

**Executive Summary – Enforcement Matter – Case No. 45586**  
**Enterprise Products Operating LLC**  
**RN100210665**  
**Docket No. 2012-2454-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Morgans Point Complex, 1200 North Broadway Street, La Porte, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1356-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 24, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$50,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$25,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$12,500

Name of SEP: Barbers Hill Independent School District - Barbers Hill Vehicle and Equipment Program

**SEP Conditional Offset:** \$12,500

Name of SEP: Barbers Hill Independent School District - Barbers Hill Energy Efficiency Program

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$26,500

**Applicable Penalty Policy:** September 2011

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 14, 2012 and July 3, 2012

**Date(s) of NOE(s):** November 9, 2012

***Violation Information***

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 20289, Special Conditions ("SC") No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions and failed to limit Highly Reactive Volatile Organic Compound emissions to 1,200 pounds per one hour block period [30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), Air Permit No. 20289, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
  - a. Comply with the TCEQ requests dated November 9, 2012, for submittal of a corrective action plan ("CAP") to address the excessive emissions events that occurred May 26, 2012 (Incident No. 168936) and May 31, 2012 (Incident No. 169173);
  - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;
  - c. Upon Commission approval, implement the CAP, in accordance with the approved schedule; and
  - d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions a. and c.

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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division,  
Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565  
**Respondent:** Robert Moss, Vice President - Houston Regional Operations, Enterprise  
Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580  
Jon Fields, Senior Environmental Manager, Enterprise Products Operating LLC, P.O.  
Box 573, Mont Belvieu, Texas 77580  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2012-2454-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Enterprise Products Operating LLC
<b>Penalty Amount:</b>	Twenty-Five Thousand Dollars (\$25,000)
<b>SEP Offset Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>Type of SEP:</b>	Contribution to a Third-Party Recipient SEP
<b>Third-Party Recipient:</b>	Barbers Hill Independent School District
<b>Project Name:</b>	<i>Barbers Hill Vehicle and Equipment Program</i>
<b>Location of SEP:</b>	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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 the **Barbers Hill Independent School District** for the *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will 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/equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles/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) the incremental costs of purchase of alternative-fueled or lower-emission vehicles/equipment or retrofit of existing vehicles/equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

**Retirement of Vehicles:** the Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

The Third-Party Recipient shall submit proof of registration, decommissioning, and scrappage for all retired vehicles and equipment.

**Retrofits and Conversions:** the Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. When purchasing alternative-fueled vehicles or equipment, the Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. 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 Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

**Alternative Fuels:** Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles.

Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment)

Electricity

Ethanol

Hydrogen

Methanol

Natural Gas

Propane

Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

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, volatile organic carbon compounds, nitrogen oxides, 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.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Esquire  
Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment B**  
**Docket Number: 2012-2454-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Enterprise Products Operating LLC
<b>Penalty Amount:</b>	Twenty-Five Thousand Dollars (\$25,000)
<b>SEP Offset Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>Type of SEP:</b>	Contribution to a Third-Party Recipient SEP
<b>Third-Party Recipient:</b>	Barbers Hill Independent School District
<b>Project Name:</b>	<i>Barbers Hill Energy Efficiency Program</i>
<b>Location of SEP:</b>	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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**1. Project Description**

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Barbers Hill Independent School District** for the *Barbers Hill Energy Efficiency Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The Third-Party Recipient shall use the SEP Offset Amount to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The Third-Party Recipient shall submit the results of those audits along with any proposed modifications and associated budgets and proposal for expenditure to TCEQ. Modifications may include weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and

Enterprise Products Operating LLC  
Agreed Order - Attachment B

boosting productivity through increased use of day-lighting, installation of light emitting diode traffic lights, and use of renewable energy sources.

The Third-Party Recipient shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize the SEP Offset Amount. The Third-Party Recipient certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

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.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check

Enterprise Products Operating LLC  
Agreed Order - Attachment B

payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

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Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

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

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

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

Enterprise Products Operating LLC  
Agreed Order - Attachment B

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Nov-2012	<b>Screening</b>	15-Nov-2012	<b>EPA Due</b>	
	<b>PCW</b>	27-Nov-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Enterprise Products Operating LLC		
<b>Reg. Ent. Ref. No.</b>	RN100210665		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	45586	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-2454-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$50,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **53.0%** Enhancement **Subtotals 2, 3, & 7** **\$26,500**

Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, one order with denial of liability and one federal order with denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**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: \$513  
Approx. Cost of Compliance: \$10,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$76,500**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$76,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$50,000**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$50,000**

