

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1465-AIR-E **TCEQ ID:** RN102323268 **CASE NO.:** 40352
RESPONDENT NAME: Enterprise Products Operating LLC

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
<p>SITE WHERE VIOLATION(S) OCCURRED: Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu, Chambers County</p> <p>TYPE OF OPERATION: Hydrocarbon processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Numbers 2010-0821-AIR-E and 2010-1831-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 17, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phil Hampsten, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Mike Tomerlin, Field Environmental Manager, Enterprise Products Operating LLC, 10207 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 Mr. Graham W. Bacon, Vice President, Houston Region Operations, Enterprise Products Operating LLC, 10207 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 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 type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 29, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 18, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions. Specifically, 1,355 pounds of isobutylene were released into the atmosphere due to the failure to prevent isobutene liquid build-up in the separation vessels of the Oleflex dehydrogenation reactors which resulted in the flaring event (Incident No. 139952). The emissions event that occurred on May 20, 2010, lasted one hour and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 76070 and PSD-TX-1057, Special Condition No. 1].</p> <p>2) Failed to identify for each emissions point the estimated total quantities of the individually listed compounds or mixtures of air contaminants released during an emissions event (Incident No. 139952). Specifically, the initial notification did not identify the estimated total quantities or products of combustion from the flare [30 TEX. ADMIN. CODE § 101.201(a)(2)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,448</p> <p>Total Deferred: \$1,289 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,579</p> <p>Total Paid to General Revenue: \$2,580</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>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 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the building-up of isobutene liquids in the separation vessels of the Oleflex dehydrogenation reactors in order to prevent unauthorized emissions due to the same cause as Incident No. 139552; and</p> <p>ii. Implement procedures to comply with emissions event reporting requirements.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions 2.a.i. through 2.a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance.</p>

Attachment A
Docket Number: 2010-1465-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Five Thousand One Hundred Fifty-Nine Dollars
(\$5,159)

SEP Amount: Two Thousand Five Hundred Seventy-Nine Dollars
(\$2,579)

Type of SEP: Pre-approved

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

Location of SEP: Chambers County

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

1. Project Description

A. Project

The Respondent 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	23-Aug-2010	Screening	8-Sep-2010	EPA Due	
	PCW	13-Sep-2010				

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

CASE INFORMATION			
Enf./Case ID No.	40352	No. of Violations	2
Docket No.	2010-1465-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		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	\$2,600
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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.	
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Compliance History	148.0% Enhancement	Subtotals 2, 3, & 7	\$3,848
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Notes: Enhancement for nine NOVs with same/similar violations, 20 NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without denial of liability. Reduction for two notice of audits.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$195
 Approx. Cost of Compliance \$4,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,448
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$6,448
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,448
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,289
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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.

PAYABLE PENALTY	\$5,159
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Screening Date 8-Sep-2010

Docket No. 2010-1465-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 40352

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 148%

>> **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

Enhancement for nine NOVs with same/similar violations, 20 NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without denial of liability. Reduction for two notice of audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 148%

Screening Date 8-Sep-2010

Docket No. 2010-1465-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 40352

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 76070 and PSD-TX-1057, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,355 pounds of isobutylene were released into the atmosphere due to the failure to prevent isobutene liquid build-up in the separation vessels of the Oleflex dehydrogenation reactors which resulted in the flaring event (Incident No. 139952). The emissions event that occurred on May 20, 2010, lasted one hour and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants 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

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$171

Violation Final Penalty Total \$6,200

This violation Final Assessed Penalty (adjusted for limits) \$6,200

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 40352
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 1

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 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				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	20-May-2010	11-May-2011	0.98	\$171	n/a	\$171

Notes for DELAYED costs

Estimated cost to prevent the building-up of isobutene liquids in the separation vessels of the Oleflex dyhydrogenation reactors. The date required is the violation date. The final date is the expected 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

\$3,500

TOTAL

\$171

Screening Date 8-Sep-2010

Docket No. 2010-1465-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 40352

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(2)(G) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify for each emissions point the estimated total quantities of the individually listed compounds or mixtures of air contaminants released during an emissions event (Incident No. 139952). Specifically, the initial notification did not identify the estimated total quantities or the products of combustion from the flare.

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

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

111 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 40352
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$500	20-May-2010	11-May-2011	0.98	\$24	n/a	\$24

Notes for DELAYED costs

Estimated cost to comply with emissions event reporting requirements. The date required is the violation date. The final date is the expected date of compliance.

