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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2011-0032-AIR-E **TCEQ ID:** RN102984911 **CASE NO.:** 40953
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

SITE WHERE VIOLATION(S) OCCURRED: Enterprise East, 316 South Main Street, Mont Belvieu, Chambers County

TYPE OF OPERATION: Natural gas fractionation plant

SMALL BUSINESS: ___ Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 16, 2011. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Graham W. Bacon, Vice President – Houston Region Operations, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573
 Mr. Noel Luera, Manager - Field Environmental, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580-0573
Respondent's Attorney: Not represented by counsel on this enforcement matter

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: August 25, 2010</p> <p>Date of NOV/NOE Relating to this Case: December 22, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to properly maintain a control device and failed to prevent unauthorized emissions during an event that occurred on August 25, 2010 (Incident No. 144023). Specifically, the Respondent failed to properly monitor and operate the West Flare (Emission Point No. FL-08) and failed to maintain a continuous flame in the flare, leading to the release of 455.72 pounds of unauthorized volatile organic compounds into the atmosphere that lasted 5 hours and 22 minutes. Since the emissions event was avoidable by implementing better operational and maintenance practices, it does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.4(c) and 106.6(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit By Rule Registration No. 28849].</p>	<p>Total Assessed: \$2,625</p> <p>Total Deferred: \$525 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$1,050</p> <p>Total Paid to General Revenue: \$1,050</p> <p>Compliance History Classifications: 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in order to prevent the recurrence of emissions events due to the same cause as Incident No. 144023:</p> <p>a. On August 25, 2010, increased the fuel gas loading to the flare pilot to ensure the presence of a stable flame at all times; and</p> <p>b. By January 7, 2011, completed review of procedures for flare operations, and began conducting refresher training for applicable personnel on a quarterly basis for the next full year.</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. By December 1, 2011, complete repairs to the leaking process vents in the flare header system; and</p> <p>b. Within 60 days after the completion of Ordering Provision a., submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

Additional ID No(s): Air Account C10006V

Attachment A
Docket Number: 2011-0032-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Two Thousand One Hundred Dollars (\$2,100)

SEP Amount: One Thousand Fifty Dollars (\$1,050)

Type of SEP: Pre-approved

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

Location of SEP: Chambers and Harris Counties

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

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 *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the Supplemental Environmental Project (“the Project”) between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount shall be used to: 1) retire current diesel-powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources.

The SEP Offset Amount may only be used for: 1) incremental costs of purchase of alternative-fueled or lower-emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance by TCEQ.

Enterprise Products Operating LLC
Agreed Order - Attachment A

Retirement of Vehicles: Any purchases of new vehicles or equipment shall comply with EPA verified and certified technology guidelines. Equipment and vehicles being retired will be operational that have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. Proof of registration, decommissioning, and scrappage for all retired vehicles and equipment will be submitted to TCEQ.

Retrofits and Conversions. Proof of all conversions or retrofits will meet current EPA low-emission standards. The SEP Offset Amount will be used to purchase alternative-fueled vehicles or equipment that use alternative fuels that are available for purchase within 15 miles of the operation area of the purchased fleet. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, and other technologies or alternative fuels as described below. The SEP Offset Amount may be used to purchase alternative fuels as described in the SEP Agreement between the Third-Party Recipient and TCEQ.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawnmowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NO_x), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

c. Minimum Expenditure

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

Enterprise Products Operating LLC
Agreed Order - Attachment A

2. Performance Schedule

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

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, TX 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

Enterprise Products Operating LLC
Agreed Order - Attachment A

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

TCEQ

DATES	Assigned	27-Dec-2010	Screening	30-Dec-2010	EPA Due	
	PCW	5-Jan-2011				

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.	40953	No. of Violations	1
Docket No.	2011-0032-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0%** Enhancement **Subtotals 2, 3, & 7** **\$125**

Notes

Enhancement for one same/similar NOV and one dissimilar NOV.
Reduction for two Notices of Intent to conduct an audit.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$2,285**
Approx. Cost of Compliance **\$121,380**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,625**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$2,625**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,625**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$525**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$2,100**

Screening Date 30-Dec-2010

Docket No. 2011-0032-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 40953

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 5%

>> **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 one same/similar NOV and one dissimilar NOV. Reduction for two Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 30-Dec-2010

Docket No. 2011-0032-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 40953

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.4(c) and 106.6(c), Tex. Health & Safety Code § 382.085(b), and Permit By Rule Registration No. 28849

Violation Description Failed to properly maintain a control device and failed to prevent unauthorized emissions during an event that occurred on August 25, 2010 (Incident No. 144023). Specifically, the Respondent failed to properly monitor and operate the West Flare (Emission Point No. FL-08) and failed to maintain a continuous flame in the flare, leading to the release of 455.72 pounds of unauthorized volatile organic compounds into the atmosphere that lasted 5 hours and 22 minutes. Since the emissions event was avoidable by implementing better operational and maintenance practices, it does not meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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 based on the date of the violation, August 25, 2010.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,285

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 40953
Req. 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)				0.00	\$0	\$0	\$0
Engineering/construction	\$980	25-Aug-2010	30-Jun-2011	0.85	\$3	\$55	\$58
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$400	25-Aug-2010	7-Jan-2011	0.37	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$120,000	25-Aug-2010	7-Jan-2011	0.37	\$2,219	n/a	\$2,219

Notes for DELAYED costs

Estimated costs to implement procedures to ensure that the flare remains lit at all times and to repair the four leaking process valves that vent to the flare header system. The Date Required is the date of the emissions event. The Engineering/Construction Final Date is the estimated date of compliance for the four leaking flare process valve repairs. The Training Final Date is the date of compliance for beginning quarterly employee refresher training. The Other Final Date is the date of compliance to increase fuel gas loading to the flare pilot to ensure the presence of a stable flame at all times and to complete a review of procedures for flare operations.

