

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2007-1162-AIR-E **TCEQ ID:** RN102323268 **CASE NO.:** 34199
RESPONDENT NAME: Enterprise Products Operating LLC

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu, Chambers County</p> <p>TYPE OF OPERATION: Natural gas liquids processing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4066; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. T. Halgott, Vice President, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210-4324 Mr. James D. Gernentz, Vice President Houston Region Operations, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210-4324 Respondent's Attorney: Mr. Matt Kuryla, Baker Botts LLP, One Shell Plaza, 910 Louisiana Street, Houston, Texas 77002-4916</p>		

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2008 SEP 22 AM 11:19
 CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 4 through 14, 2006 and May 23 through 30, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 5 and 30, 2007 (NOE)</p> <p>Background Facts: These were routine record reviews.</p> <p>AIR</p> <p>1) Failed to maintain an emission rate below permit application representations of 1.12 pounds per hour ("lbs/hr") of volatile organic compounds ("VOCs") [30 TEX. ADMIN. CODE § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs [30 TEX. ADMIN. CODE § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 6798 Application Representations and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to maintain an emission rate below permitted limits of 0.13 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(c) and 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 5581 Application Representations and Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$541,450</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$270,725</p> <p>Total Paid to General Revenue: \$270,725</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health or environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent replaced the leaking heat exchanger in the P/P Splitter I Cooling Tower on February 2, 2007.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order and until issuance of permit amendments for the Seminole, Splitter I, and West Texas Fractionator Units (New Source Review Permit Nos. 8707, 5581, and 6798), follow a leak-detection and repair program to minimize fugitive VOC emissions from the cooling tower/heat exchange system. The cooling tower inlet water will be monitored for total strippable VOC using a monitoring system compliant with 30 TEX. ADMIN. CODE § 115.764 (concerning Cooling Tower Heat Exchange Systems: Monitoring and Testing Requirements). If the monitoring indicates a rise in the concentration of VOC of a magnitude indicating a tube rupture or offsite impacts, the leak will be investigated and fixed as promptly as reasonably feasible. The results of the monitoring and maintenance efforts shall be recorded and such records shall be maintained for a period of at least two years. The records shall be made available to TCEQ personnel upon request and kept at the Plant site;</p> <p>b. Within 60 days after the effective date of this Agreed Order, replace or rebuild heat exchanger numbers 042-HT16.629 and 042-HT16.630 in the Seminole Unit;</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 2.b. as described in Ordering Provision 2.r. below;</p>

		<p>d. Within 240 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for authorization of actual cooling tower emissions in the Splitter I Unit using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;</p> <p>e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>f. Within 300 days after the effective date of this Agreed Order, following replacement or rebuild of the heat exchangers as defined in Ordering Provision 2.b., submit an administratively complete permit amendment application for authorization of actual cooling tower emissions in the Seminole Unit using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;</p> <p>g. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>h. Within 330 days after the effective date of this Agreed Order, replace or rebuild heat exchanger numbers 058-HT16.106 and 058-HT16.107 in the West Texas Fractionator Unit;</p> <p>i. Within 345 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 2.h. as described in Ordering Provision 2.r. below;</p> <p>j. Within 510 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the Splitter I Unit, New Source Review Permit No. 5581;</p> <p>k. Within 525 days after the effective date of this Agreed Order, or within 15 days after issuance of the permit amendment described in the previous paragraph, submit certification of compliance with Ordering Provision 2.j. as described in Ordering Provision 2.r. below;</p>
--	--	--

- | | | |
|--|--|--|
| | | <p>l. Within 570 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the Seminole Unit, New Source Review Permit No. 8707;</p> <p>m. Within 570 days after the effective date of this Agreed Order, following replacement or rebuild of the heat exchangers as defined in Ordering Provision 2.h., submit an administratively complete permit amendment application for authorization of the actual cooling tower emissions in the West Texas Fractionator Unit using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;</p> <p>n. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>o. Within 585 days after the effective date of this Agreed Order, or within 15 days after the issuance of the permit amendment described in Ordering Provision 2.l., submit certification of compliance with Ordering Provision 2.l. as described in Ordering Provision 2.r. below;</p> <p>p. Within 840 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the West Texas Fractionator Unit, New Source Review Permit No. 6798;</p> <p>q. Within 855 days after the effective date of this Agreed Order, or within 15 days after issuance of the permit amendment described in the previous paragraph, submit certification of compliance with Ordering Provision 2.p. as described in Ordering Provision 2.r. below; and</p> <p>r. Submit written certifications and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p> |
|--|--|--|

Additional ID No(s): CI0008R

Attachment A
Docket Number: 2007-1162-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Five Hundred Forty-One Thousand Four Hundred Fifty Dollars (\$541,450)

SEP Amount: Two Hundred Seventy Thousand Seven Hundred Twenty-Five Dollars (\$270,725)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Chambers County

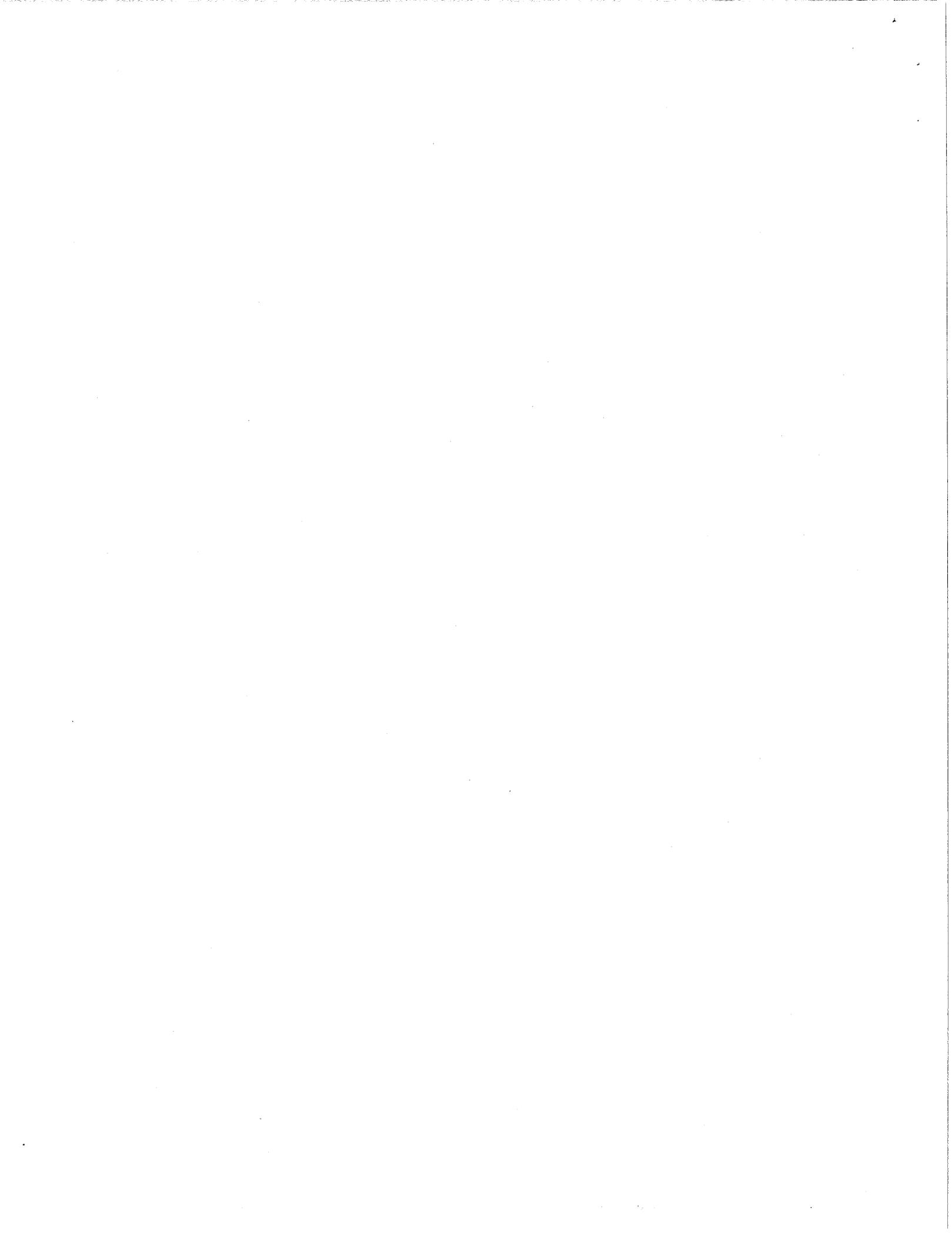
The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Chambers County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:



