

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2010-0008-AIR-E **TCEQ ID:** RN100228998 **CASE NO.:** 38924  
**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> Oil and 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 May 10, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Raymond Marlow, P.G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Wesley Heefner, Senior Field Engineer, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210  Mr. Terry L. Hurlburt, Senior Vice President of Operations, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210  <b>Respondent's Attorney:</b> 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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> October 5, 2009 and January 6, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 4, 2009 and January 13, 2010 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failure to install a Continuous Parameter Monitoring System ("CPMS") to demonstrate continuous compliance of 76% reduction in formaldehyde emissions. Specifically, the investigator documented that the catalyst inlet temperature readings were not conducted or recorded on Unit P214, Emission Point Number ("EPN") C-17, from the startup date of March 11, 2008 until the date that equipment was installed and started recording catalyst inlet temperature readings on May 18, 2009 [30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4), General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 Code of Federal Regulations ("CFR") § 63.6625(b), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to properly operate and maintain a CPMS to demonstrate continuous compliance of 76% reduction in formaldehyde emissions. Specifically, the investigator documented that the catalyst inlet temperature readings for EPN C-9 (Unit ID 1128) were not conducted from September 17, 2008 through November 19, 2009 due to the thermocoupling becoming dislodged and recording false temperature readings [30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4),</p>	<p><b>Total Assessed:</b> \$24,250</p> <p><b>Total Deferred:</b> \$4,850  <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> \$19,400</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 the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Installed the CPMS on May 15, 2009 and started recording data May 18, 2009; and</p> <p>b. Installed an electronic program on November 19, 2009 to check the operability of the CPMS once a week.</p>

General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 CFR § 63.6625(b), and TEX. HEALTH & SAFETY Code § 382.085(b)].		
--	--	--

Additional ID No(s): PF0049M





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	20-Jan-2010	Screening	20-Jan-2010	EPA Due	17-Oct-2010
	PCW	1-Feb-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN100228998
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38924	No. of Violations	2
Docket No.	2010-0008-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow, P.G.
		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**  Enhancement **Subtotals 2, 3, & 7**

Notes:

**Culpability**   Enhancement **Subtotal 4**

Notes:

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
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.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  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 20-Jan-2010

Docket No. 2010-0008-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 38924

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100228998

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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)	2	-2%
	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) 22%

>> 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 for two unrelated NOVs and one agreed order with denial of liability. Penalty reduction due to two Notices of Intended Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 20-Jan-2010

Docket No. 2010-0008-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 38924

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100228998

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.1090 and 122.143(4), General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 Code of Federal Regulations ("CFR") § 63.6625(b) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to install a Continuous Parameter Monitoring System ("CPMS") to demonstrate continuous compliance of 76% reduction in formaldehyde emissions. Specifically, the catalyst inlet temperature readings were not conducted or recorded on Unit P214, Emission Point Number ("EPN") C-17, from the startup date of March 11, 2008 until the date that equipment was installed and started recording catalyst inlet temperature readings on May 18, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 5 Number of violation days 433

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$12,500

Five quarterly events are recommended from the unit startup date of March 11, 2008 to compliance on May 18, 2009.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$3,125

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes Corrective actions were completed on May 18, 2009, prior to the December 4, 2009 NOE.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Estimated EB Amount \$291

Statutory Limit Test

Violation Final Penalty Total \$12,125

This violation Final Assessed Penalty (adjusted for limits) \$12,125

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 38924  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment	\$3,500	11-Mar-2008	18-May-2009	1.19	\$14	\$277	\$291
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

Estimated cost to install the CPMS. The date required is the first date of noncompliance. The final date is the date that the CPMS was installed and started recording.

**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

\$3,500

TOTAL

\$291

Screening Date 20-Jan-2010

Docket No. 2010-0008-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 38924

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100228998

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 113.1090 and 122.143(4), General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 CFR § 63.6625(b) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly operate and maintain a CPMS to demonstrate continuous compliance of 76% reduction in formaldehyde emissions. Specifically, the catalyst inlet temperature readings were not conducted from September 17, 2008 through November 19, 2009 for EPN C-9 (Unit ID 1128) due to the thermocoupling becoming dislodged and recording false temperature readings.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,600

\$2,500

Violation Events

Number of Violation Events 5 Number of violation days 429

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

Violation Base Penalty \$12,500

Five quarterly events are recommended for the false catalyst inlet temperature readings from September 17, 2008 through November 19, 2009.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

\$3,125

Notes

Corrective actions were completed on November 19, 2009, prior to the January 13, 2010 NOE.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$12,125

This violation Final Assessed Penalty (adjusted for limits) \$12,125

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 38924  
**Reg. Ent. Reference No.** RN100228998  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b>	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	\$200	17-Sep-2008	19-Nov-2009	1.17	\$12	n/a	\$12
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

Estimated cost to install the electronic program to insure that a demonstration of continuous compliance of 76% reduction in formaldehyde emissions is recorded. The date required is the first date of noncompliance. The final date is the date that an electronic program was installed to check the operability of the CPMS.

