

ORDER TYPE:		
<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	

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

SITE WHERE VIOLATION(S) OCCURRED: Weatherford Plant, 451 Jones Road, Weatherford, Parker County

TYPE OF OPERATION: Natural gas processing plant

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on August 16, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Randall Burdorf, EH&S Manager, Enbridge G & P (North Texas) L.P., P.O. Box 429, Springtown, Texas 76082

Mr. Danny Bull, Area Operations Manager, Enbridge G & P (North Texas) L.P., P.O. Box 429, Springtown, Texas 76082

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

DOCKET NO.: 2010-0627-AIR-E

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: November 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 7, 2009 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failure to submit notification of a reportable emissions event within 24 hours. Specifically, Incident No. 131857, which occurred on April 2, 2009, was not reported until November 11, 2009 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit ("FOP") No. O-2986, Special Terms and Conditions ("STC") 2.F.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit notification of a reportable emissions event within 24 hours. Specifically, Incident No. 131858, which occurred on June 10, 2009, was not reported until November 11, 2009 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); FOP No. O-2986, STC 2.F.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent the unauthorized release of 701.45 pounds ("lbs") of volatile organic compounds ("VOC"), 377.53 lbs of nitrogen oxides ("NO_x"), and 1,503.56 lbs of carbon monoxide ("CO") from the Emergency Flare on April 2, 2009 during an emissions event lasting 40 minutes, which was caused by a defective process relief valve (Incident No. 131857). Because the emissions event was not reported timely, the demonstrations for an</p>	<p>Total Assessed: \$3,900</p> <p>Total Deferred: \$780 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,120</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. To correct event reporting deficiencies:</p> <p>i. On November 10, 2009, trained the Plant Supervisor on emissions event reporting procedures; and</p> <p>ii. On November 11, 2009, reported Incident Nos. 131857 and 131858.</p> <p>b. On April 2, 2009, repaired the defective process relief valve involved in Incident No. 131857;</p> <p>c. By June 30, 2009, installed internal fans on the main electrical control panel to prevent it from overheating to prevent the recurrence of Incident No. 131858; and</p> <p>d. On November 19, 2009, completed construction of an alternate pipeline to allow incoming natural gas, in the event of a complete Plant shutdown, such as in Incident No. 131858, to:</p> <p>i. Automatically bypass the Slug Catcher as well as the rest of the Plant;</p> <p>ii. Be routed around the Plant to the discharge pipeline; and</p> <p>iii. Continue through the Respondent's pipeline system.</p>

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<p>affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent the unauthorized release of 462.69 lbs of VOC, 247.18 lbs of NO_x, and 984.44 lbs of CO from the Emergency Flare on June 10, 2009 during an emissions event lasting 30 minutes (Incident No. 131858). The event was caused by excessive sunlight overheating the main electrical control panel, causing the Plant to shut down, the incoming pipeline to overpressure, and the process relief valve on the Slug Catcher to relieve to the Emergency Flare. Because these emissions could have been foreseen and avoided by good design and the emissions event was not reported timely, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): PCA007G



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	6-Apr-2010			
	PCW	15-Apr-2010	Screening	14-Apr-2010	EPA Due 31-Aug-2010

RESPONDENT/FACILITY INFORMATION			
Respondent	Enbridge G & P (North Texas) L.P.		
Reg. Ent. Ref. No.	RN105093512		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39536	No. of Violations	4
Docket No.	2010-0627-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$5,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$0
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Notes	No adjustment due to compliance history.
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Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$1,300
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$2,349	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$75,950	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$3,900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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<i>Final Penalty Amount</i>	\$3,900
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$3,900
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$780
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$3,120
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Screening Date 14-Apr-2010

Docket No. 2010-0627-AIR-E

PCW

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

Policy Revision 2 (September 2002)

Case ID No. 39536

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105093512

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment due to compliance history.

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

Screening Date 14-Apr-2010

Docket No. 2010-0627-AIR-E

PCW

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

Policy Revision 2 (September 2002)

Case ID No. 39536

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105093512

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit ("FOP") No. O-2986, Special Terms and Conditions ("STC") 2.F.; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit notification of a reportable emissions event within 24 hours. Specifically, Incident No. 131857, which occurred on April 2, 2009, was not reported until November 11, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

223 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended for one late report.