Enterprise Products Operating LLC
Agreed Order – Attachment A

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

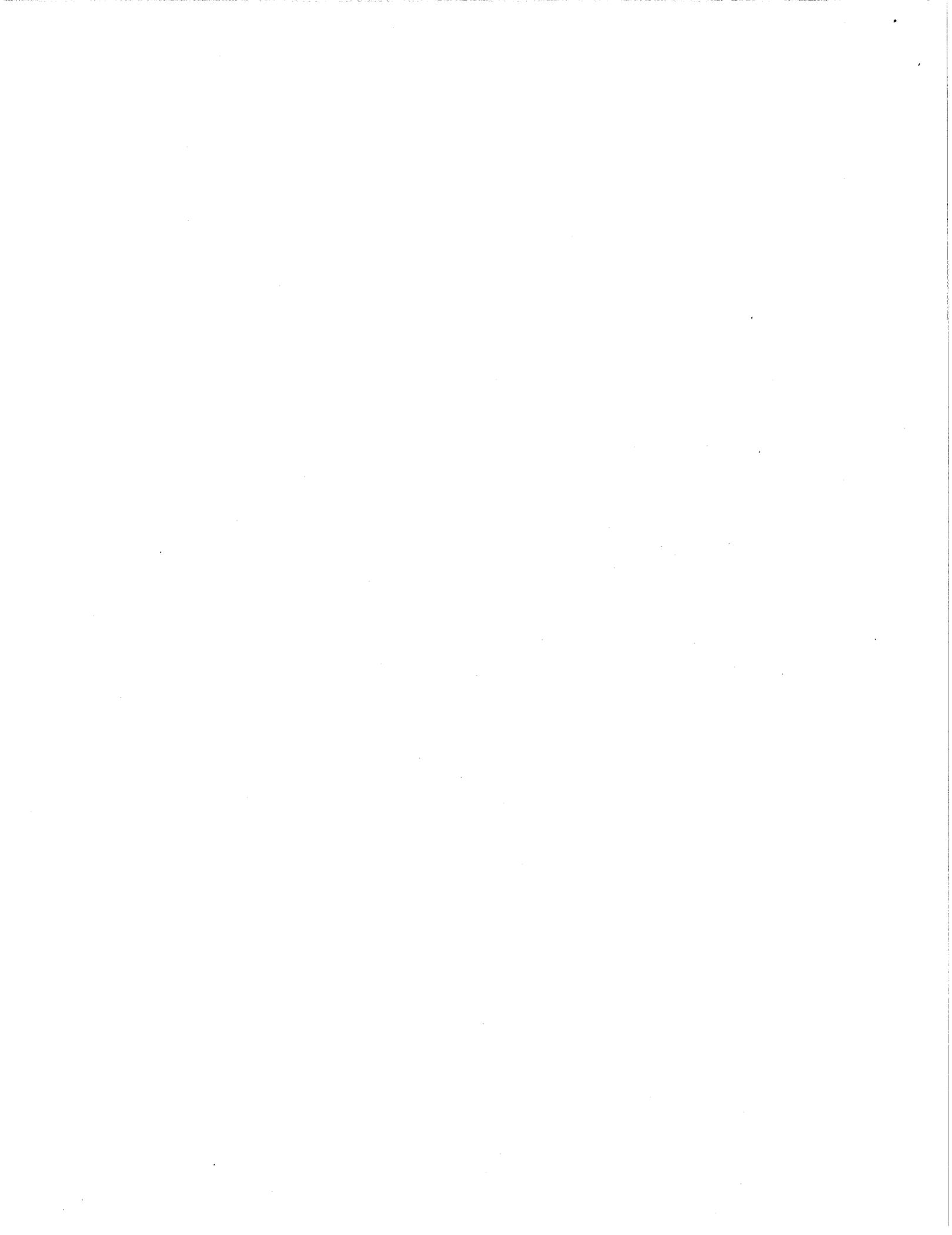
Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	17-Jul-2007	EPA Due	13-Mar-2008
	PCW	1-Oct-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102323268
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34199	No. of Violations	8
Docket No.	2007-1162-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 121% Enhancement **Subtotals 2, 3, & 7**

Notes:

Culpability No 0% Enhancement **Subtotal 4**

Notes:

Good Faith Effort to Comply 0% Reduction **Subtotal 5**

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes:

Total EB Amounts 0% Enhancement* **Subtotal 6**
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes:

PAYABLE PENALTY

Screening Date 17-Jul-2007

Docket No. 2007-1162-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 34199

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	8	40%
	Other written NOV's	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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)	3	-3%
	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) 121%

>> **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

Penalty enhancement due to eight NOV's issued for same or similar violations, 22 NOV's issued for non-similar violations (which includes 17 self-reported effluent violations), and two agreed orders containing a denial of liability issued. Penalty reduction due to three notice of audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 121%

Screening Date	17-Jul-2007	Docket No.	2007-1162-AIR-E	PCW
Respondent	Enterprise Products Operating LLC			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34199			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN102323268			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain an emission rate below permit application representations of 1.12 pounds per hour ("lbs/hr") of volatile organic compounds ("VOCs"). Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 26,000 pounds ("lbs") of propylene were released from emission point number ("EPN") F8 in the Seminole Cooling Tower between March 27 and April 26, 2006.			
	Base Penalty	<input type="text" value="\$10,000"/>		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="100%"/>
	Potential	<input type="text"/>	<input type="text"/>	<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%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2,016"/>	Violation Final Penalty Total <input type="text" value="\$22,100"/>
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$22,100"/>

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	27-Mar-2006	1-Apr-2008	2.0	\$2,016	n/a	\$2,016

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that heat exchanger leaks in the Seminole Cooling Tower are detected early and timely repaired or replaced. Date required is the date the release began. Final date is the date corrective actions are projected to be completed.

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

\$20,000

TOTAL

\$2,016

Screening Date 17-Jul-2007

Docket No. 2007-1162-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 34199

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 3,574.92 lbs of propylene were released from EPN F8 in the Seminole Cooling Tower between April 27 and May 8, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Human health and the environment has been exposed to approximately 1.79 tons of the HRVOC propylene as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

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 Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 1.