**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

\$200

TOTAL

\$12

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603211277 Enterprise Products Operating LLC Classification: AVERAGE Rating: 2.20  
Regulated Entity: RN100228998 INDIAN SPRINGS GAS PLANT Classification: AVERAGE Site Rating: 10.00

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  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER PF0049M  
Location: 2825 THREE BRIDGE RD, LIVINGSTON, TX, 77351

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 14, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 20, 2005 to January 20, 2010

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

Name: Raymond Marlow, P.G. Phone: 239 - 1000

## 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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Enterprise Products Operating LLC
4. If Yes, who was/were the prior owner(s)/operator(s) ? OWNOPR Enterprise Products Operating L.P.
5. When did the change(s) in owner or operator occur? 06/30/2007 OWNOPR Enterprise Products Operating L.P.
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.

Effective Date: 10/31/2009

ADMINORDER 2009-0621-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition (b)(7)(E)(ii) OP

Description: Failed to maintain allowable emissions rates, 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.

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)
10	09/10/2009	(763241)
11	10/05/2009	(776472)
12	10/05/2009	(776577)
13	10/13/2009	(775324)
14	12/04/2009	(779199)
15	01/13/2010	(787573)

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

**Date: 04/08/2009 (736036)**

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.

**Date: 12/04/2009 (779199)**

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  
Special Condition (c) OP

Description: Failure to make monthly pressure drop measurements across the catalyst.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(2) OP  
 Special Condition (b)(7) OP  
 Special Condition (c) OP  
 Description: Failure to repair or replace components found to be leaking fugitive emissions in excess of 10,000 ppmv within 15 days.  
 EIC C10, MIN 3A

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 report deviations in the appropriate deviation report and in a timely manner.  
 MOD 2B

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.100  
 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 A 63.7(f)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6665  
 5C THSC Chapter 382 382.085(b)  
 Special Condition (b)(2) OP  
 Special Condition (b)(20) OP  
 Special Condition (c) OP  
 Description: Failure to request authorization prior to using an alternate test method.  
 MIN 3A

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 compliance in the Annual Compliance Certification (ACC).

F. Environmental audits.

Notice of Intent Date: 01/24/2005

No DOV Associated

Notice of Intent Date: 12/08/2008

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

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0008-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 an oil and 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 December 9, 2009 and January 18, 2010.
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 Twenty-Four Thousand Two Hundred Fifty Dollars (\$24,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nineteen Thousand Four Hundred Dollars (\$19,400) of

the administrative penalty and Four Thousand Eight Hundred Fifty Dollars (\$4,850) 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. Installed the Continuous Parameter Monitoring System ("CPMS") on May 15, 2009 and started recording data May 18, 2009; and
  - b. Installed an electronic program on November 19, 2009 to check the operability of the CPMS once a week.
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 install a CPMS to demonstrate continuous compliance of 76% reduction in formaldehyde emissions, in violation of 30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4), General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 Code of Federal Regulations ("CFR") § 63.6625(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 5, 2009. Specifically, the investigator documented that the catalyst inlet temperature readings were not conducted or recorded on Unit P214, Emission Point Number ("EPN") C-17, from the startup date of March 11, 2008 until the date that equipment was installed and started recording catalyst inlet temperature readings on May 18, 2009.

2. Failed to properly operate and maintain a CPMS to demonstrate continuous compliance of 76% reduction in formaldehyde emissions, in violation of 30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4), General Operating Permit 642, Site-wide requirements (b)(2) and Permit tables (c), 40 CFR § 63.6625(b) and TEX. HEALTH & SAFETY Code § 382.085(b), as documented during an investigation conducted on January 6, 2010. Specifically, the investigator documented that the catalyst inlet temperature readings for EPN C-9 (Unit ID 1128) were not conducted from September 17, 2008 through November 19, 2009 due to the thermocoupling becoming dislodged and recording false temperature readings.

### 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. 2010-0008-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

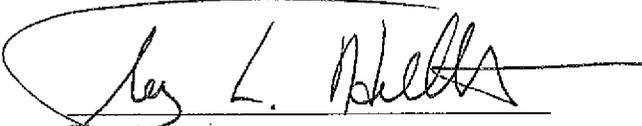
4/6/2010  
Date

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.

  
\_\_\_\_\_  
Signature

3/11/10  
Date

 Terry L. Haribant  
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.