Good Faith Efforts to Comply

25.0% Reduction

\$25

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective actions on November 11, 2009.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent Enbridge G & P (North Texas) L.P.
Case ID No. 39536
Reg. Ent. Reference No. RN105093512
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				0.00	\$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	\$100	3-Apr-2009	11-Nov-2009	0.61	\$3	n/a	\$3
Training/Sampling	\$500	3-Apr-2009	10-Nov-2009	0.61	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of training the Plant Supervisor on emissions event reporting procedures and the cost of submitting the reports from the due date of the first report to training date and compliance date.

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	\$600	TOTAL	\$18
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Screening Date: 14-Apr-2010

Docket No.: 2010-0627-AIR-E

PCW

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

Policy Revision 2 (September 2002)

Case ID No.: 39536

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN105093512

Media [Statute]: Air

Enf. Coordinator: Miriam Hall

Violation Number: 2

Rule Cite(s): 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4); FOP No. O-2986, STC 2.F.; and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to submit notification of a reportable emissions event within 24 hours. Specifically, Incident No. 131858, which occurred on June 10, 2009, was not reported until November 11, 2009.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes: The Respondent met at least 70% of the rule requirement.

Adjustment: \$9,900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 154

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$100

One single event is recommended for one late report.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes: The Respondent completed corrective actions on November 11, 2009.

Violation Subtotal: \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$75

This violation Final Assessed Penalty (adjusted for limits): \$75

Economic Benefit Worksheet

Respondent Enbridge G & P (North Texas) L.P.
Case ID No. 39536
Reg. Ent. Reference No. RN105093512
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				0.00	\$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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 1.

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

\$0

TOTAL

\$0

Screening Date 14-Apr-2010

Docket No. 2010-0627-AIR-E

PCW

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

Policy Revision 2 (September 2002)

Case ID No. 39536

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105093512

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the unauthorized release of 701.45 pounds ("lbs") of volatile organic compounds ("VOC"), 377.53 lbs of nitrogen oxides ("NOx"), and 1,503.56 lbs of carbon monoxide ("CO") from the Emergency Flare on April 2, 2009 during an emissions event lasting 40 minutes, which was caused by a defective process relief valve (Incident No. 131857). Because the emissions event was not reported timely, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the emissions event which occurred on April 2, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed corrective actions on November 11, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Enbridge G & P (North Texas) L.P.
Case ID No. 39536
Reg. Ent. Reference No. RN105093512
Media Air
Violation No. 3

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$150	2-Apr-2009	3-Apr-2009	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The actual cost of repairing the valve which was repaired on the day of the event. Because the affirmative defense was not met due to late reporting, most of the economic benefit is included in Violation No. 1.

Avoided Costs

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

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

\$150

TOTAL

\$0

Screening Date 14-Apr-2010

Docket No. 2010-0627-AIR-E

PCW

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

Policy Revision 2 (September 2002)

Case ID No. 39536

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105093512

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the unauthorized release of 462.69 lbs of VOC, 247.18 lbs of NOx, and 984.44 lbs of CO from the Emergency Flare on June 10, 2009 during an emissions event lasting 30 minutes (Incident No. 131858). The event was caused by excessive sunlight overheating the main electrical control panel, causing the Plant to shut down, the incoming pipeline to overpressure, and the process relief valve on the Slug Catcher to relieve to the Emergency Flare. Because these emissions could have been foreseen and avoided by good design and the emissions event was not reported timely, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

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 or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the emissions event which occurred on June 10, 2009.

Good Faith Efforts to Comply

25.0% Reduction \$625

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

Notes The Respondent completed corrective actions on November 19, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,331

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Enbridge G & P (North Texas) L.P.
Case ID No. 39536
Reg. Ent. Reference No. RN105093512
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	10-Jun-2009	30-Jun-2009	0.05	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$75,000	10-Jun-2009	19-Nov-2009	0.44	\$111	\$2,219	\$2,330
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated costs for installing internal fans on the electrical panel and for engineering/construction of an alternate pipeline to allow incoming natural gas to automatically bypass the Slug Catcher as well as the rest of the plant in the event of a complete plant shutdown. The incoming natural gas now has the ability to be routed around the plant to the discharge pipeline and continue through the Respondent's pipeline system. The begin date is the date of the violation and the final date is the date that 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

\$75,200

TOTAL

\$2,331

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603042623	Enbridge G & P (North Texas) L.P.	Classification: AVERAGE	Rating: 1.53
Regulated Entity:	RN105093512	WEATHERFORD PLANT	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR NEW SOURCE PERMITS	AFS NUM	4836700156	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PCA007G	
	AIR NEW SOURCE PERMITS	REGISTRATION	81024	
	AIR OPERATING PERMITS	PERMIT	2986	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	PCA007G	
Location:	451 JONES RD, WEATHERFORD, TX, 76088			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	April 08, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 08, 2005 to April 08, 2010			

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

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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.

