

**Executive Summary – Enforcement Matter – Case No. 49022**  
**MarkWest Javelina Company, L.L.C.**  
**RN102190139**  
**Docket No. 2014-1040-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Javelina Gas Processing Facility, 5314 IH-37, on the north side, between McBride Lane and Navigation Boulevard, Corpus Christi, Nueces County

**Type of Operation:**

Petroleum gas liquid processing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 28, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$23,550

**Amount Deferred for Expedited Settlement:** \$4,710

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

**Total Paid to General Revenue:** \$18,840

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49022**  
**MarkWest Javelina Company, L.L.C.**  
**RN102190139**  
**Docket No. 2014-1040-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 10, 2014  
**Date(s) of NOE(s):** July 15, 2014

***Violation Information***

Failed to comply with permitted effluent limits for oil and grease, total copper, and total zinc [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0003137000, Effluent Limitations and Monitoring Requirements No. 1]

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent submitted a work plan for a copper Water Effects Ratio study, on September 8, 2014 to the TCEQ.

**Technical Requirements:**

The Order will require the Respondent to, within 330 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0003137000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***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

**Executive Summary – Enforcement Matter – Case No. 49022**  
**MarkWest Javelina Company, L.L.C.**  
**RN102190139**  
**Docket No. 2014-1040-IWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Greg Zychowski, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-3158; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Randy S. Nickerson, Chief Compliance Officer, MarkWest Javelina  
Company, L.L.C., 1515 Arapahoe Street, Tower 1 Suite 1600, Denver, Colorado 80202  
Leanne M. Meyer, Vice President, Environmental Health and Safety and Corps Services,  
MarkWest Javelina Company, L.L.C., 1515 Arapahoe Street, Tower 1 Suite 1600, Denver,  
Colorado 80202

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	21-Jul-2014	<b>Screening</b>	22-Jul-2014	<b>EPA Due</b>	5-Sep-2014
	<b>PCW</b>	28-Jul-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	MarkWest Javelina Company, L.L.C.		
<b>Reg. Ent. Ref. No.</b>	RN102190139		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49022	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1040-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Alan Barraza
		<b>EC's Team</b>	Enforcement Team 3
<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** **\$15,000**

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

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

**Compliance History** **57.0%** Enhancement **Subtotals 2, 3, & 7** **\$8,550**

Notes: Enhancement for 11 months of self-reported effluent violations and one NOV with dissimilar 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	\$1,084
Estimated Cost of Compliance	\$10,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$23,550**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$23,550**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$23,550**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$4,710**

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$18,840**

Screening Date 22-Jul-2014

Docket No. 2014-1040-IWD-E

PCW

Respondent MarkWest Javelina Company, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 49022

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102190139

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

### 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> )	11	55%
	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 judgments 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> )	0	0%
	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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for 11 months of self-reported effluent violations and one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date 22-Jul-2014

Docket No. 2014-1040-IWD-E

PCW

Respondent MarkWest Javelina Company, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 49022

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102190139

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003137000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on July 10, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate Total Zinc to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, Total Copper and Oil and Grease were also considered. As a result of these discharges, 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.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 Number of violation days 365

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

Violation Base Penalty \$15,000

Four quarterly events are recommended for the quarters containing the months of May 2013 through April 2014.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,084

Violation Final Penalty Total \$23,550

This violation Final Assessed Penalty (adjusted for limits) \$23,550

# Economic Benefit Worksheet

**Respondent** MarkWest Javelina Company, L.L.C.

**Case ID No.** 49022

**Reg. Ent. Reference No.** RN102190139

**Media** Water Quality

**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				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)	\$10,000	31-May-2013	31-Jul-2015	2.17	\$1,084	n/a	\$1,084

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and make necessary corrective actions to maintain compliance with permitted effluent limitations. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,084

