

Executive Summary – Enforcement Matter – Case No. 48397
Enterprise Products Operating LLC
RN102323268
Docket No. 2014-0371-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Mont Belvieu Complex, located at 10207 Farm-to-Market ("FM") Road 1942, in the area enclosed on the west by Hatcherville Road, on the east by the Southern Pacific Railroad, on the south by FM Road 1942, and on the north by the CIWA Canal, Mont Belvieu, Chambers County

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos.: 2011-1356-AIR-E and 2015-0034-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 20, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,000

Amount Deferred for Expedited Settlement: \$1,600

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,200

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$3,200

Name of SEP: The Trust for Public Land (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48397
Enterprise Products Operating LLC
RN102323268
Docket No. 2014-0371-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 10, 2014
Date(s) of NOE(s): February 24, 2014

Violation Information

1. Failed to comply with permitted effluent limits for total organic carbon, daily average flow, pH, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002940000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to timely submit the discharge monitoring report ("DMR") for Outfall 002 for the monitoring period ending December 31, 2013 [30 TEX. ADMIN CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0002940000, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 10, 2014, the Respondent prepared and submitted the annual biomonitoring test results for Outfall 002 for the monitoring period ending December 31, 2013.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs;
 - b. Within 45 days, submit written certification of compliance with a.; and
 - c. Within 90 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0002940000, 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.

Executive Summary – Enforcement Matter – Case No. 48397
Enterprise Products Operating LLC
RN102323268
Docket No. 2014-0371-IWD-E

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: Alejandro Laje, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2547; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Robert Moss, Vice President - Houston Region Operations, Enterprise
Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0371-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Six Thousand Four Hundred Dollars (\$6,400)
SEP Offset Amount:	Three Thousand Two Hundred Dollars (\$3,200)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	The Trust for Public Land
Project Name:	<i>The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program</i>
Location of SEP:	Brazoria, Chambers, Galveston, and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **The Trust for Public Land** for *The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for property acquisitions that will preserve open space in the Galveston Bay watershed, thereby contributing to improved water quality, conserving wetlands and other special habitats, and increasing public access to the Bay, its tributaries, and their habitats. TPL's professional staff (a) works with local interests to identify acquisition projects, (b) purchases the land to remove it from the market, and (c) transfers the land to a public agency or nonprofit organization, which will be the ultimate fee title holder and permanent steward of the property. TPL will ensure that each property is encumbered with a conservation easement that will preserve the property into perpetuity. SEP Offset Amount will be used for the purchase of land. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

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

b. Environmental Benefit

The preservation of open space in the Galveston Bay watershed provides substantial environmental, economic, and community benefits for the region. Open space contributes free ecological services, services that society must pay for otherwise. A key environmental benefit for acquisitions along Galveston Bay system waterways will be maintaining/restoring stream buffers that will help filter contaminants before they reach the water, and providing wildlife habitat. Forested buffers provide the additional benefit of improving air quality through the removal of carbon dioxide, ozone, and sulfur dioxide. Acquiring habitat along the bay front or along streams would also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

The habitats of the Galveston Bay system - barrier islands, oak and riparian woodlands, coastal prairies, cypress swamps, seagrass meadows, saltgrass marshes, and oyster reefs host an astounding cornucopia of wildlife, including 95 percent of the recreationally and commercially important fish species of the Bay and Gulf systems, and 75 percent of North America's bird species. Yet, these habitats have suffered substantial losses and changes: increases in open water, losses of seagrass beds and coastal prairie uplands, conversion of freshwater wetlands to brackish wetlands or agricultural lands, and degradation of estuarine marshes.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **The Trust for Public Land SEP** and shall mail the contribution with a copy of the Agreed Order to:

Enterprise Products Operating LLC
Agreed Order - Attachment A

The Trust for Public Land
Attention: Scott Parker, Texas State Director
2579 Western Trails Boulevard, Suite 130
Austin, Texas 78745

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the 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 Administrator. The 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 the 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 ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Mar-2014	Screening	10-Mar-2014	EPA Due	
	PCW	11-Mar-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102323268
Facility/Site Region	I2-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48397	No. of Violations	2
Docket No.	2014-0371-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7
		\$4,000

Notes: Enhancement for seven months of self-reported effluent violations, two NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violation.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$823	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,275		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes

Final Penalty Amount	\$8,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,600
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	\$6,400
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Screening Date 10-Mar-2014

Docket No. 2014-0371-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

Case ID No. 48397

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

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>)	7	35%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	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) 138%

>> **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 seven months of self-reported effluent violations, two NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violation.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 138%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Mar-2014

Docket No. 2014-0371-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

Case ID No. 48397

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

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. WQ0002940000, Effluent Limitations and Monitoring Requirments Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 10, 2014, as 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	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 184

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

Violation Base Penalty \$3,750

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$800

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 48397
Reg. Ent. Reference No. RN102323268
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	30-Jun-2013	4-Feb-2015	1.60	\$800	n/a	\$800

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make necessary repairs/adjustments at the Facility. Date required is the first month 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

\$800

Screening Date 10-Mar-2014

Docket No. 2014-0371-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 3 (September 2011)

Case ID No. 48397

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s)

30 Tex. Admin Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0002940000, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the annual biomonitoring test results for Outfall 002 for the monitoring period ending December 31, 2013, as documented during a record review conducted on February 10, 2014. Specifically, the Respondent failed to submit the 7-day chronic marine test results by January 20, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

49 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 48397
Req. Ent. Reference No. RN102323268
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	20-Jan-2014	10-Mar-2014	0.13	\$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	\$250	20-Jan-2013	12-Nov-2014	1.81	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit the annual biomonitoring test results for Outfall 002 (\$25 per report). Date required is the date the missing annual biomonitoring test results were due. Final date is the date the annual biomonitoring test results were submitted. Estimated cost for updating the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished. 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

\$275

TOTAL

\$23

Enterprise Products Operating LLC
Docket No. 2014-0371-IWD-E
Texas Pollutant Discharge Elimination System Permit No. WQ0002940000

Effluent Violation Table

Month/ Year	Outfall 001		Outfall 002			Outfall 003
	Total Organic Carbon	Flow	Total Organic Carbon	Total Suspended Solids	Total Suspended Solids	pH
	Daily Average Loading	Daily Average Maximum	Daily Average Loading	Daily Average Loading	Daily Maximum Loading	Maximum
	Limit = 97.76 lb/d	Limit = 0.213 MGD	Limit = 52 lb/d	Limit = 63 lb/d	Limit = 126 lb/d	Limit = 9 SU
June 2013	c	c	c	76	129	9.2
July 2013	c	c	55	80	c	c
August 2013	109.51	0.219	c	77	c	c
September 2013	c	c	c	93	c	c
October 2013	c	c	c	68	c	c
November 2013	c	c	60	71	c	c
December 2013	c	0.214	c	c	c	c

lb/d = pounds per day

MGD = million gallons per day

SU = standard unit

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 CN603211277, RN102323268, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603211277, Enterprise Products Operating LLC **Classification:** SATISFACTORY **Rating:** 2.84

Regulated Entity: RN102323268, ENTERPRISE MONT BELVIEU COMPLEX **Classification:** SATISFACTORY **Rating:** 15.39

Complexity Points: 32 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 10207 Farm-to-Market Road 1942, in the area enclosed on the west by Hatcherville Road, on the east by the Southern Pacific Railroad, on the south by Farm-to-Market Road 1942, and on the north by the CIWA Canal in Mont Belvieu, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXT490013455
AIR OPERATING PERMITS ACCOUNT NUMBER CI0008R
AIR OPERATING PERMITS PERMIT 3557

WASTEWATER PERMIT WQ0002940000
WASTEWATER EPA ID TX0134465

AIR NEW SOURCE PERMITS AFS NUM 4807100007
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0008R
AIR NEW SOURCE PERMITS PERMIT 22105
AIR NEW SOURCE PERMITS PERMIT 22113
AIR NEW SOURCE PERMITS PERMIT 6798
AIR NEW SOURCE PERMITS PERMIT 21945
AIR NEW SOURCE PERMITS PERMIT 19930
AIR NEW SOURCE PERMITS REGISTRATION 5581A
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX655
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX790M1
AIR NEW SOURCE PERMITS REGISTRATION 82841
AIR NEW SOURCE PERMITS REGISTRATION 87477
AIR NEW SOURCE PERMITS REGISTRATION 93268
AIR NEW SOURCE PERMITS REGISTRATION 94067
AIR NEW SOURCE PERMITS REGISTRATION 95777
AIR NEW SOURCE PERMITS REGISTRATION 101478
AIR NEW SOURCE PERMITS REGISTRATION 101481
AIR NEW SOURCE PERMITS REGISTRATION 103076
AIR NEW SOURCE PERMITS REGISTRATION 110727
AIR NEW SOURCE PERMITS REGISTRATION 115013
AIR NEW SOURCE PERMITS PERMIT 107523
AIR NEW SOURCE PERMITS REGISTRATION 111147
AIR NEW SOURCE PERMITS PERMIT 108147
AIR NEW SOURCE PERMITS REGISTRATION 106844
AIR NEW SOURCE PERMITS REGISTRATION 108247
STORMWATER PERMIT TXR05AV96
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CI0008R

