

**Executive Summary – Enforcement Matter – Case No. 42164**  
**Enterprise Products Operating LLC**  
**RN102323268, RN100210665 and RN102984911**  
**Docket No. 2011-1356-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu, Chambers County (“Plant 1”);

Morgans Point Complex, 1200 North Broadway Street, La Porte, Harris County (“Plant 2”); and

Enterprise East, 316 South Main Street, Mont Belvieu, Chambers County (“Plant 3”)

**Type of Operations:**

Petroleum storage and distribution plant, petrochemical production plant, and a product handling terminal

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 22, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$596,465

**Amount Deferred for Expedited Settlement:** \$119,292

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

**Total Paid to General Revenue:** \$238,587

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$119,293

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$119,293

Name of SEP: Houston-Galveston Area Council (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

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***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** February 18, 2010 through April 6, 2010, March 28, 2011, June 17, 2011, September 29, 2011 through October 5, 2011, November 29, 2011, January 3, 2012 and July 24 and 25, 2012

**Date(s) of NOE(s):** May 20, 2011, June 7, 2011, August 9, 2011, December 16, 2011, January 24, 2012, March 6, 2012 and August 30, 2012

***Violation Information***

1. Failed to comply with the annual allowable emissions cap at Plant 1 based on a rolling 12-month period for the flares Emission Point Numbers ("EPNs") FL-1, FL-2, FL-3, and FL-45). Specifically, in calendar years 2007 and 2008, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling emissions cap of 233.1 tons per year ("tpy") and in calendar years 2007, 2008, and 2009, the Respondent exceeded the volatile organic compound ("VOC") 12-month rolling emissions cap of 93.2 tpy, resulting in the unauthorized release of 178.27 tons of VOC and 98.89 tons of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions ("STC") Nos. 1A and 9, TCEQ Flexible Air Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to limit the hours of operation for the fire water pump (EPN FWP2) to 100 hours per year on a rolling 12-month basis at Plant 1. Specifically, the fire water pump operated for 325 hours in 2008 and 242 hours in 2009 resulting in unauthorized emissions of 1,604.25 pounds ("lbs") of nitrogen oxides ("NOx"), 346.5 lbs of CO, and 105.75 lbs of sulfur dioxide ("SO2") in 2008 and 1,012 lbs of NOx, 218.68 lbs of CO, and 66.74 lbs of SO2 in 2009 [30 TEX. ADMIN. CODE §§ 117.303(a)(10)(A) and 122.143(4), FOP No. O1641, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to include all deviations in the deviation report for Plant 1. Specifically, the Respondent did not include the following deviations: operating the fire water pump (EPN FWP2) in excess of 100 hours in 2008 and 2009, failure to monitor fugitive components, failure to include the number of added components in the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60, Subpart VV Semi-Annual Reports from June 2008 through June 2009, failure to submit a Corrective Action Plan ("CAP") when in 2007 and 2008 Third Party Highly Reactive Volatile Organic Compound ("HRVOC") audits indicated deficiencies in the implementation of Method 21, and failure to identify components of each process unit in HRVOC service in 2007 through 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1641, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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4. Failed to include the number of components added at Plant 1 under 40 CFR Part 60, Subpart VV in the semi-annual reports dated January 14, 2009, July 10, 2009, January 5, 2010, and July 15, 2010 respectively [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. O1641, STC No. 1A, 40 CFR § 60.487(c)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to identify and monitor all connectors in VOC and HRVOC service at Plant 1. Specifically, the Respondent discovered a total of 68,777 connectors (1,958 in 2007, 27,077 in 2008, 17,133 in 2009 and 22,609 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and Belvieu Environmental Fuels ("BEF") Units [30 TEX. ADMIN. CODE §§ 101.20(3), 115.781(b)(3), 116.115(c), and 122.143(4), FOP No. O1641, STC Nos. 1A and 9, Air Permit No. 8418, SC No. 2E, Air Permit No. 8707, SC No. 5E, Air Permit No. 22105, SC No. 7E, Air Permit Nos. 19930, PSDTX797M1 and PSDTX790, SC No. 2E, Air Permit Nos. 20698 and PSDTX797M1, SC No. 9E, Air Permit No. 22113, SC No. 7E, Air Permit Nos. 22114 and PSDTX823, SC No. 8E, Air Permit No. 5581, SC No. 10E, Air Permit No. 6798, SC No. 3E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to identify and monitor pumps in VOC and HRVOC service and to identify and monitor all compressor seals in gas service and in gas HRVOC service at Plant 1. Specifically, the Respondent discovered a total of 72 pumps (16 in 2008, 14 in 2009, and 42 in 2010) and 11 compressor seals (nine in 2008, one in 2009, and one in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units [30 TEX. ADMIN. CODE §§ 101.20(3), 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4), FOP No. O1641, STC Nos. 1A and 9, Air Permit No. 5581, SC No. 10G, Air Permit No. 6798, SC No. 3G, Air Permit No. 8418, SC No. 2G, Air Permit No. 8707, SC No. 5G, Air Permit No. 22105, SC No. 7G, Air Permit Nos. 19930, PSDTX797M1, and PSDTX790, SC Nos. 2G, Air Permit Nos. 20698 and PSDTX797M1, SC No. 9G, Air Permit No. 22113, SC No. 7G, Air Permit Nos. 22114 and PSDTX823, SC No. 8G, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
7. Failed to identify and monitor valves and pressure relief valves in VOC and HRVOC service at Plant 1. Specifically, the Respondent discovered a total of 22,587 valves and pressure relief valves (638 in 2007, 9,584 in 2008, 4,392 in 2009, and 7,973 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.354(2)(C) and (2)(D), 116.115(c), and 122.143(4), 40 CFR § 60.482-7(a)(1), FOP No. O1641, STC Nos. 1A and 9, Air Permit Nos. 20698 and PSDTX797-M1, SC No. 9F, Air Permit No. 22105, SC No. 7F, Air Permit No. 22113, SC No. 7F, Air Permit Nos. 22114 and PSDTX823, SC No. 8F, Air Permit No. 5581, SC No. 10F, Air Permit Nos. 19930, PSDTX797M1, and PSDTX790, SC Nos. 2F, Air Permit No. 6798, SC No. 3F, Air Permit No. 8707, SC No. 5F, Air Permit No. 8418, SC No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
8. Failed to submit a CAP with the 2007 and 2008 Third Party HRVOC audit reports for Plant 1. Specifically, the Third Party HRVOC audits identified deficiencies in the