**MarkWest Javelina Company, L.L.C.**  
**Docket No. 2014-1040-IWD-E**  
**TPDES Permit No. WQ0003137000**

**Effluent Parameter Violation Table**

	<b>Outfall 001</b>			
	<b>Oil and Grease</b>	<b>Total Copper</b>	<b>Total Zinc</b>	
	Daily Maximum Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
<b>Month/Year</b>	Limit = 15 milligrams per liter	Limit = 0.01 milligrams per liter	Limit = 0.08 milligrams per liter	Limit = 0.16 milligrams per liter
<b>May 2013</b>	c	0.0425	c	c
<b>June 2013</b>	c	0.03	c	c
<b>July 2013</b>	17	0.0333	c	c
<b>August 2013</b>	c	0.0276	c	c
<b>September 2013</b>	c	0.0121	c	c
<b>October 2013</b>	c	0.0108	c	c
<b>November 2013</b>	c	0.0165	c	c
<b>December 2013</b>	c	0.0494	c	c
<b>January 2014</b>	c	0.0238	c	c
<b>February 2014</b>	c	0.0547	c	c
<b>March 2014</b>	c	0.0237	0.1096	0.266
<b>April 2014</b>	c	0.0354	0.0921	0.224

c = compliant



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 CN603319880, RN102190139, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN603319880, MarkWest Javelina Company, L.L.C. **Classification:** SATISFACTORY **Rating:** 1.52

**Regulated Entity:** RN102190139, JAVELINA GAS PROCESSING FACILITY **Classification:** SATISFACTORY **Rating:** 1.52

**Complexity Points:** 13 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 5314 INTERSTATE HIGHWAY 37, ON THE NORTH SIDE, BETWEEN MCBRIDE LANE AND NAVIGATION BOULEVARD IN CORPUS CHRISTI, NUECES COUNTY, TEXAS

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00355	<b>WASTEWATER PERMIT</b> WQ0003137000
<b>WASTEWATER</b> EPA ID TX0105481	<b>AIR NEW SOURCE PERMITS</b> PERMIT 19296
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER NE0253K	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4835500161
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 77718	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 87501
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 100533	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD987985900
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 39228	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER NE0253K

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** July 21, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 21, 2009 to July 21, 2014

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

**Name:** Alan Barraza **Phone:** (512) 239-4642

### 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:**

N/A

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

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

Item 1	August 06, 2009	(817386)	Item 34	April 11, 2011	(929613)
Item 2	September 03, 2009	(767055)	Item 35	May 06, 2011	(939572)
Item 3	September 08, 2009	(817387)	Item 36	June 13, 2011	(946982)
Item 4	October 05, 2009	(817388)	Item 37	June 30, 2011	(936561)
Item 5	November 09, 2009	(817389)	Item 38	July 11, 2011	(954248)
Item 6	November 30, 2009	(817391)	Item 39	July 14, 2011	(933543)
Item 7	December 09, 2009	(817390)	Item 40	August 15, 2011	(960824)
Item 8	February 05, 2010	(817384)	Item 41	August 30, 2011	(992216)
Item 9	February 10, 2010	(835328)	Item 42	September 08, 2011	(966921)
Item 10	February 12, 2010	(791731)	Item 43	September 16, 2011	(955922)
Item 11	March 08, 2010	(835327)	Item 44	October 05, 2011	(972891)
Item 12	April 27, 2010	(929615)	Item 45	October 14, 2011	(959200)
Item 13	May 03, 2010	(800648)	Item 46	November 08, 2011	(979025)
Item 14	May 06, 2010	(835329)	Item 47	December 12, 2011	(985860)
Item 15	June 07, 2010	(929614)	Item 48	December 20, 2011	(970401)
Item 16	July 06, 2010	(829500)	Item 49	February 09, 2012	(999527)
Item 17	August 06, 2010	(868610)	Item 50	March 12, 2012	(1005068)
Item 18	August 12, 2010	(830060)	Item 51	April 04, 2012	(1011624)
Item 19	August 19, 2010	(841128)	Item 52	May 09, 2012	(1018005)
Item 20	August 26, 2010	(850240)	Item 53	May 24, 2012	(1007969)
Item 21	September 07, 2010	(858352)	Item 54	June 08, 2012	(1025747)
Item 22	September 09, 2010	(875503)	Item 55	August 29, 2012	(1022014)
Item 23	September 29, 2010	(850647)	Item 56	January 14, 2013	(1053578)
Item 24	October 11, 2010	(883044)	Item 57	January 23, 2013	(1054718)
Item 25	November 09, 2010	(889463)	Item 58	January 28, 2013	(1054717)
Item 26	November 24, 2010	(873326)	Item 59	February 11, 2013	(1082417)
Item 27	November 29, 2010	(870103)	Item 60	March 11, 2013	(1090955)
Item 28	December 08, 2010	(903717)	Item 61	March 22, 2013	(1075541)
Item 29	December 10, 2010	(897826)	Item 62	April 25, 2013	(1085118)
Item 30	January 31, 2011	(892537)	Item 63	November 20, 2013	(1122732)
Item 31	February 14, 2011	(910613)	Item 64	December 17, 2013	(1134637)
Item 32	February 16, 2011	(892612)			
Item 33	March 08, 2011	(917876)			