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

\$0

TOTAL

\$0

Screening Date 17-Jul-2007 **Docket No.** 2007-1162-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 2 (September 2002)*
Case ID No. 34199 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of propylene. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 5,000 lbs of propylene have been released from EPN F8 in the Seminole Cooling Tower between June 19 and August 18, 2006 and between October 19, 2006 and April 13, 2007 (emissions are ongoing).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment has been exposed to approximately 2.5 tons of the HRVOC propylene as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 11 331 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$55,000

Eleven monthly events are recommended for the emissions released between June 19 and August 18, 2006 (two months) and between October 19, 2006 and the screening date of July 17, 2007 (nine months).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$121,550

This violation Final Assessed Penalty (adjusted for limits) \$121,550

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 1.

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

\$0

TOTAL

\$0

Screening Date 17-Jul-2007 **Docket No.** 2007-1162-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 2 (September 2002)*
Case ID No. 34199 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of propylene. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 205,700 lbs of propylene were released from EPN F8 in the Seminole Cooling Tower between August 19 and October 18, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			<input type="text" value="100%"/>
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				<input type="text" value="0%"/>

Matrix Notes

Human health and the environment has been exposed to approximately 102.85 tons of the HRVOC propylene as a result of the violation.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended.

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 Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 4

Percent Interest:	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
--	-----------	---------------	------------	-----	----------------	---------------	-----------

Item Description No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 1.

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

\$0

TOTAL

\$0

Screening Date 17-Jul-2007 **Docket No.** 2007-1162-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 2 (September 2002)*
Case ID No. 34199 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 6798 Application Representations and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 3,130,000 lbs of propane were released from EPN F3A in the West Texas Fractionator Cooling Tower between April 24, 2006 and January 21, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0%"/>

Matrix Notes Human health and the environment has been exposed to approximately 1,565 tons of propane as a result of the violation.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

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 Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	24-Apr-2006	1-Apr-2008	1.9	\$1,940	n/a	\$1,940

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that heat exchanger leaks in the West Texas Fractionator are detected early and timely repaired or replaced. Date required is the date the release began. Final date is the date corrective actions are projected to be completed.

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 \$20,000

TOTAL \$1,940

Screening Date 17-Jul-2007 **Docket No.** 2007-1162-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 2 (September 2002)*
Case ID No. 34199 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN102323268
Media [Statute] Air
Enf. Coordinator Trina Grieco
Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 6798 Application Representations and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 4,007 lbs of propane have been released from EPN F3A in the West Texas Fractionator Cooling Tower between January 22 and April 13, 2007 (emissions are ongoing).
Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health and the environment has been exposed to approximately 2 tons propane as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Six monthly events are recommended from the first day of the release (January 22, 2007) to the screening date (July 17, 2007).

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 Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 5.

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

\$0

TOTAL

\$0

Screening Date 17-Jul-2007 **Docket No.** 2007-1162-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 2 (September 2002)*
Case ID No. 34199 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 5581 Application Representations and Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below permitted limits of 0.13 lbs/hr. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 2,875 lbs of propylene were released from EPN CO1 in the P/P Splitter I Cooling Tower between May 23 and November 20, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment has been exposed to approximately 1.44 tons of the HRVOC propylene as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

2 182 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

Statutory Limit Test

Estimated EB Amount \$1,860

Violation Final Penalty Total \$11,050

This violation Final Assessed Penalty (adjusted for limits) \$11,050

Economic Benefit Worksheet

Respondent: Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media: Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	23-May-2006	1-Apr-2008	1.9	\$1,860	n/a	\$1,860

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that heat exchanger leaks in the P/P Splitter | Cooling Tower (EPN CO1) are detected early and timely repaired or replaced. Date required is the date the release began. Final date is the date corrective actions are projected to be completed.

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

\$20,000

TOTAL

\$1,860

Screening Date 17-Jul-2007

Docket No. 2007-1162-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 34199

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 5581 Application Representations and Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below permitted limits of 0.13 lbs/hr. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 20,000 lbs of propylene were released from EPN CO1 in the P/P Splitter I Cooling Tower between November 21, 2006 and February 2, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment has been exposed to approximately 10 tons of the HRVOC propylene as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

		3	73	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$30,000
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Three monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$66,300

This violation Final Assessed Penalty (adjusted for limits) \$66,300

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 34199
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 7.

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 \$0

TOTAL \$0

Effective Date: 04/14/2006

ADMINORDER 2005-1700-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

Effective Date: 06/26/2006

ADMINORDER 2005-1905-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to operate within permitted limits of Air New Source Permit 20698. The permitted limits were exceeded during a 45 minute period of time on March 19, 2005, with the following quantities: 164 lbs NOx, 328 lbs CO, and 1,135 lbs VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5581, Special Condition 1 PERMIT

Description: Failed to operate within permitted limits of Air New Source Permit 5581. Zero emissions are authorized from the tank loading operations. Unauthorized emissions of propane (11,452 lbs) were released over a 35 minute period of time on March 17, 2005.

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	07/19/2002	(221282)
2	08/16/2002	(221285)
3	08/22/2002	(4906)
4	08/23/2002	(7641)
5	08/31/2002	(7629)
6	08/31/2002	(9934)
7	08/31/2002	(9586)
8	09/03/2002	(7729)
9	09/03/2002	(7719)
10	09/05/2002	(9963)
11	09/05/2002	(9951)
12	09/16/2002	(221288)
13	09/26/2002	(11300)
14	10/16/2002	(13012)
15	10/18/2002	(221291)
16	11/25/2002	(221295)
17	12/16/2002	(14239)
18	12/20/2002	(10823)
19	01/17/2003	(221303)
20	02/27/2003	(221265)
21	03/21/2003	(221268)
22	04/21/2003	(221273)
23	04/22/2003	(25194)
24	04/28/2003	(221299)
25	05/13/2003	(321906)
26	05/30/2003	(61677)
27	06/23/2003	(321908)
28	08/21/2003	(321913)

29	09/19/2003	(321915)
30	10/22/2003	(321917)
31	10/24/2003	(252655)
32	10/31/2003	(252737)
33	11/13/2003	(321911)
34	11/20/2003	(321918)
35	11/30/2003	(248361)
36	12/18/2003	(321919)
37	01/13/2004	(321920)
38	02/20/2004	(321901)
39	03/12/2004	(321904)
40	04/22/2004	(363739)
41	05/14/2004	(363740)
42	06/15/2004	(321909)
43	07/16/2004	(363741)
44	07/28/2004	(259348)
45	08/13/2004	(363742)
46	08/16/2004	(276568)
47	08/24/2004	(261813)
48	08/30/2004	(263323)
49	08/31/2004	(262939)
50	09/01/2004	(291455)
51	09/01/2004	(291456)
52	09/01/2004	(291458)
53	09/01/2004	(291459)
54	09/15/2004	(363743)
55	10/18/2004	(363744)
56	10/18/2004	(335651)
57	11/11/2004	(293110)
58	11/18/2004	(388438)
59	11/23/2004	(333675)
60	12/08/2004	(335601)
61	12/08/2004	(335607)
62	12/20/2004	(388439)
63	12/20/2004	(335988)
64	12/22/2004	(338693)
65	12/28/2004	(272929)
66	01/10/2005	(335726)
67	01/19/2005	(336836)
68	01/20/2005	(388440)
69	01/21/2005	(388437)
70	01/27/2005	(338686)
71	02/17/2005	(425974)
72	03/09/2005	(371969)
73	04/20/2005	(425975)
74	04/27/2005	(378279)
75	05/20/2005	(425976)
76	05/20/2005	(425978)
77	06/15/2005	(425977)
78	08/08/2005	(347080)
79	08/15/2005	(446434)
80	08/23/2005	(401567)
81	08/24/2005	(405600)
82	09/07/2005	(398220)
83	09/20/2005	(431813)
84	09/21/2005	(446435)
85	10/21/2005	(479023)
86	10/28/2005	(402500)
87	10/28/2005	(407251)
88	11/21/2005	(479024)
89	11/22/2005	(434765)
90	12/13/2005	(436839)
91	12/21/2005	(479025)
92	01/23/2006	(479026)
93	01/27/2006	(439438)
94	02/22/2006	(455821)
95	02/22/2006	(479021)
96	02/28/2006	(457011)
97	03/22/2006	(479022)
98	03/31/2006	(457413)
99	04/24/2006	(504942)