**Screening Date** 15-Nov-2012

**Docket No.** 2012-2454-AIR-E

**PCW**

**Respondent** Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

**Case ID No.** 45586

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100210665

**Media [Statute]** Air

**Enf. Coordinator** Nadia Hameed

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	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> )	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 53%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, one order with denial of liability and one federal order with denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 53%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 53%

Screening Date 15-Nov-2012

Docket No. 2012-2454-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

Case ID No. 45586

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 20289, Special Conditions ("SC") No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 51,273 pounds ("lbs") of volatile organic compounds ("VOC"), including 49,478 lbs of isobutane, from Storage Tank Area 4013, during an emissions event (Incident No. 169173) that began on May 31, 2012 and lasted for twenty minutes. The emissions event occurred when the vacuum relief breaker on a spherical storage tank, Emissions Point Number ("EPN") 12TK163, failed causing the release of emissions. This emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$25,000

One daily 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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$255

Violation Final Penalty Total \$38,250

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC

**Case ID No.** 45586

**Reg. Ent. Reference No.** RN100210665

**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
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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)	\$5,000	31-May-2012	7-Jun-2013	1.02	\$255	n/a	\$255

**Notes for DELAYED costs**

Estimated cost for corrective actions including implementation of a Corrective Action Plan ("CAP"). The date required is the date of the emissions event. The final date is the date the corrective actions are expected to be completed.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$255

Screening Date 15-Nov-2012

Docket No. 2012-2454-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

Case ID No. 45586

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 115.722(c)(1) and 116.115(c), Air Permit No. 20289, SC No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions and failed to limit Highly Reactive Volatile Organic Compound ("HRVOC") emissions to 1,200 pounds per one hour block period. Specifically, the Respondent released 28,381.23 lbs of VOC, including 12,142.82 lbs of isobutylene which is a HRVOC, from Storage Tank Area 4013, during an emissions event (Incident No. 168936) that began on May 26, 2012 and lasted for fifteen minutes. The emissions event occurred when the pressure control system on Tank 162 EPN, 12TK162, failed resulting in the release of emissions. This emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$25,000

One daily 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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$258

Violation Final Penalty Total \$38,250

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 45586  
**Reg. Ent. Reference No.** RN100210665  
**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
<i>No commas or \$</i>							

**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)	\$5,000	26-May-2012	7-Jun-2013	1.03	\$258	n/a	\$258

**Notes for DELAYED costs**

Estimated cost for corrective actions including implementation of CAP. The date required is the date of the emissions event. The final date is the date the corrective actions are expected to be completed.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$258

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603211277, RN100210665, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603211277, Enterprise Products Operating LLC      **Classification:** SATISFACTORY      **Rating:** 3.72

**Regulated Entity:** RN100210665, MORGANS POINT COMPLEX      **Classification:** SATISFACTORY      **Rating:** 1.95

**Complexity Points:** 17      **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 1200 N BROADWAY ST LA PORTE, TX 77571-3031, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS ACCOUNT NUMBER** HG0714Q  
**POLLUTION PREVENTION PLANNING ID NUMBER**  
P00196  
**WASTEWATER EPA ID** TX0106721  
**AIR NEW SOURCE PERMITS PERMIT** 7999  
**AIR NEW SOURCE PERMITS REGISTRATION** 12142  
**AIR NEW SOURCE PERMITS PERMIT** 20289  
**AIR NEW SOURCE PERMITS REGISTRATION** 42407  
**AIR NEW SOURCE PERMITS REGISTRATION** 45044  
**AIR NEW SOURCE PERMITS AFS NUM** 4820100051  
**AIR NEW SOURCE PERMITS REGISTRATION** 78575  
**AIR NEW SOURCE PERMITS REGISTRATION** 101946  
**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
TXD008084238  
**STORMWATER PERMIT** TXR05S090

**AIR OPERATING PERMITS PERMIT** 1339  
**WASTEWATER PERMIT** WQ0000440000  
**AIR NEW SOURCE PERMITS PERMIT** 4819  
**AIR NEW SOURCE PERMITS PERMIT** 8711  
**AIR NEW SOURCE PERMITS REGISTRATION** 13977  
**AIR NEW SOURCE PERMITS REGISTRATION** 28990  
**AIR NEW SOURCE PERMITS REGISTRATION** 14239  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** HG0714Q  
**AIR NEW SOURCE PERMITS REGISTRATION** 77166  
**AIR NEW SOURCE PERMITS REGISTRATION** 78580  
**AIR NEW SOURCE PERMITS REGISTRATION** 106057  
**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)** 30282  
**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** HG0714Q

