206)
Item 43	March 25, 2023	(1898450)
Item 44	April 25, 2023	(1905241)
Item 45	May 22, 2023	(1912427)
Item 46	June 07, 2023	(1904240)
Item 47	June 23, 2023	(1919025)
Item 48	July 07, 2023	(1910582)
Item 49	July 27, 2023	(1904961)
Item 50	August 28, 2023	(1932958)
Item 51	September 25, 2023	(1939090)
Item 52	November 10, 2023	(1938169)
Item 53	November 22, 2023	(1951635)
Item 54	December 19, 2023	(1961392)
Item 55	January 24, 2024	(1967992)
Item 57	February 24, 2024	(1977055)
Item 58	March 25, 2024	(1983620)
Item 59	April 24, 2024	(1990150)
Item 60	May 24, 2024	(1996606)
Item 61	June 24, 2024	(2003558)
Item 62	July 08, 2024	(1989594)
Item 63	July 25, 2024	(2011112)
Item 64	August 23, 2024	(2016716)
Item 65	September 25, 2024	(2023734)
Item 66	October 25, 2024	(2029856)

Item 67	November 22, 2024	(2036178)
Item 68	December 23, 2024	(2042289)
Item 69	January 20, 2025	(2049116)
Item 70	February 24, 2025	(2056684)
Item 71	March 25, 2025	(2065250)
Item 72	April 22, 2025	(2072055)
Item 73	May 23, 2025	(2078454)
Item 74	June 11, 2025	(2070407)

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: 02/26/2025 (2010392)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1) 5C THSC Chapter 382 382.085(b)	
	Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC, Chapter 116, Subchapter I PERMIT 5C THSC Chapter 382 382.085(b)	
	Description: Failure to prevent visible emissions with an opacity greater than 15 percent (%) averaged over a six-minute period from the Unit 1 Boiler Stack [Emissions Point Number (EPN) GR-S1A&S1B], TCEQ/STEERS Incident No. 428185.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1) 5C THSC Chapter 382 382.085(b)	
	Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC, Chapter 116, Subchapter I PERMIT 5C THSC Chapter 382 382.085(b)	
	Description: Failure to prevent visible emissions with an opacity greater than 15 percent (%) averaged over a six-minute period from the Unit 2 Boiler Stack [Emissions Point Number (EPN) GR-S2], TCEQ/STEERS Incident No. 428188.	

F. Environmental audits:

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/15/2020 and 7/15/2025

1	Date: 06/30/2023 (1925991) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
2*	Date: 09/30/2023 (1945943) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
3*	Date: 01/03/2024 (1943998) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125 WQ0000551000 PERMIT Description: Failure to properly report an effluent violation deviation from the permitted effluent limitation by more than 40%. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125 WQ0000551000 PERMIT Description: Failure to submit the Discharge Monitoring Report on the 25th of following month.
4	Date: 02/26/2025 (2010392) Self Report? NO Classification: Minor Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1) 5C THSC Chapter 382 382.085(b) Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC, Chapter 116, Subchapter I PERMIT 5C THSC Chapter 382 382.085(b) Description: Failure to prevent visible emissions with an opacity greater than 15 percent (%) averaged over a six-minute period from the Unit 1 Boiler Stack [Emissions Point Number (EPN) GR-S1A&S1B], TCEQ/STEERS Incident No. 428185. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1) 5C THSC Chapter 382 382.085(b) Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC, Chapter 116, Subchapter I PERMIT 5C THSC Chapter 382 382.085(b) Description: Failure to prevent visible emissions with an opacity greater than 15 percent

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period July 15, 2020 and July 15, 2025