100 04/25/2006 (451705)
 101 05/17/2006 (457411)
 102 05/22/2006 (504943)
 103 05/22/2006 (504945)
 104 05/22/2006 (457385)
 105 05/24/2006 (463583)
 106 05/26/2006 (461877)
 107 05/31/2006 (480085)
 108 06/21/2006 (504944)
 109 08/07/2006 (485623)
 110 08/16/2006 (457875)
 111 08/17/2006 (497263)
 112 08/17/2006 (527245)
 113 08/18/2006 (484206)
 114 09/01/2006 (484311)
 115 09/01/2006 (485408)
 116 09/22/2006 (527246)
 117 10/23/2006 (551048)
 118 11/29/2006 (518496)
 119 12/04/2006 (551049)
 120 12/22/2006 (551050)
 121 12/29/2006 (534764)
 122 12/29/2006 (534612)
 123 01/18/2007 (512452)
 124 01/25/2007 (509021)
 125 03/22/2007 (543728)
 126 03/22/2007 (543615)
 127 05/04/2007 (531851)
 128 05/11/2007 (560142)
 129 05/15/2007 (560429)
 130 06/28/2007 (563807)
 131 07/05/2007 (510264)

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

Date: 01/16/2003 (14239)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 30 TAC Chapter 101, SubChapter F 101.222(b)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 Description: Failed to submit a final report.

Date: 02/28/2003 (221268)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (321918)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (363741)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/28/2004 (259348)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit #5581, SC #1
 Description: Exceeded permit limits during an avoidable emissions event.

Date: 08/24/2004 (261813)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit #19930, SC #1
 Description: Failure to submit notification prior to a maintenance activity.

Date:	08/31/2004	(262939)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(a) 30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to report an emissions event.			
Date:	11/30/2004	(388439)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/28/2004	(272929)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 22105 General Condition 8			
Description:	Failure to prevent the shutdown of a unit pump.			
Date:	12/31/2004	(388440)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2005	(425974)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2005	(388437)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2005	(425975)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2005	(425976)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2005	(425978)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/30/2005	(479023)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/22/2005	(434765)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 8418			
Description:	Failed to prevent an emissions event.			
Date:	12/07/2005	(436839)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)			

Rqmt Prov:	PERMIT No. 6798		
Description:	Failure to prevent an avoidable emissions event.		
Date:	01/31/2006 - (479021)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (504942)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/19/2006 (457411)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT NO. 20698 SC # 1		
Description:	Failed to prevent the plugging of the outlet strainer of the reactor.		
Date:	05/22/2006 (457385)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT Permit No. 6798 MAERT		
Description:	Failure to prevent the accidental shutdown of the power supply to the DCS system resulting in unauthorized emissions.		
Date:	05/30/2006 (461877)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT NO.# 8418 MAERT		
Description:	Failed to prevent malfunction of the Butamer 1 reactor control valve actuator.		
Date:	05/31/2006 (504944)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (504945)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006 (527245)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/17/2006 (497263)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT NO. 76070, Special Condition No. 1		
Description:	Failed to prevent misaligned valves resulting in unauthorized emissions.		
Date:	08/31/2006 (527246)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/18/2007 (512452)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c)		

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 19930, Special Condition 2F
 OP O-1641, Special Condition 1A
 OP O-1641, Special Condition 9
 Description: Control valve UV-2173 was not monitored during the second and third quarters of 2006.

Date: 01/25/2007 (509021)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01641, SC #1A
 OP FOP #O-01641, SC #9
 PA NSR #19931, SC #7E

Description: Failure to seal 128 open-ended valves/lines per 30 TAC 115.352(4).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01641, SC #1A

Description: Failure to submit the required report of the results of NOX testing per 30 TAC 117.219(c).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01641, SC #1A
 OP FOP #O-01641, SC #6E

Description: Failure to record the starting and ending times of the operation of stationary diesel engines from June 13, 2005 through June 12, 2006.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01641, SC #1A

Description: Failure to record daily flare observations from June 13, 2005 through June 12, 2006 per 111.111(a)(4)(A)(ii).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01641, SC #9
 PA NSR #20509, SC #11

Description: Failure to perform daily sulfur content monitoring of Merox Off-Gas on June 13, 2005 per NSR #20509, SC #11.

F. Environmental audits.

Notice of Intent Date: 08/07/2002 (33018)
 No DOV Associated

Notice of Intent Date: 08/07/2002 (33019)
 No DOV Associated

Notice of Intent Date: 11/12/2003 (263121)
 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.

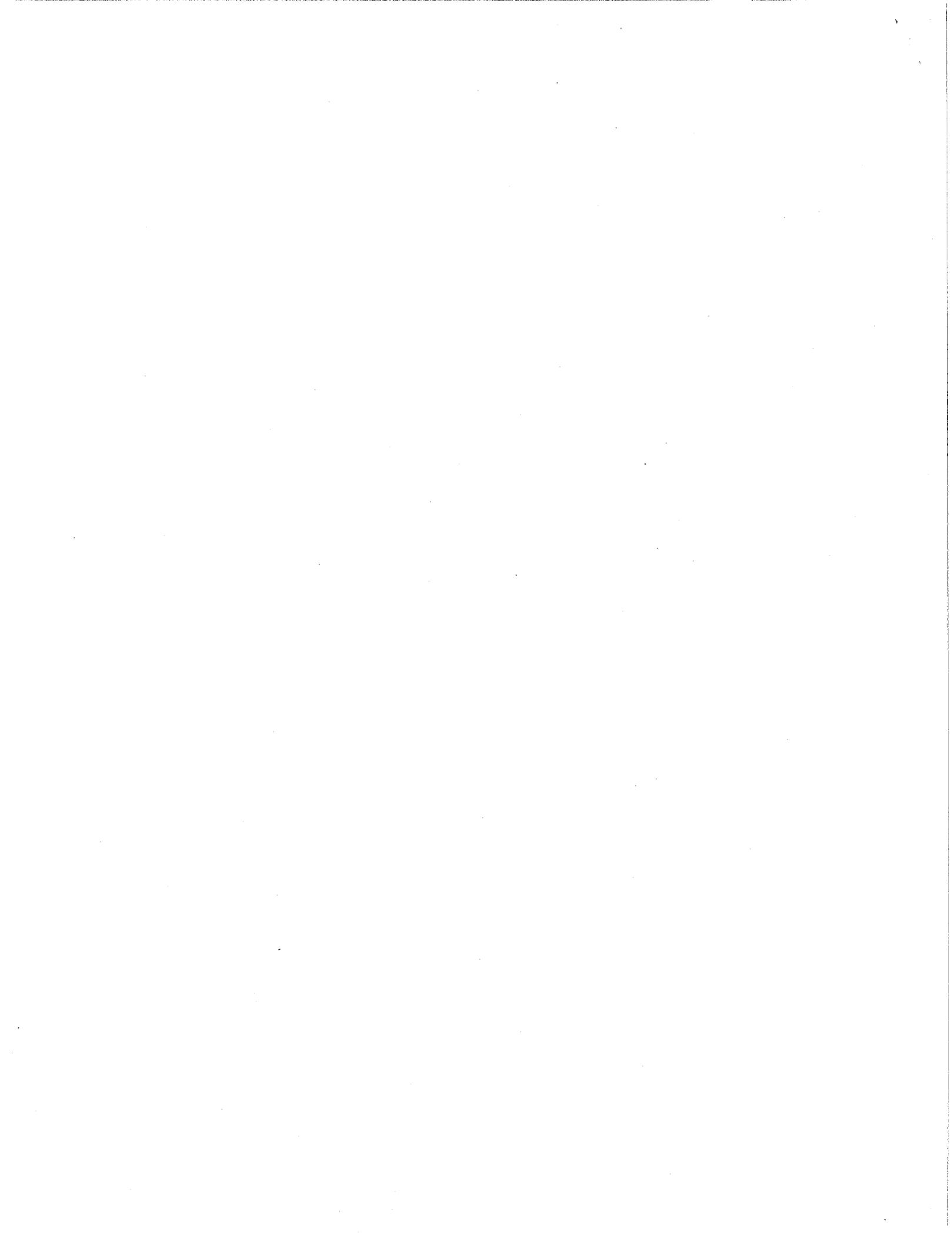
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 02 AM 11:19