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implementation of Method 21 and a CAP was not submitted with the Third Party HRVOC audit report [30 TEX. ADMIN. CODE §§ 115.788(e) and 122.143(4), FOP No. O1641, STC No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 2,387.08 lbs of VOC and experienced 100% opacity from the North Storage Flare, during an emissions event (Incident No. 151412) that began on February 28, 2011 and lasted three hours and 30 minutes. The event occurred due to loss of electrical power to the North Storage Unit. Since the emissions event was not reported within 24 hours, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), FOP No. O1641, STC No. 10, Flexible Air Permit Nos. 76070 and PSDTX1057, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery at Plant 1. Specifically, Incident No. 151412 occurred on February 28, 2011 at 5:45 p.m., but was not reported until March 1, 2011 at 6:15 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1641, STC No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 2,319 lbs of NO<sub>x</sub>, 2,427.8 lbs of CO, and 113.98 lbs of VOC from EPN FL-4, during an emissions event (Incident No. 154623) which began on May 14, 2011 and lasted for 220 hours. The event occurred when leaks developed in the ethane reinjection pump seals, resulting in ethane venting to the flare. Since the emissions event was avoidable by better operational practices and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O1641, STC No. 10, Standard Permit Registration No. 87477, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery at Plant 1. Specifically, Incident No. 154623 was discovered on May 14, 2011 at 2:00 p.m. but was not reported until May 18, 2011 at 5:28 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1641, STC No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 3,685.70 lbs of VOC, 95.35 lbs of CO, 10.67 lbs of NO<sub>x</sub>, and experienced 100% opacity from the North Plant Flare, EPN 45, during an emissions event (Incident No. 161297) that began on March 1, 2011 and lasted one hour. The emissions event occurred when an operator failed to manually readjust the reflux flow control valve during a unit startup. Since this emissions event was avoidable and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit

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Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to submit an initial notification for Incident Nos. 161293 and 161297 within 24 hours of discovery of the emissions event at Plant 1. Specifically, the initial notification for Incident No. 161293 was due by February 4, 2011 at 1:30 p.m. and the initial notification for Incident No. 161297 was due by March 2, 2011 at 11:00 a.m., but the notifications were not submitted until November 2, 2011 [30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 309.73 lbs of NO<sub>x</sub>, 618.35 lbs of CO, 5,498.6 lbs of propylene, 1,913 lbs of other VOC, and experienced 100% opacity from the South Plant Flare, EPN FL-1, during an emissions event (Incident No. 162563) that began on December 7, 2011 and lasted five hours. The emissions event occurred when the operator deviated from the proper procedure and increased the operating set pressure of the deethanizer/enricher tower to reduce propylene loss. This caused an increase in tower pressure of the deethanizer, enricher, and propane stripper which resulted in two pressure safety valves relieving to the flare. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 2,928.82 lbs of CO, 1,914.98 lbs of NO<sub>x</sub>, and 11,264.72 lbs of VOC from the South Plant Flare, EPN FL-1, and 843.45 lbs of VOC, 219.28 lbs of CO, and 143.30 lbs of NO<sub>x</sub> from the North Plant Flare, EPN 45, during an emissions event (Incident No. 160766) that began on October 18, 2011 and lasted 23 hours. The emissions event occurred when a feral cat entered a high voltage switchgear cabinet and triggered an arc flash which cut off power to the southern portion of the Plant. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17. Failed to prevent unauthorized emissions at Plant 1. Specifically, the Respondent released 171.38 lbs of CO, 55.37 NO<sub>x</sub>, 3,057 lbs of propylene, and 1,646 lbs of propane from the Splitter I Unit East Potassium Hydroxide (“KOH”) Treater, during an emissions event (Incident No. 161283) that began on November 1, 2011 and lasted 19 hours and 55 minutes. The emissions event was caused by a leakage from a cracked screwed thread-o-let connector for a bleeder valve on the overhead line from the KOH Treater. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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18. Failed to certify compliance for at least each 12-month period following permit issuance at Plant 2. Specifically, the Respondent did not certify compliance with the terms and conditions of the permit from May 18, 2007 through November 17, 2007 in the permit compliance certification (“PCC”) for the certification period from May 18, 2007 through May 17, 2008, and from May 18, 2008 through November 17, 2008 in the PCC for the certification period from May 18, 2008 through May 17, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, GTC].

19. Failed to comply with the opacity limit of 30% for any six-minute period at Plant 2. Specifically, visible emissions were observed from an engine, EPN 14P201, at Plant 2 for 17 minutes on February 11, 2011, and the Respondent assumed an opacity of 100% [30 TEX. ADMIN. CODE §§ 111.111(a)(8)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, STC No. 3(A)(ii)].

20. Failed to maintain the minimum net heating value of 300 British Thermal Units per standard cubic foot (“BTU/scf”) on Flare 104A at Plant 2. Specifically, the net heating values for Flare 104A ranged from 31.5 BTU/scf to 299 BTU/scf from May 18, 2010 through November 16, 2010 [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 116.115(c) and 122.143(4), 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 20289, SC No. 13, and FOP No. O1339, STC Nos. 1A and 14].

21. Failed to operate the Thermal Oxidizing Flare (“TOF”) above the minimum operating temperature necessary to achieve a 98% destruction efficiency during barge loading at Plant 2. Specifically, the minimum operating temperature necessary to achieve 98% of destruction efficiency is 1,400°F and the TOF was operating between 930°F and 1,181°F on November 14, 2010 from 11:00 a.m. to 12:00 p.m. [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 20289, SC No. 15, and FOP No. O1339, STC No. 14].

22. Failed to report all instances of deviations for Plant 2. Specifically, the deviation report for the reporting period from November 18, 2010 to May 17, 2011 documented the failure to report the late submittal of two earlier PCCs in the appropriate deviation reports. The deviations should have been reported in the May 18, 2008, through November 17, 2008 reporting period and the May 18, 2009 through November 17, 2009 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, GTC].

23. Failed to conduct a stack test on the regeneration heaters prior to the March 31, 2007 deadline at Plant 3. Specifically, the stack tests for EPNs H-1401, H-1402, H-2401, and H-3401 were not conducted until August 27, 2012 [30 TEX. ADMIN. CODE §§ 117.335(a)(1) and 117.9020(2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

24. Failed to obtain FOP authorization for all emission units prior to operation at Plant 3. Specifically, four regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401, were not authorized under a FOP prior to their operation [30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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25. Failed to report all instances of deviations for Plant 3. Specifically, the deviation reports for the reporting periods from March 7, 2011 through September 6, 2011 and September 7, 2011 through March 6, 2012 did not include the deviations for failure to conduct compliance testing for the regeneration heaters and for failure to obtain authorization under a FOP for the regeneration heaters [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3369, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

a. At Plant 1:

- i. On October 13, 2010, added missing components to the Leak Detection and Repair database and began monitoring them;
- ii. On May 16, 2011, implemented recordkeeping procedures for documenting operating hours and trained additional staff to ensure that the operating hours of the fire water pumps do not exceed 100 hours in a rolling 12-month period;
- iii. On June 2, 2011, submitted the HRVOC CAP reports for 2007 and 2008 and implemented measures to ensure they are submitted as required;
- iv. On August 4, 2011, replaced the ethane pump seals to prevent recurrence of emissions events due to same or similar causes as Incident No. 154623;
- v. On September 7, 2011, implemented procedures to ensure that all added components are included in the semi-annual reports and submitted revised reports showing the addition of components under 40 CFR Part 60, Subpart VV;
- vi. On November 1, 2011, replaced the threaded connection on the Splitter I Unit East KOH Treater with a welded connection to prevent recurrence of emissions events due to the same or similar causes as Incident No. 161283;
- vii. By November 2, 2011, hired and trained additional environmental personnel to assist in emissions event reporting and recordkeeping and submitted the initial notifications for Incident Nos. 161293 and 161297;
- viii. On January 13, 2012, conducted training to ensure correct procedures are followed by operators to prevent recurrence of emissions events due to same or similar causes as Incident No. 162563;
- ix. On March 1, 2012, conducted training to ensure that operators check the malfunction shutdown switch and know how to manually readjust reflux flow control valves during unit startups to prevent recurrence of emissions events due to same or similar causes as Incident No. 161297;

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x. On March 7, 2012, presented a lesson learned analysis in an operator training session to prevent recurrence of emissions events due to the same or similar causes as Incident No. 160766;

xi. On July 30, 2012, conducted training to ensure that all deviations are included in the deviation reports; and

xii. By March 28, 2013, completed an engineering inspection of Plant piping to reduce emissions to the flares, EPNs FL-1, FL-2, FL-3, and FL-45, and ensured that they are operated within allowable emission limits provided by Air Permit Nos. 76070 and PSDTX1057. In addition, obtained authorization for the installation and operation of two flare recovery units under Standard Permit Registration No. 108247.

b. At Plant 2:

i. By September 29, 2011, revised procedures to reset the low alarm set point on Flare 104A to 450 BTU/scf to allow sufficient time to make adjustments to increase the BTU value of the waste gas as needed;

ii. By September 29, 2011, made engine adjustments to the carburetor by adjusting the mass air to fuel ratio to prevent visible emissions from an engine, EPN 14P201;

iii. By February 13, 2012, implemented training on the Enterprise Products Operating Procedure for FOP Reporting (Pro-Air-4) to ensure timely and accurate submittals of PCCs and semi-annual deviation reports and submitted the PCCs for the certification periods from May 18, 2007 through May 17, 2008 and May 18, 2008 through May 17, 2009; and

iv. On February 14, 2012, updated the TOF Standard Operating Procedure to establish a minimum operating temperature of 1,400°F to ensure that a 98% destruction efficiency is achieved.

c. At Plant 3:

i. On August 27, 2012, conducted the compliance tests for the regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401;

ii. On October 5, 2012, reported the deviations for the late compliance test for the regeneration heaters and for the failure to obtain authorization under FOP for the regeneration heaters; and

iii. On January 10, 2013, obtained a revision for FOP No. O3369 to include the regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).

2. The Order will also require the Respondent to:

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- a. Within 30 days, implement procedures to prevent the recurrence of emissions events due to same or similar causes as Incident No. 151412; and
- b. Within 45 days, submit written certification to demonstrate compliance with 2.a.

***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:** Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Graham Bacon, Group Senior Vice President, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580  
**Respondent's Attorney:** Eddie Lewis, Norton Rose Fulbright US LLP, Fulbright Tower, 1301 McKinney, Suite 5100, Houston, Texas 77010-3095



**Attachment A**  
**Docket Number: 2011-1356-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Penalty Amount:</b>	<b>Four Hundred Seventy-Seven Thousand One Hundred Seventy-Three Dollars (\$477,173)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Nineteen Thousand Two Hundred Ninety-Three Dollars (\$119,293)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Barber’s Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Alternative Fuel School Bus Replacement</i></b>
<b>Location of SEP:</b>	<b>Chambers County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the 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 **Barber’s Hill Independent School District** (“Barber’s Hill ISD”) for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide (“CO”), nitrogen oxides (“NO<sub>x</sub>”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed 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 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 able to be 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 it 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

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO<sub>x</sub> may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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 **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division 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:

Enterprise Products Operating LLC  
Agreed Order - Attachment A

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 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 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.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this 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.