Item 1*	July 23, 2020**	(1673480)
Item 2*	August 17, 2020**	(1666031)
Item 3*	August 24, 2020**	(1680254)
Item 4*	September 24, 2020**	(1686825)
Item 5*	October 23, 2020**	(1693171)
Item 6*	November 12, 2020**	(1685052)
Item 7*	November 24, 2020**	(1712206)
Item 8*	December 21, 2020**	(1712207)
Item 9*	January 20, 2021**	(1712208)
Item 10*	February 25, 2021**	(1725261)
Item 11*	March 24, 2021**	(1725262)
Item 12*	April 25, 2021**	(1725263)
Item 13*	May 24, 2021**	(1739944)
Item 14*	May 26, 2021**	(1711190)
Item 15*	June 25, 2021**	(1747530)
Item 16*	July 23, 2021**	(1751621)
Item 17*	August 25, 2021**	(1766044)
Item 18*	September 24, 2021**	(1766045)
Item 19*	October 25, 2021**	(1776568)
Item 20*	November 01, 2021**	(1770521)
Item 21*	November 04, 2021**	(1765876)
Item 22*	November 22, 2021**	(1783539)
Item 23*	November 30, 2021**	(1773768)
Item 24*	December 20, 2021**	(1790559)
Item 25*	January 14, 2022**	(1783114)
Item 26*	January 24, 2022**	(1798356)
Item 27*	February 25, 2022**	(1806233)
Item 28*	March 25, 2022**	(1813294)
Item 29*	April 25, 2022**	(1819868)
Item 30*	May 25, 2022**	(1828711)
Item 31*	June 25, 2022**	(1834995)
Item 32*	July 15, 2022**	(1810828)
Item 33*	July 25, 2022**	(1842204)
Item 34*	August 25, 2022**	(1848340)
Item 35*	September 24, 2022**	(1856132)
Item 36*	October 25, 2022**	(1862493)
Item 37*	November 22, 2022**	(1869409)
Item 38*	December 23, 2022**	(1875253)
Item 39*	December 28, 2022**	(1859930)
Item 40*	January 24, 2023**	(1882077)
Item 41*	February 24, 2023**	(1889895)
Item 42*	March 06, 2023**	(1881206)
Item 43*	March 25, 2023**	(1898450)

Item 44*	April 25, 2023**	(1905241)
Item 45*	May 22, 2023**	(1912427)
Item 46*	June 07, 2023**	(1904240)
Item 47*	June 23, 2023**	(1919025)
Item 48*	July 07, 2023**	(1910582)
Item 49	July 21, 2023**	(1925991)
Item 50*	July 27, 2023**	(1904961)
Item 51*	August 28, 2023**	(1932958)
Item 52*	September 25, 2023**	(1939090)
Item 53	October 26, 2023**	(1945943)
Item 54*	November 10, 2023**	(1938169)
Item 55*	November 22, 2023**	(1951635)
Item 56*	December 19, 2023**	(1961392)
Item 57	January 03, 2024**	(1943998)
Item 58*	January 24, 2024**	(1967992)
Item 59*	February 24, 2024**	(1977055)
Item 60	February 28, 2024**	(1944453)
Item 61*	March 25, 2024**	(1983620)
Item 62*	April 24, 2024**	(1990150)
Item 63*	May 24, 2024**	(1996606)
Item 64*	June 24, 2024**	(2003558)
Item 65*	July 08, 2024**	(1989594)
Item 66*	July 25, 2024**	(2011112)
Item 67*	August 23, 2024**	(2016716)
Item 68*	September 25, 2024	(2023734)
Item 69*	October 25, 2024	(2029856)
Item 70*	November 22, 2024	(2036178)
Item 71*	December 23, 2024	(2042289)
Item 72*	January 20, 2025	(2049116)
Item 73*	February 24, 2025	(2056684)
Item 74	February 26, 2025	(2010392)
Item 75*	March 25, 2025	(2065250)
Item 76	April 03, 2025	(2056178)
Item 77*	April 22, 2025	(2072055)
Item 78*	May 23, 2025	(2078454)
Item 79*	June 11, 2025	(2070407)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LUMINANT GENERATION COMPANY
LLC
RN102563426

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0423-IWD-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 Luminant Generation Company LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a steam electric station located at 480 Power Plant Road, on the shores of Lake Eddleman and Graham adjacent to United States Highway 380, approximately 2.5 miles northwest of the City of Graham, Young County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 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 \$15,478 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,383 of the penalty and \$3,095 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 by December 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000551000.

II. ALLEGATIONS

During a record review at the Facility conducted on November 30, 2023, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE 305.125(1), TEX. WATER CODE 26.121(a)(1), and TPDES Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001. Specifically, the total residual chlorine daily maximum concentration limit of 0.2 milligrams per liter ("mg/L") was exceeded during the monthly monitoring periods ending June 30, 2023 (0.3 mg/L) and September 30, 2023 (0.29 mg/L).
2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0000551000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002. Specifically, the Respondent did not collect and analyze a sample for total dissolved solids for the annual monitoring period ending August 31, 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: Luminant Generation Company LLC, Docket No. 2024-0423-IWD-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, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements of TPDES Permit No. WQ0000551000.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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 Facility operations referenced in this Order.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. 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.
8. 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

Krista Mello-Jurack

10/26/2025

For the Executive Director

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.

Renee Collins

8/28/2025

Signature

Date

Renee Collins

Sr. Director

Name (Printed or typed)

Title

Authorized Representative of

Luminant Generation Company LLC

☐ 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.