

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0926-AIR-E **TCEQ ID:** RN102984911 **CASE NO.:** 39828
RESPONDENT NAME: Enterprise Products Operating LLC

ORDER TYPE:		
<input type="checkbox"/> 166o AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Enterprise East, 316 South Main Street, Mont Belvieu, Chambers County</p> <p>TYPE OF OPERATION: Gas processing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 6, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Stephan Craig, Environmental Lead, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573 Mr. James D. Gernentz, Vice President Houston Region Operations, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" 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: February 18, 2010 and May 25, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 22, 2010 and June 5, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation and a records review.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions. Specifically, 268,481 pounds of propane were released from the Well 3E Booster Pump (PM 18.106), when the Respondent failed to prevent the malfunction of pump PM 18.106, resulting in an emissions event which began on December 27, 2009, and which lasted for one hour and 30 minutes (Incident No. 133708). This emissions event was determined to be an excessive emissions event [TEX. HEALTH & SAFETY CODE § 382.085(a)].</p> <p>2) Failed to submit an initial Federal Operating Permit ("FOP") application within 12 months of the Houston-Galveston-Brazoria area being designated as severe non-attainment for ozone. The FOP application should have been filed by October 31, 2009 [30 TEX. ADMIN. CODE §§ 122.121 and 122.130(b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$22,150</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,075</p> <p>Total Paid to General Revenue: \$11,075</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This case involves unauthorized emissions which were deemed excessive.</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. On January 7, 2010, operators were provided with one-on-one training of the alarm notifications related to Incident No. 133708;</p> <p>b. On January 11, 2010, Incident No. 133708 and corrective actions were reviewed at the operators' safety meeting;</p> <p>c. On February 1, 2010, a list of duties outlined for the daily operator field rounds was modified to include checking of remote Mechanically Operated Valve ("MOV") positions and ensuring that the MOVs are in the remote position if the pump is pumping;</p> <p>d. On March 2, 2010, alarm notifications on the control board were revised to be more descriptive, indicating service of a seal leak to the atmosphere. The Infra Red Flame Sensor alarm was programmed into the Distributive Control System;</p> <p>e. On March 10, 2010, the operating procedure for starting the Well 3E Booster Pumps was revised to include remote MOV checks. The MOVs must be in the remote position before starting up Well 3E Booster Pumps;</p> <p>f. On May 17, 2010, a second check valve was installed between the pump seal panel and flare blow down header to mitigate blowback of brine in seal system;</p> <p>g. On April 29, 2010, submitted a FOP application; and</p> <p>h. On July 22, 2010, submitted a Corrective Action Plan ("CAP") for emissions event Incident No. 133708.</p>

		<p>Ordering Provisions:</p> <p>1) The order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, replace Well 3E Booster Pump seals with more robust seals;</p> <p>b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by any other deadline specified in writing;</p> <p>c. Upon Commission approval, implement the CAP, in accordance with the approved schedule;</p> <p>d. Within 30 days after the completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions 2.a. through 2.c.;</p> <p>e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the FOP application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>f. Within 270 days after the effective date of this Agreed Order, submit written certification to show that either a FOP has been obtained or that good cause exists to extend this deadline.</p>
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Additional ID No(s): C10006V

Attachment A
Docket Number: 2010-0926-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Twenty-Two Thousand One Hundred Fifty Dollars (\$22,150)

SEP Amount: Eleven Thousand Seventy-Five Dollars (\$11,075)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	14-Jun-2010	Screening	1-Jul-2010	EPA Due	5-Mar-2010
	PCW	15-Jul-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN102984911		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39828	No. of Violations	2
Docket No.	2010-0926-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		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 *Capped at the Total EB \$ Amount
 Approx. Cost of Compliance

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 1-Jul-2010

Docket No. 2010-0926-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 39828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one similar and one dissimilar NOV. Penalty reduction for one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 6%

Screening Date 1-Jul-2010

Docket No. 2010-0926-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 39828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) Tex. Health & Safety Code § 382.085(a)

Violation Description Failed to prevent unauthorized emissions. Specifically, 268,481 pounds of propane were released from the Well 3E Booster Pump (PM 18.106), when the Respondent failed to prevent the malfunction of pump PM 18.106, resulting in an emissions event which began on December 27, 2009, and which lasted for one hour and 30 minutes (Incident No. 133708). This emissions event was determined to be an excessive emissions event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.				0%