CHIEF CLERK'S OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS OPERATING
LLC
RN102323268

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2007-1162-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC (“Enterprise Products”) 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 Enterprise Products presented this agreement to the Commission.

Enterprise Products understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Enterprise Products agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Enterprise Products.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Enterprise Products owns and operates a natural gas liquids processing plant at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the “Plant”).



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on September 4 through 14, 2006, TCEQ staff documented that Enterprise Products:
 - a. Failed to maintain an emission rate below permit application representations of 1.12 pounds per hour ("lbs/hr") of volatile organic compounds ("VOCs"). Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 26,000 pounds ("lbs") of propylene were released from emission point number ("EPN") F8 in the Seminole Cooling Tower between March 27 and April 26, 2006; and
 - b. Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 3,574.92 lbs of propylene were released from EPN F8 in the Seminole Cooling Tower between April 27 and May 8, 2006.
4. During a record review on May 23 through 30, 2007, TCEQ staff documented that Enterprise Products:
 - a. Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of propylene. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 5,000 lbs of propylene have been released from EPN F8 in the Seminole Cooling Tower between June 19 and August 18, 2006 and between October 19, 2006 and April 13, 2007 (emissions are ongoing);
 - b. Failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of propylene. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 205,700 lbs of propylene were released from EPN F8 in the Seminole Cooling Tower between August 19 and October 18, 2006;
 - c. Failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 3,130,000 lbs of propane were released from EPN F3A in the West Texas Fractionator Cooling Tower between April 24, 2006 and January 21, 2007;
 - d. Failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 4,007 lbs of propane have been released from EPN F3A in the West Texas Fractionator Cooling Tower between January 22 and April 13, 2007 (emissions are ongoing);
 - e. Failed to maintain an emission rate below permitted limits of 0.13 lbs/hr. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately



2,875 lbs of propylene were released from EPN CO1 in the P/P Splitter I Cooling Tower between May 23 and November 20, 2006; and

- f. Failed to maintain an emission rate below permitted limits of 0.13 lbs/hr. Specifically, by failing to repair or replace a heat exchanger, unauthorized emissions of approximately 20,000 lbs of propylene were released from EPN CO1 in the P/P Splitter I Cooling Tower between November 21, 2006 and February 2, 2007.
5. Enterprise Products received notices of the violations on July 6 and 31, 2007.
6. The Executive Director recognizes that Enterprise Products replaced the leaking heat exchanger in the P/P Splitter I Cooling Tower (EPN CO1) on February 2, 2007.

II. CONCLUSIONS OF LAW

1. Enterprise Products is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a. and 3.b., and 4.a. and 4.b., Enterprise Products failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs, in violation of 30 TEX. ADMIN. CODE § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 8707 Application Representations and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4.c. and 4.d., Enterprise Products failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs, in violation of 30 TEX. ADMIN. CODE § 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 6798 Application Representations and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 4.e. and 4.f., Enterprise Products failed to maintain an emission rate below permitted limits of 0.13 lbs/hr, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 116.116(a)(1) and (b)(1)(C), New Source Review Permit No. 5581 Application Representations and Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Enterprise Products for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Five Hundred Forty-One Thousand Four Hundred Fifty Dollars (\$541,450) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Enterprise Products has paid Two Hundred Seventy Thousand Seven Hundred Twenty-Five Dollars (\$270,725) of the administrative penalty. Two Hundred Seventy Thousand Seven Hundred Twenty-Five Dollars (\$270,725) shall be conditionally offset by Enterprise Products' completion of a Supplemental Environmental Project ("SEP").