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31038
AIR OPERATING PERMITS PERMIT 1641
POLLUTION PREVENTION PLANNING ID NUMBER
P00218
WASTEWATER EPA ID TX0102326
WASTEWATER PERMIT WQ0005014000
AIR NEW SOURCE PERMITS PERMIT 20698
AIR NEW SOURCE PERMITS PERMIT 76070
AIR NEW SOURCE PERMITS PERMIT 5581
AIR NEW SOURCE PERMITS PERMIT 8418
AIR NEW SOURCE PERMITS PERMIT 8707
AIR NEW SOURCE PERMITS REGISTRATION 71649
AIR NEW SOURCE PERMITS REGISTRATION 72757
AIR NEW SOURCE PERMITS PERMIT 22114
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX790
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1057
AIR NEW SOURCE PERMITS REGISTRATION 85477
AIR NEW SOURCE PERMITS REGISTRATION 85755
AIR NEW SOURCE PERMITS REGISTRATION 94065
AIR NEW SOURCE PERMITS REGISTRATION 94133
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1286
AIR NEW SOURCE PERMITS EPA PERMIT N154
AIR NEW SOURCE PERMITS PERMIT 100091
AIR NEW SOURCE PERMITS REGISTRATION 103498
AIR NEW SOURCE PERMITS REGISTRATION 106767
AIR NEW SOURCE PERMITS REGISTRATION 115618
AIR NEW SOURCE PERMITS REGISTRATION 105671
AIR NEW SOURCE PERMITS PERMIT 117262
AIR NEW SOURCE PERMITS REGISTRATION 115619
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1336
AIR NEW SOURCE PERMITS EPA PERMIT N174
STORMWATER PERMIT TXR15XY43
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 31038

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

Date Compliance History Report Prepared: March 10, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2009 to March 10, 2014

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

Name: Alejandro Laje

Phone: (512) 239-2547

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: 12/25/2010 ADMINORDER 2010-0821-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failed to accurately report the emissions of Incident No. 135653.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SPECIAL CONDITION 1 OP
Description: Failed to prevent unauthorized emissions including 592 pounds of butenes by failing to prevent the shutdown of a compressor during startup.
- 2 Effective Date: 03/19/2011 ADMINORDER 2010-1465-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions specifically when liquid isobutene built up in the Oleflex separation vessels.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the reporting requirement.
- 3 Effective Date: 05/22/2011 ADMINORDER 2010-1831-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:MAERT PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event. Enterprise failed to prevent a process gas leak through the isolation valves and rupture disk.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failed to include compound descriptive types in the final report.
- 4 Effective Date: 02/05/2012 ADMINORDER 2011-0429-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Conditions No. 1 PERMIT
Special Terms and Conditions No. 9 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final record for Incident No. 146803 within two weeks after the end of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Conditions PERMIT

Special Terms and Conditions No. 9 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a final record for Incident No. 146894.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to report emissions events that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

Description: Failed to report all instances of deviations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THSC Chapter 382 382.085(b)

Description: Failed to provide additional information at the request of the TCEQ.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification for Incident No. 148850 within 24 hours.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a final record for Incident No. 148850.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Conditions PERMIT

Special Terms and Conditions No. 9 OP

Description: Failed to prevent unauthorized emissions.

