

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-0621-AIR-E TCEQ ID: RN100228998 CASE NO.: 37549**  
**RESPONDENT NAME: Enterprise Products Operating LLC**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Indian Springs Gas Plant, 2825 Three Bridge Road, Livingston, Polk County</p> <p><b>TYPE OF OPERATION:</b> Natural gas plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 19, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  Respondent: Mr. Roger Thompson, Plant Manager, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210  Mr. Terry L. Hurlburt, Senior Vice President Operations, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210  Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 10, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 8, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to maintain allowable emissions rates. Specifically, four lean amine pump reciprocating internal combustion engines, Emission Point Numbers ("EPN") C-1, C-2, C-3, and C-6, exceeded the annual tons per year limits from January 1, 2007 through December 31, 2007 in the total amounts of 38.57 tons of nitrogen oxides, 28.83 tons of carbon monoxide, and 0.28 tons of volatile organic compounds [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 116.615(2), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 80400, Maximum Allowable Emissions Rate Table, and Federal Operating Permit No. 642, Special Condition No. (b)(7)(E)(ii)].</p>	<p><b>Total Assessed:</b> \$19,000</p> <p><b>Total Deferred:</b> \$3,800  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$15,200</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on October 1, 2008, the four lean amine pump reciprocating internal combustion engines were disconnected and replaced with electric pumps.</p>

Additional ID No(s): PF0049M



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	13-Apr-2009	<b>Screening</b>	30-Apr-2009	<b>EPA Due</b>	
	<b>PCW</b>	7-May-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Enterprise Products Operating LLC
<b>Reg. Ent. Ref. No.</b>	RN100228998
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37549	<b>No. of Violations</b>	1
<b>Docket No.</b>	2009-0621-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Roshondra Lowe
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$20,000
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	20.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$4,000
<b>Notes</b>	Penalty enhanced due to one NOV for unrelated violations and one 1660 style agreed order containing a denial of liability. Penalty reduction due to two notice of audits submitted.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> \$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> \$5,000
<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b> \$0
Total EB Amounts	\$219	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,500	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$19,000
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b> \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
<b>Notes</b>		
	<b>Final Penalty Amount</b>	\$19,000
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$19,000
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> -\$3,800
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)		
<b>Notes</b>	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		\$15,200

<b>Screening Date</b> 30-Apr-2009	<b>Docket No.</b> 2009-0621-AIR-E	<b>PCW</b>
<b>Respondent</b> Enterprise Products Operating LLC	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37549	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100228998		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Roshondra Lowe		

### 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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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)** 20%

>> **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 enhanced due to one NOV for unrelated violations and one 1660-style agreed order containing a denial of liability. Penalty reduction due to two notice of audits submitted.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

<b>Screening Date</b>	30-Apr-2009	<b>Docket No.</b>	2009-0621-AIR-E	<b>PCW</b>
<b>Respondent</b>	Enterprise Products Operating LLC			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	37549			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.</b>	RN100228998			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Roshondra Lowe			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(b)(2)(P) and (c), 116.615(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 80400, Maximum Allowable Emissions Rate Table, and Federal Operating Permit No. 642, Special Condition No. (b)(7)(E)(ii)
<b>Violation Description</b>	Failed to maintain allowable emissions rates. Specifically, four lean amine pump reciprocating internal combustion engines, Emission Point Numbers ("EPN") C-1, C-2, C-3, and C-6, exceeded the annual tons per year limits from January 1, 2007 through December 31, 2007 in the total amounts of 38.57 tons of nitrogen oxides, 28.53 tons of carbon monoxide, and 0.28 tons of volatile organic compounds.
<b>Base Penalty</b>	\$10,000

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

OR	<b>Harm</b>			Percent	
	Release	Major	Moderate		Minor
	Actual		X		
	Potential				50%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes**  
Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$5,000

\$5,000

**Violation Events**

Number of Violation Events	4	364	Number of violation days
mark only one with an x	daily		Violation Base Penalty
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual	X	
single event		\$20,000	

Four annual events are recommended based on four engines exceeding the annual rates for 2007.

**Good Faith Efforts to Comply** 25.0% Reduction Before NOV \$5,000

Extraordinary		
Ordinary	X	
N/A		(mark with x)
Notes	Corrective actions were completed on October 1, 2008.	