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)

\$0

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$836

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 39828
Reg. Ent. Reference No. RN102984911
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)	\$2,458	27-Dec-2009	17-May-2010	0.39	\$3	\$63	\$66
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	\$280	27-Dec-2009	11-Jan-2010	0.04	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$17,000	27-Dec-2009	22-Nov-2010	0.90	\$768	n/a	\$768

Notes for DELAYED costs

Estimated cost for training (completed 01/11/2010), revising the operating procedure for wells, daily operator field rounds, revision of alarm notifications, installing a 2nd check valve, and programming of the IR Flame sensor alarm into the Distributive Control System (completed May 17, 2010). Booster pump seals are to be replaced. The date required is based on the date of the emissions event. The final date is the date the corrective actions were completed and are expected to be 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	\$19,738	TOTAL	\$836
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Screening Date 1-Jul-2010

Docket No. 2010-0926-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 39828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.121 and 122.130(b)(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial federal operating permit ("FOP") application within 12 months of the Houston-Galveston-Brazoria area being designated as severe non-attainment for ozone. The FOP application should have been filed by October 31, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	X			25%
100 percent of the rule requirement was not met.				

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6 Number of violation days 243

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Six monthly events are recommended for operating without a FOP from the application due date of October 31, 2009 to the date the application was submitted on April 29, 2010.

Good Faith Efforts to Comply

25.0% Reduction \$3,750

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

Notes The Respondent submitted a FOP application on April 29, 2010, before the NOE dated June 8, 2010.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$290

Violation Final Penalty Total \$12,150

This violation Final Assessed Penalty (adjusted for limits) \$12,150

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 39828
Reg. Ent. Reference No. RN102984911
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,000	31-Oct-2009	28-Dec-2010	1.16	\$290	n/a	\$290
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for obtaining a permit (permit application was submitted on April 29, 2010). The date required is based on the date the permit application was due to be filed. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	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

\$5,000

TOTAL

\$290

3 02/28/2006 (457010)
 4 05/31/2006 (480077)
 5 10/18/2006 (516213)
 6 10/18/2006 (516240)
 7 12/29/2006 (516984)
 8 12/29/2006 (534871)
 9 12/29/2006 (535318)
 10 01/25/2008 (615975)
 11 12/04/2008 (600618)
 12 05/26/2010 (791225)
 13 06/08/2010 (798866)
 14 06/08/2010 (799183)

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

Date: 12/29/2006 (534871) CN603211277
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 Description: Failed to include the permit number in the report.

Date: 06/08/2010 (799183) CN603211277
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)
 5C THSC Chapter 382 382.085(b)
 Description: Enterprise failed to properly maintain and operate a control device by failing to keep the West Flare (EPN FL-08) lit.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
 5C THSC Chapter 382 382.085(b)
 Registration PERMIT
 Description: Enterprise failed to prevent unauthorized emissions including 392 pounds of propylene by failing to detect flow to the flare.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THSC Chapter 382 382.085(b)
 Description: Enterprise failed to properly report Incident No. 135767.

F. Environmental audits.

Notice of Intent Date: 10/12/2009 (780192)

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

Compliance History Report

Customer/Respondent/Owner-Operator: CN603211277 Enterprise Products Operating LLC Classification: AVERAGE Rating: 2.21
Regulated Entity: RN102984911 ENTERPRISE EAST Classification: AVERAGE Site Rating: 3.36

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD987981560
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	39257
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0006V
	AIR NEW SOURCE PERMITS	REGISTRATION	28849
	AIR NEW SOURCE PERMITS	REGISTRATION	50169
	AIR NEW SOURCE PERMITS	REGISTRATION	15488
	AIR NEW SOURCE PERMITS	REGISTRATION	50176
	AIR NEW SOURCE PERMITS	AFS NUM	4807100017
	AIR NEW SOURCE PERMITS	REGISTRATION	83868
	AIR OPERATING PERMITS	PERMIT	3369
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0006V
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CI0006V

Location: 316 SOUTH MAIN ST, MONT BELVIEU, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 01, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 01, 2005 to July 01, 2010