5 Effective Date: 06/03/2013 ADMINORDER 2012-2086-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Category A12.i.6.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 20, 2009	(772268)
Item 2	May 21, 2009	(772270)
Item 3	June 22, 2009	(816817)
Item 4	July 22, 2009	(816818)
Item 5	August 20, 2009	(816819)
Item 6	September 22, 2009	(816820)
Item 7	October 21, 2009	(816821)
Item 8	November 23, 2009	(816822)
Item 9	December 17, 2009	(816823)
Item 10	January 25, 2010	(816824)
Item 11	February 22, 2010	(816816)
Item 12	March 22, 2010	(835122)
Item 13	April 22, 2010	(835123)
Item 14	May 20, 2010	(835124)
Item 15	June 14, 2010	(801826)
Item 16	June 21, 2010	(847567)
Item 17	September 28, 2010	(843218)
Item 18	November 08, 2010	(860369)
Item 19	November 22, 2010	(865940)
Item 20	November 24, 2010	(865933)
Item 21	November 29, 2010	(889392)
Item 22	December 03, 2010	(865932)
Item 23	December 07, 2010	(865930)
Item 24	December 20, 2010	(897764)
Item 25	December 22, 2010	(865931)
Item 26	December 29, 2010	(865935)
Item 27	January 24, 2011	(903651)
Item 28	February 14, 2011	(857784)
Item 29	February 22, 2011	(910546)
Item 30	March 07, 2011	(894391)
Item 31	April 06, 2011	(908466)
Item 32	April 18, 2011	(912865)
Item 33	May 13, 2011	(915443)
Item 34	May 17, 2011	(920477)
Item 35	May 23, 2011	(939499)
Item 36	June 10, 2011	(915472)
Item 37	June 20, 2011	(946902)
Item 38	July 01, 2011	(936412)
Item 39	July 25, 2011	(954170)
Item 40	August 16, 2011	(960747)
Item 41	September 20, 2011	(955766)
Item 42	October 21, 2011	(972818)
Item 43	November 07, 2011	(956486)
Item 44	December 27, 2011	(985788)
Item 45	January 22, 2012	(1082169)
Item 46	February 22, 2012	(999455)
Item 47	March 16, 2012	(994424)
Item 48	April 09, 2012	(995716)
Item 49	April 23, 2012	(1011543)
Item 50	May 21, 2012	(1017921)
Item 51	May 31, 2012	(1008088)

5	Date: 09/30/2013 (1136810)	CN603211277	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 10/31/2013 (1142222)	CN603211277	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 11/30/2013 (1148662)	CN603211277	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8	Date: 12/31/2013 (1154740)	CN603211277	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
9	Date: 01/17/2014 (1124839)	CN603211277	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)		
	5C THSC Chapter 382 382.085(b)		
	Description: Enterprise failed to maintain the Barhill electrical substation in the Belvieu Environmental Fuels (BEF) Unit, which resulted in the release of 249.63 lbs. of unauthorized volatile organic compounds (VOC) emissions to the atmosphere.		

F. Environmental audits:

Notice of Intent Date: 10/12/2009 (782650)
No DOV Associated

Notice of Intent Date: 04/22/2010 (826716)
Disclosure Date: 07/09/2010
Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(d)

Description: Failed to conduct performance test, provide notification of the date of construction/reconstruction, provide notification of the actual date of start up of an affected facility within 15 days, provide notification of the date upon which demonstration of continuous monitoring system performance test commences, provide the Administrator at least 30 days notice of any performance test, and to perform annual performance test for Turbine Equipment No. 078CM12001, EPN 1, Splitter I, Turbine 1; and Tur

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Description: Failed to obtain NSR or PBR authorization for replacement of Solar Centaur T4500S (EPN 1) turbine with the Solar Centaur T4700S (Equipment 078CM12002).

Notice of Intent Date: 02/04/2013 (1115738)
No DOV Associated

Notice of Intent Date: 04/05/2013 (1105868)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0371-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 Enterprise Products Operating LLC ("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 chemical manufacturing facility located at 10207 Farm-to-Market Road 1942, in the area enclosed on the west by Hatcherville Road, on the east by the Southern Pacific Railroad, on the south by Farm-to-Market Road 1942, and on the north by the CIWA Canal in Mont Belvieu, Chambers County, Texas (the "Facility").
2. The Respondent has discharged industrial waste 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 February 26, 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 Eight Thousand Dollars (\$8,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Dollars (\$3,200) of the administrative penalty and One Thousand Six Hundred Dollars (\$1,600) 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. Three Thousand Two Hundred Dollars (\$3,200) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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 by March 10, 2014, the Respondent prepared and submitted the annual biomonitoring test results for Outfall 002 for the monitoring period ending December 31, 2013.
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:

1. 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. WQ0002940000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on February 10, 2014, and shown in the violation table below:

Effluent Violation Table						
Month/ Year	Outfall 001		Outfall 002			Outfall 003
	Total Organic Carbon	Flow	Total Organic Carbon	Total Suspended Solids	Total Suspended Solids	pH
	Daily Average Loading	Daily Average Maximum	Daily Average Loading	Daily Average Loading	Daily Maximum Loading	Maximum
	Limit = 97.76 lb/d	Limit = 0.213 MGD	Limit = 52 lb/d	Limit = 63 lb/d	Limit = 126 lb/d	Limit = 9 SU
June 2013	c	c	c	76	129	9.2
July 2013	c	c	55	80	c	c
August 2013	109.51	0.219	c	77	c	c
September 2013	c	c	c	93	c	c
October 2013	c	c	c	68	c	c
November 2013	c	c	60	71	c	c
December 2013	c	0.214	c	c	c	c

lb/d = pounds per day
MGD = million gallons per day

SU = standard unit
c = compliant

- Failed to timely submit the annual biomonitoring test results for Outfall 002 for the monitoring period ending December 31, 2013, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0002940000, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on February 10, 2014. Specifically, the Respondent failed to submit the 7-day chronic marine test results by January 20, 2014,

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2014-0371-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Two Hundred Dollars (\$3,200) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, in accordance with TPDES Permit No. WQ0002940000, Monitoring and Reporting Requirements No. 1.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a., in accordance with Ordering Provision No. 3.c., below.
 - c. Within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0002940000, 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 include detailed supporting documentation to demonstrate compliance, 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
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 Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam McNamee
For the Executive Director

8/24/13
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.

Robert E. Moss
Signature

5/19/2014
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 IV, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2014-0371-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Six Thousand Four Hundred Dollars (\$6,400)
SEP Offset Amount:	Three Thousand Two Hundred Dollars (\$3,200)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	The Trust for Public Land
Project Name:	<i>The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program</i>
Location of SEP:	Brazoria, Chambers, Galveston, and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **The Trust for Public Land** for *The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for property acquisitions that will preserve open space in the Galveston Bay watershed, thereby contributing to improved water quality, conserving wetlands and other special habitats, and increasing public access to the Bay, its tributaries, and their habitats. TPL's professional staff (a) works with local interests to identify acquisition projects, (b) purchases the land to remove it from the market, and (c) transfers the land to a public agency or nonprofit organization, which will be the ultimate fee title holder and permanent steward of the property. TPL will ensure that each property is encumbered with a conservation easement that will preserve the property into perpetuity. SEP Offset Amount will be used for the purchase of land. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

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

b. Environmental Benefit

The preservation of open space in the Galveston Bay watershed provides substantial environmental, economic, and community benefits for the region. Open space contributes free ecological services, services that society must pay for otherwise. A key environmental benefit for acquisitions along Galveston Bay system waterways will be maintaining/restoring stream buffers that will help filter contaminants before they reach the water, and providing wildlife habitat. Forested buffers provide the additional benefit of improving air quality through the removal of carbon dioxide, ozone, and sulfur dioxide. Acquiring habitat along the bay front or along streams would also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

The habitats of the Galveston Bay system - barrier islands, oak and riparian woodlands, coastal prairies, cypress swamps, seagrass meadows, saltgrass marshes, and oyster reefs host an astounding cornucopia of wildlife, including 95 percent of the recreationally and commercially important fish species of the Bay and Gulf systems, and 75 percent of North America’s bird species. Yet, these habitats have suffered substantial losses and changes: increases in open water, losses of seagrass beds and coastal prairie uplands, conversion of freshwater wetlands to brackish wetlands or agricultural lands, and degradation of estuarine marshes.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **The Trust for Public Land SEP** and shall mail the contribution with a copy of the Agreed Order to:

Enterprise Products Operating LLC
Agreed Order - Attachment A

The Trust for Public Land
Attention: Scott Parker, Texas State Director
2579 Western Trails Boulevard, Suite 130
Austin, Texas 78745

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the 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 Administrator. The 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 the 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 ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.