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 07/31/2013 (1126582) CN603319880  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/31/2013 (1131131) CN603319880  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 09/30/2013 (1136886) CN603319880  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 10/31/2013 (1142302) CN603319880  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

5	Date: 11/14/2013 (1124242)	CN603319880	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) SC 17 PERMIT SC 7C PERMIT		
	Description: Failure to operate the flare with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.		
6	Date: 11/30/2013 (1148739)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 12/31/2013 (1154821)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8	Date: 01/31/2014 (1162129)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
9	Date: 02/28/2014 (1168747)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
10	Date: 03/31/2014 (1175924)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
11	Date: 04/30/2014 (1182146)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
12	Date: 05/31/2014 (1189045)	CN603319880	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

**F. Environmental audits:**

N/A

**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  
MARKWEST JAVELINA  
COMPANY, L.L.C.  
RN102190139**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY  
§**

**AGREED ORDER  
DOCKET NO. 2014-1040-IWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MarkWest Javelina Company, L.L.C. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum gas liquid processing facility located at 5314 Interstate Highway 37, on the north side, between McBride Lane and Navigation Boulevard in Corpus Christi, Nueces County, Texas (the "Facility").
2. The Respondent has discharged industrial wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director 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 July 17, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Three Thousand Five Hundred Fifty Dollars (\$23,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eighteen Thousand Eight Hundred Forty Dollars (\$18,840) of the administrative penalty and Four Thousand Seven Hundred Ten Dollars (\$4,710) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent submitted a work plan for a copper Water Effects Ratio study, on September 8, 2014 to the TCEQ.
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 Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003137000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 10, 2014, and shown in the violation table below:

Effluent Parameter Violation Table				
	Outfall 001			
	Oil and Grease	Total Copper	Total Zinc	
	Daily Maximum Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 15 milligrams per liter	Limit = 0.01 milligrams per liter	Limit = 0.08 milligrams per liter	Limit = 0.16 milligrams per liter
May 2013	c	0.0425	c	c
June 2013	c	0.03	c	c
July 2013	17	0.0333	c	c
August 2013	c	0.0276	c	c
September 2013	c	0.0121	c	c
October 2013	c	0.0108	c	c
November 2013	c	0.0165	c	c
December 2013	c	0.0494	c	c
January 2014	c	0.0238	c	c
February 2014	c	0.0547	c	c
March 2014	c	0.0237	0.1096	0.266
April 2014	c	0.0354	0.0921	0.224

c = compliant

### 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: MarkWest Javelina Company, L.L.C., Docket No. 2014-1040-IWD-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. It is further ordered that the Respondent shall, within 330 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0003137000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. 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 Facility operations referenced in this Agreed Order.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
For the Executive Director

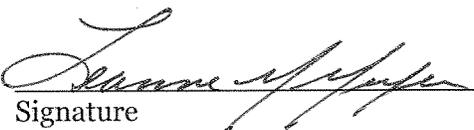
2/18/15  
Date

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

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

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

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

  
Signature

10-24-14  
Date

LEANNE M MEYER  
Name (Printed or typed)  
Authorized Representative of  
MarkWest Javelina Company, L.L.C.

VP EHS AND CORP. SERVICES  
Title

*CM*  
10.24.14

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