EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0873-AIR-E **TCEQ ID:** RN102888377 **CASE NO.:** 33625

RESPONDENT NAME: Enbridge G & P (North Texas) L.P.

ORDER TYPE:		
_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
_X_AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Barton Chapel Gas Plant, 810 Nash Road, Jack County

TYPE OF OPERATION: Natural gas processing plant

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 10, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, R-12, (713) 767-3629; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: Mr. Randall Burdorf, Senior Environmental Specialist, Enbridge G & P (North Texas) L.P., P.O Box 429, Springtown, Texas 76082; Mr. Michael Koby, Environmental Health and Safety Manager, Enbridge G & P (North Texas) L.P., 1100 Louisiana Street, Houston, Texas 77002

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** May 1, 2007 **Date of NOE Relating to this Case:** May 7, 2007 (NOE) **Background Facts:** This was a routine records review. One violation was documented. **AIR** Failure to comply with the carbon monoxide (CO) maximum allowable emission rate for compressor engine CO-301 MEP 6, Emission Point Number E-4 in Standard Permit No. 76462. The permit authorized an emission rate of 4.46 pounds per hour ("lbs/hr"), however, on March 29, 2006, stack testing results showed that the compressor was operating at the CO emission rate of 5.91 lbs/hr [30 TEX. ADMIN. CODE § 116.615(2), TCEQ Standard Permit No. 76462, General Operating Permit No. 514, Condition No. b(7)(E)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $3,750 **Total Deferred:** $750 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $3,000 **Site Compliance History Classification** X **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that on July 7, 2006, the Respondent obtained an amendment to their Standard Permit No. 76462 to increase the allowable emission rate of carbon monoxide ("CO") for the compressor engine to 11.91 pounds per hour ("lbs/hr").

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision March 19, 2007*

DATES					
Assigned	14-May-2007				
PCW	31-May-2007	Screening	25-May-2007	EPA Due	27-Jan-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Enbridge G & P (North Texas) L.P.		
Reg. Ent. Ref. No.	RN102888377		
Facility/Site Region	3-Abilene	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33625	No. of Violations	1
Docket No.	2007-0873-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 0% Enhancement — *Subtotals 2, 3, & 7* $0

Notes: There were no penalty enhancements or reductions resulting from the compliance history determinations.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 25% Reduction — *Subtotal 5* $1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The corrective actions were completed by the Respondent on July 7, 2006.

Total EB Amounts	$7
Approx. Cost of Compliance	$500

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $3,750

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $3,750

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $3,750

DEFERRAL — 20% Reduction — *Adjustment* -$750

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $3,000

Screening Date 25-May-2007 **Docket No.** 2007-0873-AIR-E **PCW**

Respondent Enbridge G & P (North Texas) L.P.

Policy Revision 2 (September 2002)

Case ID No. 33625

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102888377

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

There were no penalty enhancements or reductions resulting from the compliance history determinations.

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

Screening Date 25-May-2007 **Docket No.** 2007-0873-AIR-E **PCW**

Respondent Enbridge G & P (North Texas) L.P. *Policy Revision 2 (September 2002)*

Case ID No. 33625 *PCW Revision March 19, 2007*

Reg. Ent. Reference No. RN102888377

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), TCEQ Standard Permit No. 76462, General Operating Permit No. 514, Condition No. b(7)(E)(ii), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the carbon monoxide (CO) maximum allowable emission rate for compressor engine CO-301 MEP 6, Emission Point Number E-4 in Standard Permit No. 76462. The permit authorized an emission rate of 4.46 pounds per hour ("lbs/hr"), however, on March 29, 2006, stack testing results showed that the compressor was operating at the CO emission rate of 5.91 lbs/hr.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 | 100 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $7

Statutory Limit Test

Violation Final Penalty Total $3,750

This violation Final Assessed Penalty (adjusted for limits) $3,750

Economic Benefit Worksheet

Respondent Enbridge G & P (North Texas) L.P.
Case ID No. 33625
Reg. Ent. Reference No. RN102888377
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$500	29-Mar-2006	7-Jul-2006	0.3	$7	n/a	$7
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Esimated cost for revising the Standard Permit. Date required is the date of the stack testing. Final date is the date when the Standard Permit was amended to increase the allowable CO emission rate to 11.91 lbs/hr.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $500

TOTAL $7

Compliance History

Customer/Respondent/Owner-Operator:	CN603042623	Enbridge G & P (North Texas) LP	Classification: AVERAGE	Rating: 1.12
Regulated Entity:	RN102888377	BARTON CHAPEL GAS PLANT	Classification: HIGH	Site Rating: 0.00

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JA0026U
	AIR NEW SOURCE PERMITS	AFS NUM	4823700013
	AIR NEW SOURCE PERMITS	REGISTRATION	76462
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JA0026U
	AIR OPERATING PERMITS	PERMIT	734
	AIR OPERATING PERMITS	PERMIT	2953

Location: 810 Nash Road, Jack County, Texas

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: May 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 24, 2002 to May 24, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Nhameed Phone: 713-767-3629

Site Compliance History Components

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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? N/A
   Enbridge Gathering (North Texas) L.P.
   Enbridge G & P (North Texas) LP
4. if Yes, who was/were the prior owner(s)? Devon Gas Services L.P.
   N/A
5. When did the change(s) in ownership occur? N/A
   01/06/2005

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 06/16/2003 (112928)

2 04/06/2004 (266296)
3 12/06/2004 (342179)
4 02/24/2006 (453726)
5 05/08/2007 (555877)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

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 ENBRIDGE G & P (NORTH TEXAS) L.P. RN102888377	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0873-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enbridge G & P (North Texas) L.P. ("Enbridge") 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 Enbridge appear before the Commission and together stipulate that:

1. Enbridge owns and operates a natural gas processing plant at 810 Nash Road, Jack County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Enbridge agree that the Commission has jurisdiction to enter this Agreed Order, and that Enbridge is subject to the Commission's jurisdiction.

4. Enbridge received notice of the violations alleged in Section II ("Allegations") on or about May 12, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Enbridge of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Seven Hundred Fifty Dollars ($3,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Enbridge has paid Three Thousand Dollars ($3,000) of the administrative

penalty and Seven Hundred Fifty Dollars ($750) is deferred contingent upon Enbridge's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Enbridge fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Enbridge to pay all or part of the deferred penalty.

7. 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.

8. The Executive Director of the TCEQ and Enbridge have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that on July 7, 2006, Enbridge obtained an amendment to their Standard Permit No. 76462 to increase the allowable emission rate of carbon monoxide ("CO") for the compressor engine to 11.91 pounds per hour ("lbs/hr").

10. 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 Enbridge has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Enbridge is alleged to have failed to comply with the carbon monoxide maximum allowable emission rate for compressor engine CO-301 MEP 6, Emission Point Number E-4 in Standard Permit No. 76462, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TCEQ Standard Permit No. 76462, General Operating Permit No. 514, Condition No. b(7)(E)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 1, 2007. The permit authorized an emission rate of 4.46 lbs/hr, however, on March 29, 2006, stack testing results showed that the compressor was operating at the CO emission rate of 5.91 lbs/hr.

III. DENIALS

Enbridge generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Enbridge pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Enbridge's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enbridge G & P (North Texas) L.P., Docket No. 2007-0873-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Enbridge. Enbridge is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against Enbridge in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Enbridge, or three days after the date on which the Commission mails notice of the Order to Enbridge, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 9/7/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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.

_____ 7/11/07
Signature Date

Michael Koby EH&S Manager
Name (Printed or typed) Title
Authorized Representative of
Enbridge G & P (North Texas) L.P.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.