**Compliance History Period:** September 01, 2007 to August 31, 2012      **Rating Year:** 2012      **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** November 20, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 20, 2007 to November 20, 2012

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Nadia Hameed

**Phone:** (713) 767-3629

## Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A.Final Orders, court judgments, and consent decrees:

- 1      **Effective Date:** 03/18/2012      **ADMINORDER** 2011-1056-AIR-E      (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143

30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:GT&C OP

Description: Failed to submit the permit compliance certification for the certification ("PCC") period of May 18, 2009 through November 17, 2009 within the required time frame. Specifically, the PCC should have been submitted by December 17, 2009, but was not submitted until May 11, 2011, which was 510 days late.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 28, 2007	(629045)
Item 2	December 20, 2007	(629046)
Item 3	January 24, 2008	(676596)
Item 4	February 22, 2008	(676594)
Item 5	March 25, 2008	(676595)
Item 6	April 18, 2008	(695119)
Item 7	May 22, 2008	(695120)
Item 8	June 24, 2008	(695121)
Item 9	July 21, 2008	(716604)
Item 10	August 14, 2008	(686732)
Item 11	November 24, 2008	(732072)
Item 12	December 29, 2008	(732073)
Item 13	January 27, 2009	(755435)
Item 14	February 23, 2009	(755433)
Item 15	March 24, 2009	(755434)
Item 16	June 23, 2009	(817551)
Item 17	October 21, 2009	(817555)
Item 18	November 23, 2009	(817556)
Item 19	January 22, 2010	(817550)
Item 20	March 23, 2010	(835392)
Item 21	April 12, 2010	(796064)
Item 22	May 20, 2010	(835394)
Item 23	June 21, 2010	(847650)
Item 24	September 01, 2010	(841598)
Item 25	December 20, 2010	(897850)
Item 26	January 24, 2011	(910639)
Item 27	February 22, 2011	(910638)
Item 28	March 21, 2011	(917901)
Item 29	April 25, 2011	(929678)
Item 30	May 23, 2011	(939597)
Item 31	October 21, 2011	(972914)
Item 32	November 21, 2011	(979050)
Item 33	December 27, 2011	(985883)
Item 34	January 24, 2012	(992239)
Item 35	February 22, 2012	(999549)
Item 36	March 22, 2012	(1005093)
Item 37	April 13, 2012	(997430)
Item 38	April 23, 2012	(1011649)
Item 39	May 21, 2012	(1018030)
Item 40	June 21, 2012	(1025771)
Item 41	July 23, 2012	(1033118)
Item 42	August 20, 2012	(1039635)
Item 43	October 18, 2012	(1037356)



Description: Failure to properly identify on semi-annual reports which resulted in inconsistent component counts. Failure to properly perform emissions calculations for components on Delay Of Repair (DOR) for recordkeeping

purposes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
6C THSC Chapter 482, SubChapter G 482.001

Description: Failure to identify instances where open-ended lines (OELs) were not properly.

Viol. Classification: Major

Citation: 30 TAC Chapter 117, SubChapter B 117.303

Description: Failure to watch the diesel emergency engine (EPN 123) when it exceeded 100 hours during calendar year of 2010.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(m)

Description: Failure to include a summary of the malfunctions and descriptions of actions taken as required by the rule on the semi-annual excess emissions and monitoring system performance report.

**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

## *Addendum to Compliance History Federal Enforcement Actions*

**Reg Entity Name:** MORGANS POINT COMPLEX

**Reg Entity Add:** EGP FUELS CO., MORGAN'S POINT

**Reg Entity City:** MORGAN'S POINT

**Reg Entity No:** RN100210665

**Customer Name:** Enterprise Products Operating LLC  
Morgans Point

**Customer No:** CN603211277

**EPA Case No:** 06-2012-3302

**Order Issue Date (yyyymmdd):** 20111212

**Case Result:**

**Statute:** CAA

**Sect of Statute:** 111

**Classification:** Minor

**Program:** New Source Performanc

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ENTERPRISE PRODUCTS  
OPERATING LLC  
RN100210665**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2012-2454-AIR-E**