III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

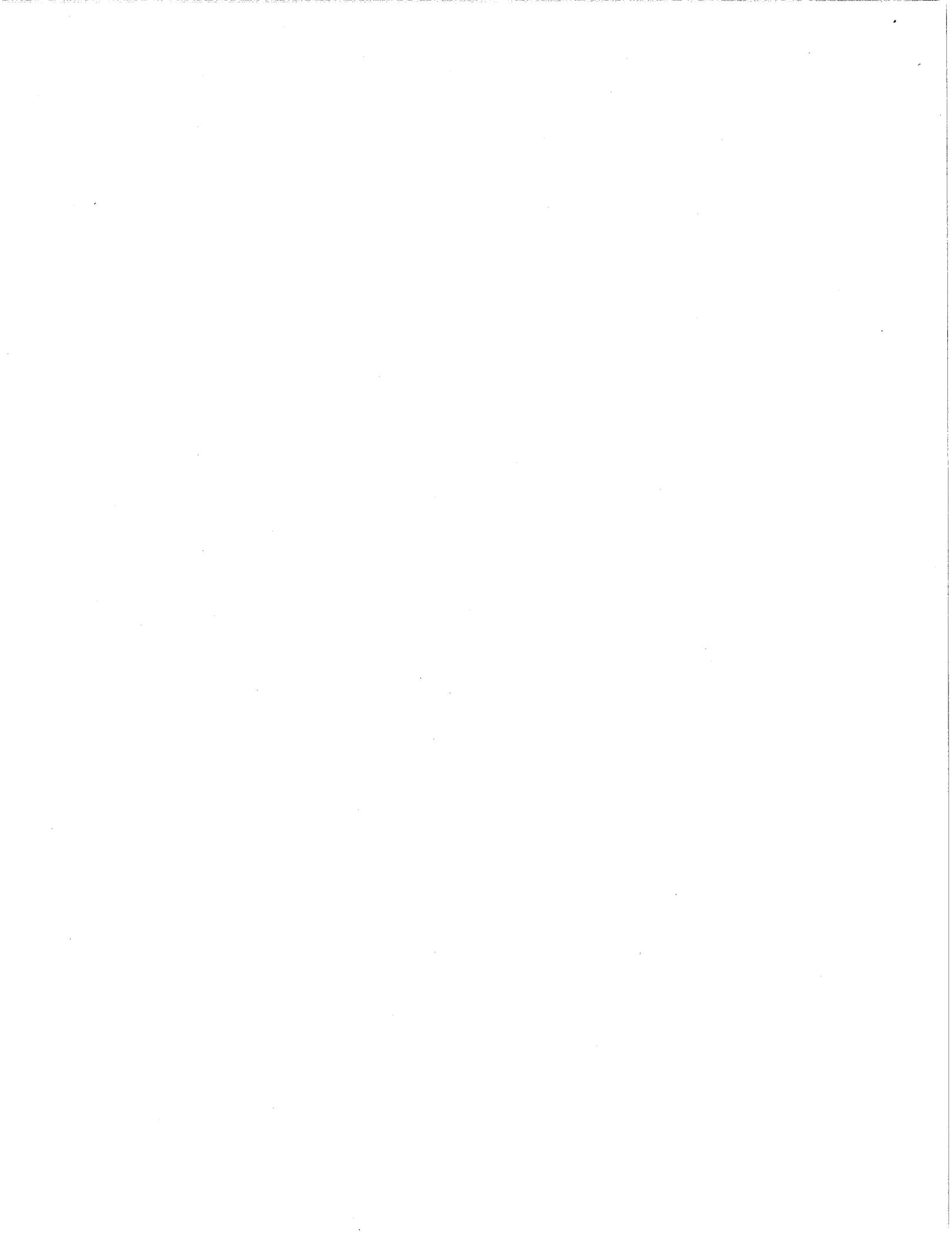
1. Enterprise Products is assessed an administrative penalty in the amount of Five Hundred Forty-One Thousand Four Hundred Fifty Dollars (\$541,450) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Enterprise Products' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action and any other violations arising from the emissions events and reporting obligations described in Sections I and II. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2007-1162-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. Enterprise Products shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Two Hundred Seventy Thousand Seven Hundred Twenty-Five Dollars (\$270,725) of the assessed administrative penalty shall be offset with the condition that Enterprise Products implement the SEP defined in Attachment A, incorporated herein by reference. Enterprise Products' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Enterprise Products shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order and until issuance of permit amendments for the Seminole, Splitter I, and West Texas Fractionator Units (New Source Review Permit Nos. 8707, 5581, and 6798), follow a leak-detection and repair program to minimize fugitive VOC emissions from the cooling tower/heat exchange system. The cooling tower inlet water will be monitored for total strippable VOC using a monitoring system compliant with 30 TEX. ADMIN. CODE § 115.764 (concerning Cooling Tower Heat Exchange Systems: Monitoring and Testing Requirements). If the monitoring indicates a rise in the concentration of VOC of a magnitude indicating a tube rupture or offsite impacts, the leak will be investigated and fixed as promptly as reasonably feasible. The results of the monitoring and maintenance efforts shall be recorded and such records shall be maintained for a period of at least two years. The records shall be made available to TCEQ personnel upon request and kept at the Plant site;



- b. Within 60 days after the effective date of this Agreed Order, replace or rebuild heat exchanger numbers 042-HT16.629 and 042-HT16.630 in the Seminole Unit;
- c. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 3.b. as described in Ordering Provision 3.r. below;
- d. Within 240 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for authorization of actual cooling tower emissions in the Splitter I Unit in accordance with 30 TEX. ADMIN. CODE § 116.116 using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;
- e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;
- f. Within 300 days after the effective date of this Agreed Order, following replacement or rebuild of the heat exchangers as defined in Ordering Provision 3.b., submit an administratively complete permit amendment application for authorization of actual cooling tower emissions in the Seminole Unit in accordance with 30 TEX. ADMIN. CODE § 116.116 using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;
- g. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- h. Within 330 days after the effective date of this Agreed Order, replace or rebuild heat exchanger numbers 058-HT16.106 and 058-HT16.107 in the West Texas Fractionator Unit;
- i. Within 345 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 3.h. as described in Ordering Provision 3.r. below;
- j. Within 510 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the Splitter I Unit, New Source Review Permit No. 5581;
- k. Within 525 days after the effective date of this Agreed Order, or within 15 days after issuance of the permit amendment described in the previous paragraph, submit certification of compliance with Ordering Provision 3.j. as described in Ordering Provision 3.r. below;
- l. Within 570 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the Seminole Unit, New Source Review Permit No. 8707;



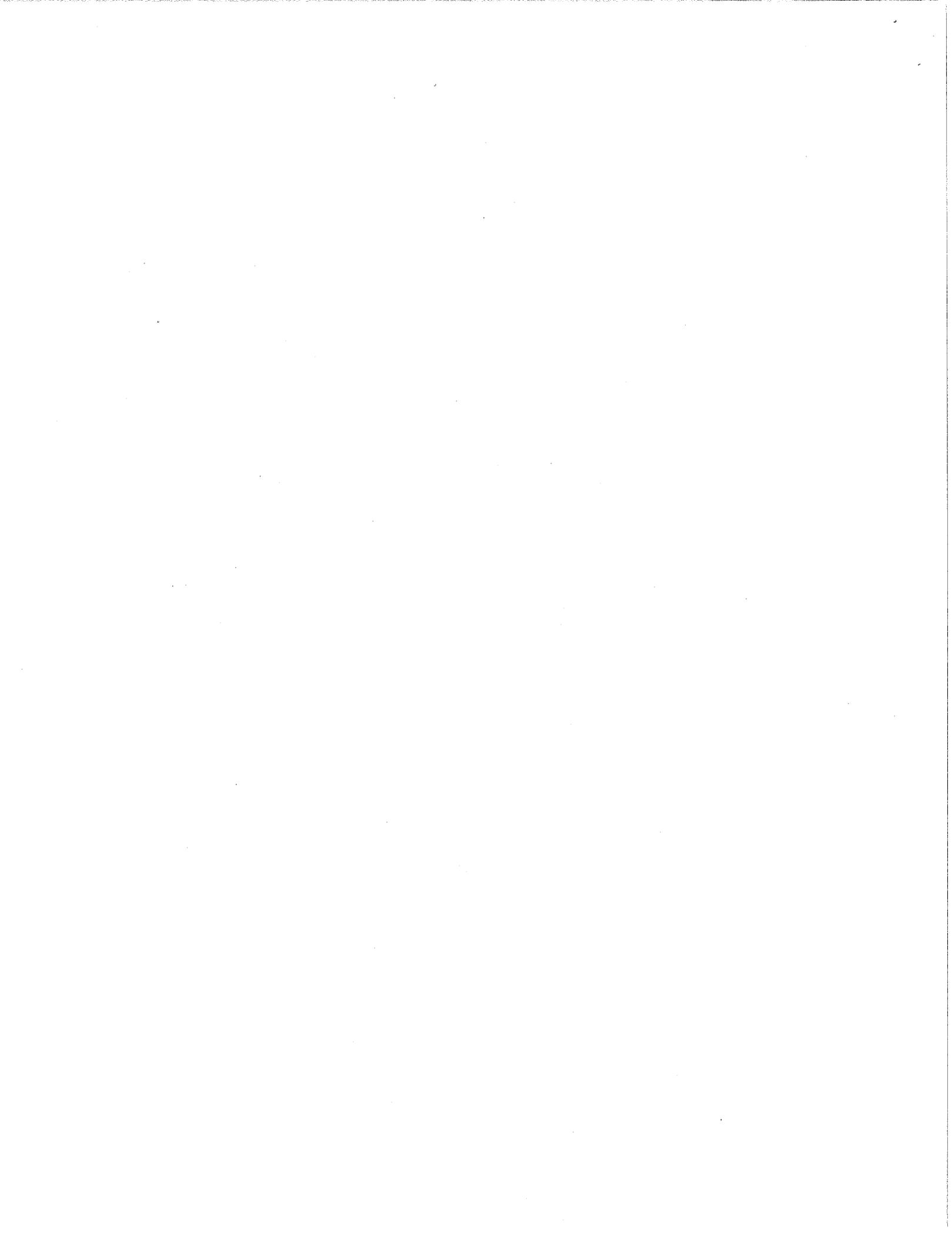
- m. Within 570 days after the effective date of this Agreed Order, following replacement or rebuild of the heat exchangers as defined in Ordering Provision 3.h., submit an administratively complete permit amendment application for authorization of the actual cooling tower emissions in the West Texas Fractionator Unit in accordance with 30 TEX. ADMIN. CODE § 116.116 using actual measured cooling tower water VOC concentrations and flow data collected for a period not to exceed six months;
- n. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- o. Within 585 days after the effective date of this Agreed Order, or within 15 days after the issuance of the permit amendment described in Ordering Provision 3.l., submit certification of compliance with Ordering Provision 3.l. as described in Ordering Provision 3.r. below;
- p. Within 840 days after the effective date of this Agreed Order, obtain a permit amendment for the cooling tower emissions in the West Texas Fractionator Unit, New Source Review Permit No. 6798;
- q. Within 855 days after the effective date of this Agreed Order, or within 15 days after issuance of the permit amendment described in the previous paragraph, submit certification of compliance with Ordering Provision 3.p. as described in Ordering Provision 3.r. below; and
- r. Submit written certifications as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and any 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 fine and imprisonment for knowing violations.”