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

Name: Nadia Hameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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 08/25/2005 (401556)
 - 2 02/22/2006 (455819)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ENTERPRISE PRODUCTS OPERATING	§	TEXAS COMMISSION ON
LLC	§	
RN102984911	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2010-0926-AIR-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a gas processing facility at 316 South Main Street in Mont Belvieu, Chambers County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on February 18, 2010, TCEQ staff documented the unauthorized release of 268,481 pounds of propane from the Well 3E Booster Pump (PM 18.106), when the Respondent failed to prevent the malfunction of pump PM 18.106, resulting in an emissions event which began on December 27, 2009, and which lasted for one hour and 30 minutes (Incident No. 133708).
4. During a record review on May 25, 2010, TCEQ staff documented that the Respondent failed to submit an initial Federal Operating Permit (“FOP”) application within 12 months of the Houston-Galveston-Brazoria area being designated as severe non-attainment for ozone. The FOP application should have been filed by October 31, 2009.
5. The Respondent received notices of the violations on May 27, 2010 and June 10, 2010.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On January 7, 2010, operators were provided with one-on-one training of the alarm notifications related to Incident No. 133708;
 - b. On January 11, 2010, Incident No. 133708 and corrective actions were reviewed at the operators’ safety meeting;
 - c. On February 1, 2010, a list of duties outlined for the daily operator field rounds was modified to include checking of remote Mechanically Operated Valve (“MOV”) positions and ensuring that the MOVs are in the remote position if the pump is pumping;
 - d. On March 2, 2010, alarm notifications on the control board were revised to be more descriptive, indicating service of a seal leak to the atmosphere. The Infra Red Flame Sensor alarm was programmed into the Distributive Control System;
 - e. On March 10, 2010, the operating procedure for starting the Well 3E Booster Pumps was revised to include remote MOV checks. The MOVs must be in the remote position before starting up Well 3E Booster Pumps;
 - f. On May 17, 2010, a second check valve was installed between the pump seal panel and flare blow down header to mitigate blowback of brine in seal system;
 - g. On April 29, 2010, submitted a FOP application; and
 - h. On July 22, 2010, submitted a Corrective Action Plan (“CAP”) for emissions event Incident No. 133708, in accordance with 30 TEX. ADMIN. CODE 101.223(a)(1).

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of TEX. HEALTH & SAFETY CODE § 382.085(a). This event was determined to be an excessive emissions event.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit a FOP application, in violation of 30 TEX. ADMIN. CODE §§ 122.121 and 122.130(b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Twenty-Two Thousand One Hundred Fifty Dollars (\$22,150) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Eleven Thousand Seventy-Five Dollars (\$11,075) of the administrative penalty. Eleven Thousand Seventy-Five Dollars (\$11,075) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Two Thousand One Hundred Fifty Dollars (\$22,150) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2010-0926-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eleven Thousand Seventy-Five Dollars (\$11,075) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, replace Well 3E Booster Pump seals with more robust seals;
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;
 - c. Upon Commission approval, implement the CAP, in accordance with the approved schedule;
 - d. Within 30 days after the completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. through 3.c. The certification shall be submitted in accordance with Ordering Provision No. 3.g.;
 - e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the FOP application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - f. Within 270 days after the effective date of this Agreed Order, submit written certification to show that either a FOP permit has been obtained or that good cause exists to extend this deadline. The certification shall be submitted in accordance with Ordering Provision No. 3.g.; and
 - g. The certifications required by Ordering Provisions No. 3.d. and 3.f. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon 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.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date 11/22/2010

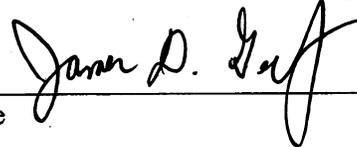
I, the undersigned, have read and understand the attached Agreed Order in the matter of Enterprise Products Operating LLC. I am authorized to agree to the attached Agreed Order on behalf of Enterprise Products Operating LLC, and do agree to the specified terms and conditions. I further acknowledge that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

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

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

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

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



Signature

Date 10/4/10

James D. Gernentz

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Vice President

Houston Region Operations
Title

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

Attachment A
Docket Number: 2010-0926-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Twenty-Two Thousand One Hundred Fifty Dollars (\$22,150)

SEP Amount: Eleven Thousand Seventy-Five Dollars (\$11,075)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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