**Violation Subtotal** \$15,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount	\$219	Violation Final Penalty Total	\$19,000
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$19,000

## Economic Benefit Worksheet

**Respondent:** Enterprise Products Operating LLC

**Case ID No.:** 37549

**Reg. Ent. Reference No.:** RN100228998

**Media:** Air

**Violation No.:** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	1-Jan-2007	1-Oct-2008	1.75	\$219	n/a	\$219

Notes for DELAYED costs

Estimated cost of measures designed to ensure that the amine pump reciprocating internal combustion engines do not exceed the allowable emissions rate. The date required is the beginning date of the violation. The final date is based on the date corrective actions were completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$219

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603211277 Enterprise Products Operating LLC Classification: AVERAGE Rating: 2.54  
Regulated Entity: RN100228998 INDIAN SPRINGS GAS PLANT Classification: AVERAGE Site Rating: 9.89  
ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER PF0049M  
AIR OPERATING PERMITS PERMIT 642  
AIR NEW SOURCE PERMITS AFS NUM 4837300018  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER PF0049M  
AIR NEW SOURCE PERMITS REGISTRATION 80400  
Location: 2825 THREE BRIDGE RD, LIVINGSTON, TX, 77361  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: April 21, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 21, 2004 to April 21, 2009

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

Name: Roshondra Lowe Phone: (713) 767-3553

## 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? Enterprise Products Operating LLC
4. If Yes, who was/were the prior owner(s)?  
Enterprise Products Operating L.P.  
El Paso Field Services Management, Inc.
5. When did the change(s) in ownership occur? 6/30/2007
6. Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 11/11/2004 ADMINORDER 2004-0477-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: General Conditions OP  
Description: facility failed to submit their Annual Compliance Certification within 30 days after the end of the reporting period
- Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)
- Description: facility failed to submit Semi-Annual Deviation Report within 30 days after the reporting period
- 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 | 05/31/2005 | (376945) |
| 2 | 02/28/2006 | (456222) |
| 3 | 05/16/2006 | (462311) |

4 01/26/2007 (533525)  
 5 10/29/2007 (597863)  
 6 11/02/2007 (596704)  
 7 12/03/2007 (598189)  
 8 12/22/2008 (707292)  
 9 04/08/2009 (736036)

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

Date: 04/08/2009 (736036) CN603211277

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(9)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(7)(E)(II) OP  
 Description: Failure to properly maintain Emission Control Devices for CO, NOx, and VOC.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(2) OP  
 Description: Failure to provide notification of deviations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(2) OP  
 Description: Failure to accurately certify an Annual Compliance Certification (ACC) report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(2) OP  
 Description: Failure to make monthly pressure drop measurements across the catalyst.

F. Environmental audits.

Notice of Intent Date: 01/24/2005 (350733)  
 No DOV Associated  
 Notice of Intent Date: 12/08/2008 (723815)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ENTERPRISE PRODUCTS  
OPERATING LLC  
RN100228998**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-0621-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 Enterprise Products Operating LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a natural gas plant at 2825 Three Bridge Road in Livingston, Polk 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 13, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Dollars (\$19,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Two Hundred Dollars (\$15,200) of the administrative

penalty and Three Thousand Eight Hundred Dollars (\$3,800) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 October 1, 2008, the four lean amine pump reciprocating internal combustion engines were disconnected and replaced with electric pumps.
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 the Respondent 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, the Respondent is alleged to have failed to maintain allowable emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 80400, Maximum Allowable Emissions Rate Table, and Federal Operating Permit No. 642, Special Condition No. (b)(7)(E)(ii), as documented during a record review conducted on February 10, 2009. Specifically, four lean amine pump reciprocating internal combustion engines, Emission Point Numbers ("EPN") C-1, C-2, C-3, and C-6, exceeded the annual tons per year limits from January 1, 2007 through December 31, 2007 in the total amounts of 38.57 tons of nitrogen oxides, 28.83 tons of carbon monoxide, and 0.28 tons of volatile organic compounds.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Enterprise Products Operating LLC, Docket No. 2009-0621-AIR-E" to:

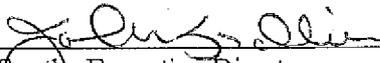
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

  
\_\_\_\_\_  
For the Executive Director

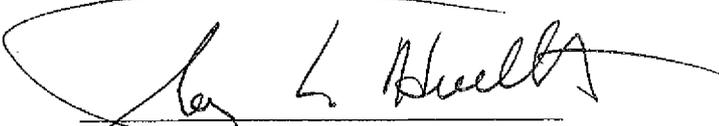
\_\_\_\_\_  
Date 9/18/09

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.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

7/26/09

Terry L. Hurlburt  
Name (Printed or typed)  
Authorized Representative of  
Enterprise Products Operating LLC

Sr. VP. 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.