N/A
- B. Any criminal convictions of the state of Texas and the federal government.

N/A
- C. Chronic excessive emissions events.

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/19/2008	(636617)
2	03/19/2008	(637808)
3	08/27/2008	(688711)
4	09/18/2008	(701055)
5	09/02/2009	(765720)
6	12/04/2009	(781817)
7	01/22/2010	(785229)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A
- F. Environmental audits.

N/A
- G. Type of environmental management systems (EMSs).

N/A
- H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas.

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENBRIDGE G & P (NORTH TEXAS)
L.P.
RN105093512

§
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§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2010-0627-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enbridge G & P (North Texas) L.P. ("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 processing plant at 451 Jones Road in Weatherford, Parker 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 December 12, 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 Three Thousand Nine Hundred Dollars (\$3,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Twenty Dollars (\$3,120) of the

administrative penalty and Seven Hundred Eighty Dollars (\$780) 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 the Respondent has implemented the following corrective measures at the Plant:
 - a. To correct event reporting deficiencies:
 - i. On November 10, 2009, trained the Plant Supervisor on emissions event reporting procedures; and
 - ii. On November 11, 2009, reported Incident Nos. 131857 and 131858.
 - b. On April 2, 2009, repaired the defective process relief valve involved in Incident No. 131857;
 - c. By June 30, 2009, installed internal fans on the main electrical control panel to prevent it from overheating to prevent the recurrence of Incident No. 131858; and
 - d. On November 19, 2009, completed construction of an alternate pipeline to allow incoming natural gas, in the event of a complete Plant shutdown, such as in Incident No. 131858, to:
 - i. Automatically bypass the Slug Catcher as well as the rest of the Plant;
 - ii. Be routed around the Plant to the discharge pipeline; and
 - iii. Continue through the Respondent's pipeline system.
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:

1. Failed to submit notification of a reportable emissions event within 24 hours, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit ("FOP") No. O-2986, Special Terms and Conditions ("STC") 2.F.; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 6, 2009. Specifically, Incident No. 131857, which occurred on April 2, 2009, was not reported until November 11, 2009.
2. Failed to submit notification of a reportable emissions event within 24 hours, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); FOP No. O-2986, STC 2.F.; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 6, 2009. Specifically, Incident No. 131858, which occurred on June 10, 2009, was not reported until November 11, 2009.
3. Failed to prevent the unauthorized release of 701.45 pounds ("lbs") of volatile organic compounds ("VOC"), 377.53 lbs of nitrogen oxides ("NO_x"), and 1,503.56 lbs of carbon monoxide ("CO") from the Emergency Flare on April 2, 2009 during an emissions event lasting 40 minutes, which was caused by a defective process relief valve (Incident No. 131857), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 6, 2009. Because the emissions event was not reported timely, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
4. Failed to prevent the unauthorized release of 462.69 lbs of VOC, 247.18 lbs of NO_x, and 984.44 lbs of CO from the Emergency Flare on June 10, 2009 during an emissions event lasting 30 minutes (Incident No. 131858), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4); FOP No. O-2986, STC 10.B.; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 6, 2009. The event was caused by excessive sunlight overheating the main electrical control panel, causing the Plant to shut down, the incoming pipeline to overpressure, and the process relief valve on the Slug Catcher to relieve to the Emergency Flare. Because these emissions could have been foreseen and avoided by good design and the emissions event was not reported timely, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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: Enbridge G & P (North Texas) L.P., Docket No. 2010-0627-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

Joan Szalins

For the Executive Director

9/2/2010

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Danny Bull

Signature

6/10/10

Date

Danny Bull

Name (Printed or typed)
Authorized Representative of
Enbridge G & P (North Texas) L.P.

Area Operations Manager

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.