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

\$500

TOTAL

\$24

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603211277	Enterprise Products Operating LLC	Classification: AVERAGE	Rating: 2.21
Regulated Entity:	RN102323268	ENTERPRISE MONT BELVIEU COMPLEX	Classification: AVERAGE	Site Rating: 3.74

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXT490013455
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	31038
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0008R
	AIR OPERATING PERMITS	PERMIT	1641
	WASTEWATER	PERMIT	WQ0002940000
	WASTEWATER	EPA ID	TX0102326
	AIR NEW SOURCE PERMITS	AFS NUM	4807100007
	AIR NEW SOURCE PERMITS	REGISTRATION	93154
	AIR NEW SOURCE PERMITS	REGISTRATION	93268
	AIR NEW SOURCE PERMITS	PERMIT	20698
	AIR NEW SOURCE PERMITS	REGISTRATION	52923
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0008R
	AIR NEW SOURCE PERMITS	PERMIT	76070
	AIR NEW SOURCE PERMITS	PERMIT	22105
	AIR NEW SOURCE PERMITS	PERMIT	5581
	AIR NEW SOURCE PERMITS	PERMIT	22113
	AIR NEW SOURCE PERMITS	PERMIT	8418
	AIR NEW SOURCE PERMITS	REGISTRATION	71200
	AIR NEW SOURCE PERMITS	PERMIT	6798
	AIR NEW SOURCE PERMITS	PERMIT	8707
	AIR NEW SOURCE PERMITS	PERMIT	21945
	AIR NEW SOURCE PERMITS	REGISTRATION	53906
	AIR NEW SOURCE PERMITS	REGISTRATION	71649
	AIR NEW SOURCE PERMITS	PERMIT	19930
	AIR NEW SOURCE PERMITS	REGISTRATION	72757
	AIR NEW SOURCE PERMITS	REGISTRATION	5581A
	AIR NEW SOURCE PERMITS	PERMIT	22114
	AIR NEW SOURCE PERMITS	REGISTRATION	74173
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX655
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX790
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX790M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76748
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1057
	AIR NEW SOURCE PERMITS	REGISTRATION	81083

AIR NEW SOURCE PERMITS	REGISTRATION	77678
AIR NEW SOURCE PERMITS	REGISTRATION	85755
AIR NEW SOURCE PERMITS	REGISTRATION	82841
AIR NEW SOURCE PERMITS	REGISTRATION	82781
AIR NEW SOURCE PERMITS	REGISTRATION	85477
AIR NEW SOURCE PERMITS	PERMIT	22112
AIR NEW SOURCE PERMITS	REGISTRATION	87477
STORMWATER	PERMIT	TXR05N205
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CI0008R

Location: 10207 FM 1942, MONT BELVIEU, TX, 77580

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 26, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 26, 2005 to August 26, 2010

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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 judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/14/2006

ADMINORDER 2005-1700-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Classification: Minor

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

Rqmt Prov: Self-reporting Requirements PERMIT

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

Effective Date: 06/26/2006

ADMINORDER 2005-1905-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 5581, Special Condition 1 PERMIT

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

Effective Date: 11/06/2008

ADMINORDER 2007-1162-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR Permit 8707 Application Representati PERMIT

Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR Permit No. 6798 PERMIT

Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 5581, Special Condition No.1 PERMIT

NSR Permit No. 5581, Application Reps. PERMIT

Description: Enterprise Products failed to maintain an emission rate below permitted limits of 0.13 lbs/hr.

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	09/07/2005	(398220)
2	09/20/2005	(431813)
3	09/21/2005	(446435)
4	10/21/2005	(479023)
5	10/28/2005	(402500)
6	10/28/2005	(407251)
7	11/21/2005	(479024)
8	11/22/2005	(434765)
9	12/13/2005	(436839)
10	12/21/2005	(479025)
11	01/23/2006	(479026)
12	01/27/2006	(439438)
13	02/22/2006	(455821)
14	02/22/2006	(479021)
15	02/28/2006	(457011)
16	03/22/2006	(479022)
17	03/31/2006	(457413)
18	04/24/2006	(504942)
19	04/25/2006	(451705)
20	05/17/2006	(457411)
21	05/22/2006	(457385)
22	05/22/2006	(504943)