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

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

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a chemical manufacturing plant at 1200 North Broadway Street in La Porte, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on July 3, 2012, TCEQ staff documented that the Respondent released 51,273 pounds ("lbs") of volatile organic compounds ("VOC"), including 49,478 lbs of isobutane, from Storage Tank Area 4013, during an emissions event (Incident No. 169173) that began on May 31, 2012 and lasted for twenty minutes. The emissions event occurred when the vacuum relief breaker on a spherical storage tank, Emissions Point Number ("EPN") 12TK163, failed causing the release of emissions. The TCEQ determined that this was an excessive emissions event.
4. During a record review conducted on June 14, 2012, TCEQ staff documented that the Respondent released 28,381.23 lbs of VOC, including 12,142 lbs of isobutylene which is a Highly Reactive Volatile Organic Compound ("HRVOC") from Storage Tank Area 4013, during an emissions event (Incident No. 168936) that began on May 26, 2012 and lasted for fifteen minutes. The emissions event occurred when the pressure control system on Tank 162, EPN 12TK162, failed resulting in the release of emisisions. The TCEQ determined that this was an excessive emissions event.
5. The Respondent received notices of the violations on November 12, 2012.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 20289, Special Conditions ("SC") No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 pounds per one hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), Air Permit No. 20289, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twenty-Five Thousand Dollars (\$25,000) of the administrative penalty. Twenty-Five Thousand Dollars (\$25,000) shall

be conditionally offset by the Respondent's completion of two Supplemental Environmental Projects ("SEPs").

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2012-2454-AIR-E" to:

Financial Administration Division, Revenue Operations 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 the SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Twenty-Five Thousand Dollars (\$25,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEPs defined in Attachments A and B, 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 agreements.
3. Respondent shall undertake the following technical requirements:
  - a. Comply with the TCEQ requests dated November 9, 2012, for submittal of a corrective action plan ("CAP") to address the excessive emissions events that occurred May 26, 2012 (Incident No. 168936) and May 31, 2012 (Incident No. 169173), in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);
  - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;
  - c. Upon Commission approval, implement the CAP, in accordance with the approved schedule; and

- d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.c. 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not

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

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pennington  
For the Executive Director

6/4/13  
Date

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

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

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

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

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

Robert E. Moss  
Signature

3/8/2013  
Date

Robert E. Moss  
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, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2012-2454-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Enterprise Products Operating LLC
<b>Penalty Amount:</b>	Twenty-Five Thousand Dollars (\$25,000)
<b>SEP Offset Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>Type of SEP:</b>	Contribution to a Third-Party Recipient SEP
<b>Third-Party Recipient:</b>	Barbers Hill Independent School District
<b>Project Name:</b>	<i>Barbers Hill Vehicle and Equipment Program</i>
<b>Location of SEP:</b>	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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 the **Barbers Hill Independent School District** for the *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will 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/equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles/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) the incremental costs of purchase of alternative-fueled or lower-emission vehicles/equipment or retrofit of existing vehicles/equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles: the Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping for all retired vehicles and equipment.

**Retrofits and Conversions:** the Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. When purchasing alternative-fueled vehicles or equipment, the Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. 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 Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

**Alternative Fuels:** Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles.

Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment)  
Electricity  
Ethanol  
Hydrogen  
Methanol  
Natural Gas  
Propane

Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

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, volatile organic carbon compounds, nitrogen oxides, and other pollutants

Enterprise Products Operating LLC  
Agreed Order - Attachment A

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.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Esquire  
Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment B**  
**Docket Number: 2012-2454-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Enterprise Products Operating LLC
<b>Penalty Amount:</b>	Twenty-Five Thousand Dollars (\$25,000)
<b>SEP Offset Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>Type of SEP:</b>	Contribution to a Third-Party Recipient SEP
<b>Third-Party Recipient:</b>	Barbers Hill Independent School District
<b>Project Name:</b>	<i>Barbers Hill Energy Efficiency Program</i>
<b>Location of SEP:</b>	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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**1. Project Description**

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Barbers Hill Independent School District** for the *Barbers Hill Energy Efficiency Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The Third-Party Recipient shall use the SEP Offset Amount to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The Third-Party Recipient shall submit the results of those audits along with any proposed modifications and associated budgets and proposal for expenditure to TCEQ. Modifications may include weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and

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boosting productivity through increased use of day-lighting, installation of light emitting diode traffic lights, and use of renewable energy sources.

The Third-Party Recipient shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize the SEP Offset Amount. The Third-Party Recipient certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

**b. Environmental Benefit**

Implementation of this project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

**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.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check

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payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Esquire  
Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.