

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

In The Matter Of:)

Transcontinental Gas Pipe Line Corp. Station 82)
Air Division Facility No. 503-3045)
Codan, Mobile County, Alabama)

Consent Order No. 02-256 -CAP

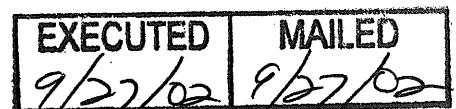
FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties concerned hereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS:

1. Transcontinental Gas Pipe Line Corp. (hereinafter, "Transco") operates a natural gas compressor station located at 5600 Rock Road, Codan, Mobile County, Alabama, which operates three natural gas-fired turbines and one auxiliary generator.

2. The Alabama Department of Environmental Management is a duly constituted agency of the State of Alabama pursuant to §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended.

3. Pursuant to §22-22A-4(n), Code of Alabama (1975), as amended, the Department is the State air pollution control agency for purposes of the Federal Clean Air Act, 42 U.S.C.



7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended.

4. Pursuant to ADEM Admin. Code R. 335-3-16-.03, this source is subject to the applicable requirements and conditions of a Title V, Major Source Operating Permit, that was issued on March 15, 2000.

5. Pursuant to ADEM Admin. Code R. 335-3-16-.05(3), and Unit Specific Proviso No. 3., Emission Monitoring, for Emission Point Nos. 001-003 (all turbines), and Unit Specific Proviso No. 2, Emission Monitoring, for Emission Point No. 004 (auxiliary generator) the facility shall conduct annual portable analyzer tests for NOx emissions.

6. In accordance with the Title V Major Source Operating Permit, Unit Specific Proviso No. 1, Emission Standards, for Emission Point Nos. 001 and 002, the applicable NOx standard for each of these units is 25.43 lb/hr.

7. On March 6, 2002, Transco conducted annual portable analyzer tests on all units at facility.

8. On March 13, 2002, Transco notified the Department via phone of NOx exceedances on Units 1 (27.0 lb/hr) and 2 (26.2 lb/hr).

9. On March 19, 2002, Transco personnel conducted portable analyzer retests on Units 1 and 2 with passing NOx emission results (21.94 lb/hr and 20.93 lb/hr, respectively).

10. On March 28, 2002, the Department received formal written notification of the NOx exceedances on Units 1 and 2.

11. On April 8, 2002, the Department received the final portable analyzer test report.

12. On April 10, 2002, a Notice of Violation was issued to Transco for emitting NOx at a rate greater than 25.4 lb/hr from each of the turbine Units 1 and 2. A response was due to the Department no later than May 10, 2002.

13. On May 10, 2002, an adequate response to the NOV was received.

14. Transco neither agrees nor disagrees with the Findings presented in this Consent Order, but, in an effort to cooperate with the Department and to comply with the provisions of the Alabama Air Pollution Control Act, Transco has consented to the terms of this Consent Order.

15. The Department has agreed to the terms of this Consent Order in order to resolve the violations cited in this Consent Order, and the Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

ORDER

Based upon the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama (1975), as amended, and with the consent of Transco, it is hereby ORDERED:

A. That, not later than thirty (30) days after the effective date of this Consent Order, Transco shall pay to the Department a civil penalty in the amount of Five Thousand Dollars (\$5,000.00) for the violations cited herein.

B. That, from the effective date of this Consent Order and continuing thereafter, Transco shall operate in compliance with all conditions and requirements contained in their Major Source Operating Permit.

C. That, until further notice, Transco shall conduct portable analyzer testing for Units 1 and 2 at Station 82 in Coden, Mobile County, Alabama twice per calendar year at a

frequency of once per semiannual period (Jan 1st-Jun 30th and Jul 1st-Dec 31st). Portable analyzer testing shall be conducted with a minimum of three (3) calendar months elapsing between tests.

D. That, this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order on behalf of the party represented, and to legally bind such party.

E. That, subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

F. That, Transco is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. That, for purposes of this Consent Order only, Transco agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including, but not limited to, Montgomery County Circuit Court. Transco also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, Transco shall be limited to the defenses of *Force Majeure*, compliance with this Agreement, and physical impossibility.

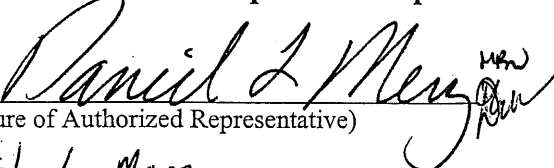
H. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of Transco, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to be

beyond the reasonable control of Transco) and which delays or prevents performances by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state or local permits shall not constitute *Force Majeure*.

I. That, the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the facility which would constitute possible violations not addressed in this Consent Order, then such future violations shall be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and Transco shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if future Orders, litigation or other enforcement action address new matters not raised in this Consent Order.

J. That, by agreement of the parties, this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and Transco does hereby waive any hearing on the terms and conditions of same.

Transcontinental Gas Pipe Line Corp.

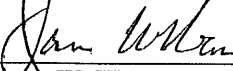

(Signature of Authorized Representative)

Daniel L. Merz
(Printed Name of Authorized Representative)

Manager, Environmental
(Title of Authorized Representative)

Sept. 18, 2002
Date Signed

**Alabama Department of
Environmental Management**


James W. Warr
Director

21 SEP 2002
Date Signed