23	05/22/2006	(504945)
24	05/24/2006	(463583)
25	05/26/2006	(461877)
26	05/31/2006	(480085)
27	06/21/2006	(504944)
28	08/07/2006	(485623)
29	08/16/2006	(457875)
30	08/17/2006	(497263)
31	08/17/2006	(527245)
32	08/18/2006	(484206)
33	09/01/2006	(484311)
34	09/01/2006	(485408)
35	09/22/2006	(527246)
36	10/23/2006	(551048)
37	11/29/2006	(518496)
38	12/04/2006	(551049)
39	12/22/2006	(551050)
40	12/29/2006	(534612)
41	12/29/2006	(534764)
42	01/18/2007	(512452)
43	01/23/2007	(587602)
44	01/25/2007	(509021)
45	02/22/2007	(587597)
46	03/22/2007	(543615)
47	03/22/2007	(543728)
48	03/23/2007	(587598)
49	04/24/2007	(587599)
50	05/04/2007	(531851)
51	05/11/2007	(560142)
52	05/15/2007	(560429)
53	05/21/2007	(587600)
54	06/22/2007	(587601)
55	06/28/2007	(563807)
56	07/05/2007	(510264)
57	07/23/2007	(605099)
58	07/27/2007	(567461)
59	08/09/2007	(571640)
60	08/20/2007	(605100)
61	09/14/2007	(570542)
62	09/26/2007	(605101)
63	10/04/2007	(572683)
64	10/23/2007	(628181)
65	11/28/2007	(628182)
66	12/20/2007	(628183)
67	01/24/2008	(676346)
68	01/25/2008	(615942)
69	02/22/2008	(694741)
70	03/13/2008	(726401)
71	03/24/2008	(676345)
72	04/18/2008	(694742)
73	05/17/2008	(656986)
74	05/22/2008	(694743)
75	06/24/2008	(716228)
76	07/22/2008	(694744)
77	08/01/2008	(684640)
78	08/04/2008	(687899)
79	08/21/2008	(716229)
80	09/23/2008	(716230)
81	10/27/2008	(731749)

82 11/24/2008 (731750)
 83 12/08/2008 (709762)
 84 12/29/2008 (731751)
 85 01/27/2009 (755142)
 86 02/06/2009 (755141)
 87 02/17/2009 (703394)
 88 02/23/2009 (755140)
 89 03/20/2009 (772268)
 90 04/22/2009 (772269)
 91 05/07/2009 (743316)
 92 05/21/2009 (772270)
 93 06/22/2009 (816817)
 94 07/22/2009 (816818)
 95 08/20/2009 (816819)
 96 09/22/2009 (816820)
 97 10/21/2009 (816821)
 98 11/23/2009 (816822)
 99 12/17/2009 (816823)
 100 01/25/2010 (816824)
 101 02/22/2010 (816816)
 102 03/22/2010 (835122)
 103 03/23/2010 (788999)
 104 04/15/2010 (787086)
 105 04/22/2010 (835123)
 106 05/11/2010 (792698)
 107 05/20/2010 (835124)
 108 06/14/2010 (801826)
 109 06/21/2010 (847567)
 110 08/18/2010 (844085)

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

Date: 09/30/2005 (479023) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/22/2005 (434765) CN603211277
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 8418 PERMIT
 Description: Failed to prevent an emissions event.

Date: 12/07/2005 (436839) CN603211277
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 6798 PERMIT
 Description: Failure to prevent an avoidable emissions event.

Date: 01/31/2006 (479021) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (504942) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/19/2006 (457411) CN603211277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
NO. 20698 SC # 1 PERMIT
Description: Failed to prevent the plugging of the outlet strainer of the reactor.

Date: 05/22/2006 (457385) CN603211277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit No. 6798 MAERT PERMIT
Description: Failure to prevent the accidental shutdown of the power supply to the DCS system resulting in unauthorized emissions.

Date: 05/30/2006 (461877) CN603211277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)
NO.# 8418 MAERT PERMIT
Description: Failed to prevent malfunction of the Butamer 1 reactor control valve actuator.

Date: 05/31/2006 (504944) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (504945) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (527245) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2006 (497263) CN603211277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
NO. 76070, Special Condition No. 1 PERMIT
Description: Failed to prevent misaligned valves resulting in unauthorized emissions.

Date: 08/31/2006 (527246) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/18/2007 (512452) CN603211277
Self Report? NO Classification: Moderate
Citation: 19930, Special Condition 2F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
O-1641, Special Condition 1A OP
O-1641, Special Condition 9 OP
Description: Control valve UV-2173 was not monitored during the second and third quarters of 2006.

Date: 01/25/2007 (509021) CN603211277
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
FOP #O-01641, SC #9 OP
NSR #19931, SC #7E PA
Description: Failure to seal 128 open-ended valves/lines per 30 TAC 115.352(4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
Description: Failure to submit the required report of the results of NOX testing per 30 TAC 117.219(c).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
FOP #O-01641, SC #6E OP

Description: Failure to record the starting and ending times of the operation of stationary diesel engines from June 13, 2005 through June 12, 2006.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #1A OP
Description: Failure to record daily flare observations from June 13, 2005 through June 12, 2006 per 111.111(a)(4)(A)(ii).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP #O-01641, SC #9 OP
NSR #20509, SC #11 PA
Description: Failure to perform daily sulfur content monitoring of Merox Off-Gas on June 13, 2005 per NSR #20509, SC #11.