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

\$121,380

TOTAL

\$2,285

Compliance History

Customer/Respondent/Owner-Operator: CN603211277 Enterprise Products Operating LLC Classification: AVERAGE Rating: 2.27
Regulated Entity: RN102984911 ENTERPRISE EAST Classification: AVERAGE Site Rating: 0.57

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	PERMIT	93973
	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 S MAIN ST, MONT BELVIEU, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 30, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 30, 2005 to December 30, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2010 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.
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 02/22/2006 (455819)
- 2 02/28/2006 (457010)
- 3 05/31/2006 (480077)
- 4 10/18/2006 (516213)
- 5 10/18/2006 (516240)
- 6 12/29/2006 (516984)
- 7 12/29/2006 (534871)
- 8 12/29/2006 (535318)
- 9 12/04/2008 (600618)
- 10 01/25/2008 (615975)
- 11 07/19/2010 (790293)
- 12 05/26/2010 (791225)
- 13 06/08/2010 (798866)
- 14 06/08/2010 (799183)
- 15 12/22/2010 (865883)

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

Notice of Intent Date: 07/06/2010 (842728)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102984911**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0032-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a natural gas fractionation plant 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 27, 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 Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Fifty Dollars (\$1,050) of the administrative penalty and Five Hundred Twenty-Five Dollars (\$525) 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. One Thousand Fifty Dollars (\$1,050) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant in order to prevent the recurrence of emissions events due to the same cause as Incident No. 144023:
 - a. On August 25, 2010, increased the fuel gas loading to the flare pilot to ensure the presence of a stable flame at all times; and
 - b. By January 7, 2011, completed review of procedures for flare operations, and began conducting refresher training for applicable personnel on a quarterly basis for the next full year.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to properly maintain a control device and failed to prevent unauthorized emissions during an event that occurred on August 25, 2010 (Incident No. 144023), in violation of 30 TEX. ADMIN. CODE §§ 106.4(c) and 106.6(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit By Rule Registration No. 28849, as documented during an investigation conducted on August 25, 2010. Specifically, the Respondent failed to properly monitor and operate the West Flare (Emission Point No. FL-08) and failed to maintain a continuous flame in the flare, leading to the release of 455.72 pounds of unauthorized volatile organic compounds into the atmosphere that lasted 5 hours and 22 minutes. Since the emissions event was avoidable by implementing better operational and maintenance practices, it does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

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. 2011-0032-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, One Thousand Fifty Dollars (\$1,050) of the assessed administrative penalty shall be offset with the condition that the Respondent implements 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. By December 1, 2011, complete repairs to the leaking process vents in the flare header system; and
 - b. Within 60 days after the completion of Ordering Provision No. 3.a., submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall 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

John Zedler
For the Executive Director

4.13.2011
Date

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

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

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

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

Graham W. Bacon
Signature

3/2/2011
Date

Graham W. Bacon
Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

VP-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: 2011-0032-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Enterprise Products Operating LLC

Payable Penalty Amount: Two Thousand One Hundred Dollars (\$2,100)

SEP Amount: One Thousand Fifty Dollars (\$1,050)

Type of SEP: Pre-approved

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

Location of SEP: Chambers and Harris Counties

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

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 *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the Supplemental Environmental Project (“the Project”) between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount shall be used to: 1) retire current diesel-powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources.

The SEP Offset Amount may only be used for: 1) incremental costs of purchase of alternative-fueled or lower-emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance by TCEQ.

Enterprise Products Operating LLC
Agreed Order - Attachment A

Retirement of Vehicles: Any purchases of new vehicles or equipment shall comply with EPA verified and certified technology guidelines. Equipment and vehicles being retired will be operational that have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. Proof of registration, decommissioning, and scrappage for all retired vehicles and equipment will be submitted to TCEQ.

Retrofits and Conversions. Proof of all conversions or retrofits will meet current EPA low-emission standards. The SEP Offset Amount will be used to purchase alternative-fueled vehicles or equipment that use alternative fuels that are available for purchase within 15 miles of the operation area of the purchased fleet. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, and other technologies or alternative fuels as described below. The SEP Offset Amount may be used to purchase alternative fuels as described in the SEP Agreement between the Third-Party Recipient and TCEQ.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawnmowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NO_x), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

c. Minimum Expenditure

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

Enterprise Products Operating LLC
Agreed Order - Attachment A

2. Performance Schedule

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

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, TX 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

Enterprise Products Operating LLC
Agreed Order - Attachment A

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.