The certifications shall be submitted to:

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

with a copy to:

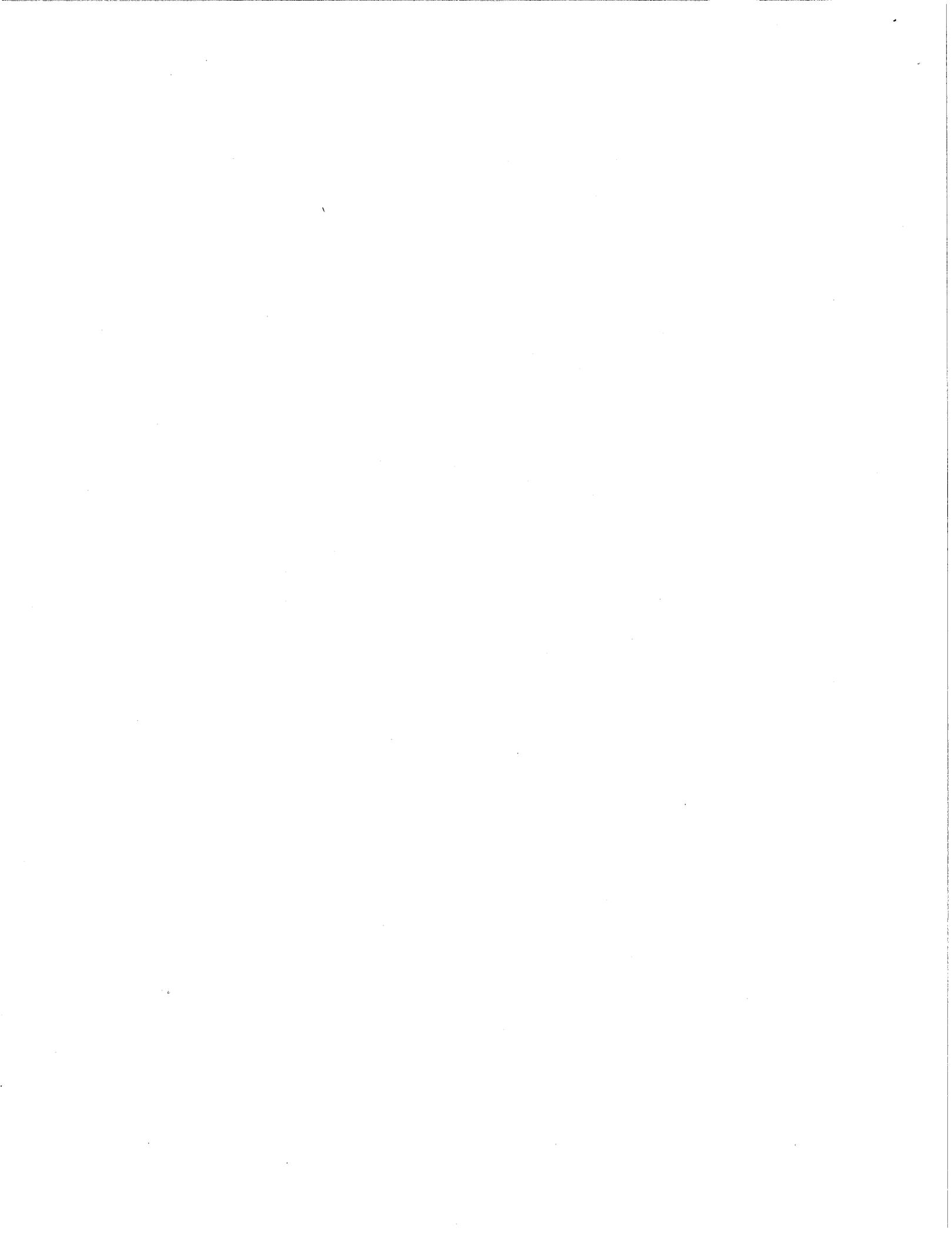


Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Enterprise Products. Enterprise Products 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.
5. If Enterprise Products fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Enterprise Products' failure to comply is not a violation of this Agreed Order. Enterprise Products shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Enterprise Products shall notify the Executive Director within seven days after Enterprise Products becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Enterprise Products shall be made in writing to the Executive Director. Extensions are not effective until Enterprise Products receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. The Executive Director may grant an extension of the deadline for filing the written certification under Ordering Provisions 3.j., 3.l., and 3.p. if a contested case hearing is requested on the permit application required by this Agreed Order.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Enterprise Products if the Executive Director determines that Enterprise Products has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against Enterprise Products 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.
10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

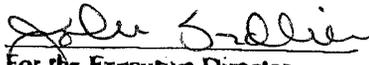


Enterprise Products Operating LLC
DOCKET NO. 2007-1162-AIR-E
Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/21/2008
Date

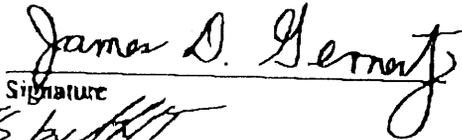
I, the undersigned, have read and understand the attached Agreed Order in the matter of Enterprise Products Operating LLC. I am authorized to agree to the attached Agreed Order on behalf of Enterprise Products Operating LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Enterprise Products Operating LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