Date: 02/28/2007 (587598) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (587601) CN603211277
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (605100) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (605101) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (628182) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2007 (676346) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (694741) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (694743) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2008 (716230) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (731750) CN603211277
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/17/2009 (703394) CN603211277
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(3)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Special Terms and Conditions No. 1(A) OP

Description: failure to submit the 40 CFR §60.115b(d)(3) and 40 CFR 60. 665(l)(4) & (2) semiannual reports in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(3)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions No. 1(A) OP

Description: failure to submit the 40 CFR §60.705(l)(3) & (2) semiannual report with information on all periods in which the pilot flame of the north plant flare was absent and all periods when the vent stream is diverted from the flare to the atmosphere.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditions No. 21(A) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure to perform the annual RATA on the NOx, CO, and O2 CEMS by the June 30, 2007 due date.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to visually inspect the internal floating roof at least once every 12 months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition no. 26(D) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure to visually inspect the internal floating roof at least once every 12 months.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 29(B)(3) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day for stationary turbines D4GT0123, D4GT0223, and D4GT0323.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 21(C) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure to insure that the NOx and CO CEMS would generate 23 hourly averages per day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10(B)(3) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 21(C) PERMIT
Special Terms and Conditions No. 9 OP

Description: failure to demonstrate compliance with the NOx and CO emission limits while the CEMS is off-line during daily calibration failure.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to prevent open-ended lines.

Date: 03/31/2009 (772269) CN603211277

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 03/23/2010 (788999) CN603211277

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Chronic Biomonitoring Requirements PERMIT
ELMR, No. 1, p. 2 PERMIT
ELMR, No. 1, p. 2c PERMIT

Description: Failure to collect effluent samples at the frequency specified in the permit at
Outfalls 001 and 002.

Date: 04/14/2010 (787086) CN603211277

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5581, Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

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

F. Environmental audits.

Notice of Intent Date: 10/12/2009 (782650)

No DOV Associated

Notice of Intent Date: 04/22/2010 (826716)

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

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-1465-AIR-E **TCEQ ID:** RN102323268 **CASE NO.:** 40352
RESPONDENT NAME: Enterprise Products Operating LLC

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
<p>SITE WHERE VIOLATION(S) OCCURRED: Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu, Chambers County</p> <p>TYPE OF OPERATION: Hydrocarbon processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Numbers 2010-0821-AIR-E and 2010-1831-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 17, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phil Hampsten, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Mike Tomerlin, Field Environmental Manager, Enterprise Products Operating LLC, 10207 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 Mr. Graham W. Bacon, Vice President, Houston Region Operations, Enterprise Products Operating LLC, 10207 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

**§
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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1465-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a hydrocarbon processing plant at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 August 23, 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 Six Thousand Four Hundred Forty-Eight Dollars (\$6,448) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Eighty Dollars (\$2,580) of the administrative penalty and One Thousand Two Hundred Eighty-Nine Dollars (\$1,289) 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. Two Thousand Five Hundred Seventy-Nine Dollars (\$2,579) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 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.
10. 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.
11. 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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 76070 and PSD-TX-1057, Special Condition No. 1, as documented during an investigation conducted on July 29, 2010. Specifically, 1,355 pounds of isobutylene were released into the atmosphere due to the failure to prevent isobutene liquid build-up in the separation vessels of the Oleflex dehydrogenation reactors which resulted in the flaring event (Incident No. 139952). The emissions event that occurred on May 20, 2010, lasted one hour and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to identify for each emissions point the estimated total quantities of the individually listed compounds or mixtures of air contaminants released during an

emissions event (Incident No. 139952), in violation of 30 TEX. ADMIN. CODE § 101.201(a)(2)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 29, 2010. Specifically, the initial notification did not identify the estimated total quantities or products of combustion from the flare.

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. 2010-1465-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 I, Paragraph 6 above, Two Thousand Five Hundred Seventy-Nine Dollars (\$2,579) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent the building-up of isobutene liquids in the separation vessels of the Oleflex dehydrogenation reactors in order to prevent unauthorized emissions due to the same cause as Incident No. 139552; and
 - ii. Implement procedures to comply with emissions event reporting requirements.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions 3.a.i. through 3.a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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

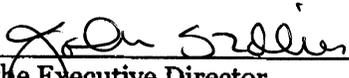
effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

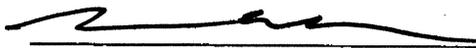
Date 1/10/2011

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

December 14, 2010
Date

Graham W. Bacon

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

Vice President

Houston Region Operations
Title

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

Attachment A
Docket Number: 2010-1465-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Five Thousand One Hundred Fifty-Nine Dollars
(\$5,159)

SEP Amount: Two Thousand Five Hundred Seventy-Nine Dollars
(\$2,579)

Type of SEP: Pre-approved

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

Location of SEP: Chambers County

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

1. Project Description

A. Project

The Respondent 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.