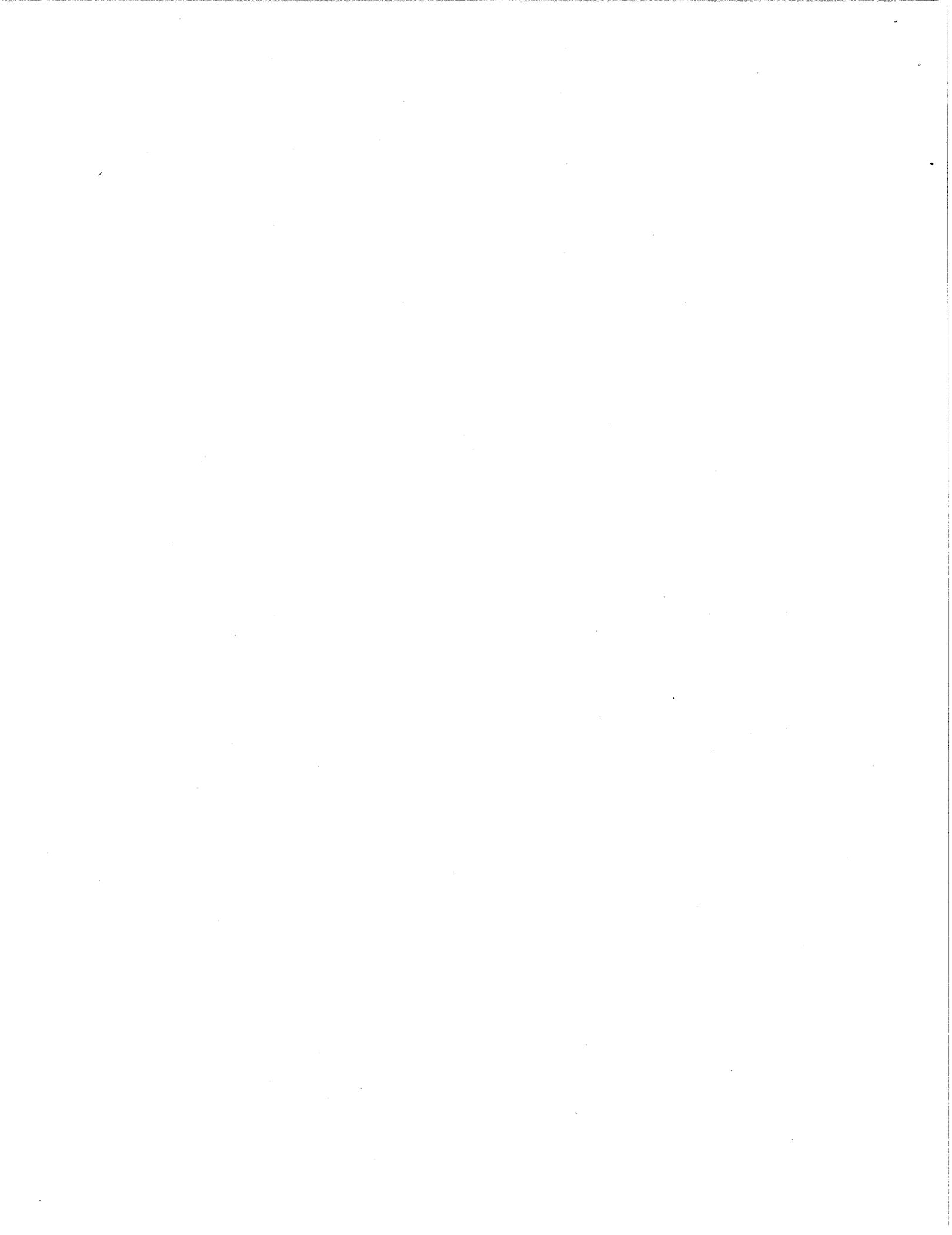

Signature

December 4, 2007
Date

James D. Gernentz
Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Vice President
Houston Region Operations
Title

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.



Attachment A
Docket Number: 2007-1162-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	Five Hundred Forty-One Thousand Four Hundred Fifty Dollars (\$541,450)
SEP Amount:	Two Hundred Seventy Thousand Seven Hundred Twenty-Five Dollars (\$270,725)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Chambers County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

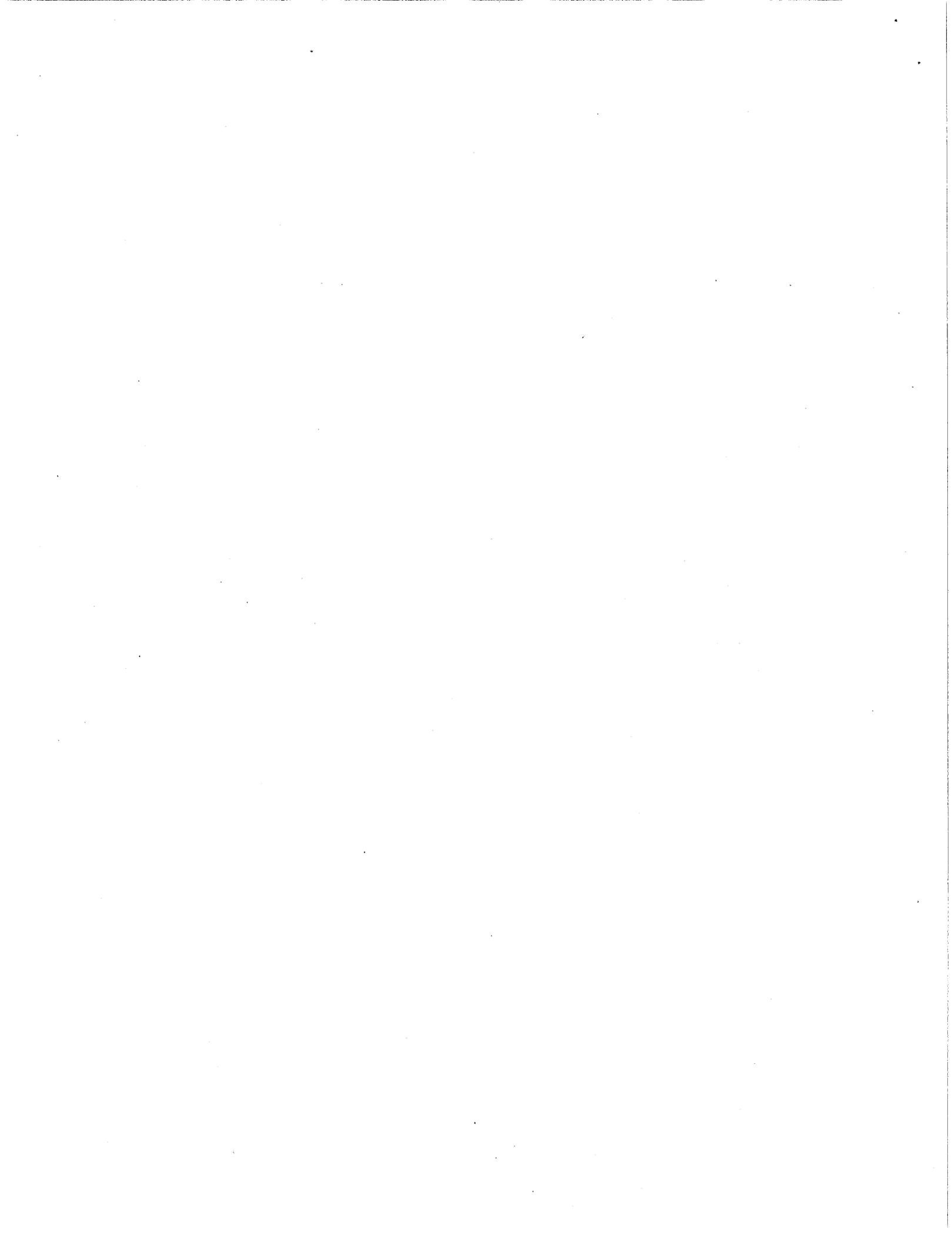
Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:



Enterprise Products Operating LLC
Agreed Order – Attachment A

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