**Attachment B**  
**Docket Number: 2011-1356-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Penalty Amount:</b>	<b>Four Hundred Seventy-Seven Thousand One Hundred Seventy-Three Dollars (\$477,173)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Nineteen Thousand Two Hundred Ninety-Three Dollars (\$119,293)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO ("AERCO")</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b>Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties</b>	

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 B.

**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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

Enterprise Products Operating LLC  
Agreed Order - Attachment B

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

Enterprise Products Operating LLC  
Agreed Order - Attachment B

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

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

Enterprise Products Operating LLC  
Agreed Order - Attachment B

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

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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 B 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 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	15-Aug-2011	Screening	18-Aug-2011	EPA Due	27-May-2012
	PCW	6-Feb-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Enterprise Products Operating LLC (Plant 1)
Reg. Ent. Ref. No.	RN102323268
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	
Enf./Case ID No.	42164	Order Type	14
Docket No.	2011-1356-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Amancio R. Gutierrez
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$212,100</b>
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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.

<b>Compliance History</b>	<b>141.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$299,061</b>
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Notes: Enhancement for five NOV's with same/similar violations, 10 NOV's with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$28,640</b>
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<b>Economic Benefit</b>	<b>50.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$15,030</b>
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Total EB Amounts \$15,030  
 Approx. Cost of Compliance \$105,922  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$497,551</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>6.1%</b>	<b>Adjustment</b>	<b>\$30,459</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided costs of compliance for Violation Nos. 5, 6 and 7 and a reduction to prevent economic benefit enhancement from the doubling of the enforcement avoided costs.

<b>Final Penalty Amount</b>	<b>\$528,010</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$528,010</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$105,602</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$422,408</b>
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**Screening Date** 18-Aug-2011

**Docket No.** 2011-1356-AIR-E

**PCW**

**Respondent** Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

**Case ID No.** 42164

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102323268

**Media [Statute]** Air

**Enf. Coordinator** Amancio R. Gutierrez

### 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> )	5	25%
	Other written NOVs	10	20%
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> )	3	-3%
	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> )	3	-6%
<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)** 141%

>> **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 five NOVs with same/similar violations, 10 NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 141%

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions ("STC") Nos. 1A and 9, TCEQ Flexible Air Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the annual allowable emissions cap based on a rolling 12-month period for the flares [Emission Point Numbers ("EPNs") FL-1, FL-2, FL-3, and FL-45]. Specifically, in calendar years 2007 and 2008, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling emissions cap of 233.1 tons per year ("tpy") and in calendar years 2007, 2008 and 2009, the Respondent exceeded the volatile organic compound ("VOC") 12-month rolling emissions cap of 93.2 tpy, resulting in the unauthorized release of 178.27 tons of VOC and 98.89 tons of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 30

914 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150,000

Thirty monthly events are recommended for the period of non-compliance from July 1, 2007 to December 31, 2009.

Good Faith Efforts to Comply

10.0% Reduction

\$15,000

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

Notes

The Respondent completed the corrective actions on March 28, 2013, after the May 20, 2011 NOE.

Violation Subtotal \$135,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,745

Violation Final Penalty Total \$368,851

This violation Final Assessed Penalty (adjusted for limits) \$368,851

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Jul-2007	28-Mar-2013	5.75	\$1,436	n/a	\$1,436
Other (as needed)	\$15,000	1-Jul-2007	28-Mar-2013	5.75	\$4,309	n/a	\$4,309

**Notes for DELAYED costs**

Estimated expense for completing an engineering inspection of Plant piping to reduce emissions to flares and ensure that the flares are operated within the permitted limits, and to obtain authorization for the installation and operation of two flare recovery units under Standard Permit Registration No. 76070. The Date Required is the first date of the exceedance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$20,000

**TOTAL**

\$5,745

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 117.303(a)(10)(A) and 122.143(4), FOP No. 01641, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the hours of operation for the fire water pump (EPN FWP2) to 100 hours per year on a rolling 12-month basis. Specifically, the fire water pump operated for 325 hours in 2008 and 242 hours in 2009 resulting in unauthorized emissions of 1,604.25 pounds ("lbs") of nitrogen oxides ("NOx"), 346.5 lbs of CO, and 105.75 lbs of sulfur dioxide ("SO2") in 2008 and 1,012 lbs of NOx, 218.68 lbs of CO, and 66.74 lbs of SO2 in 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7

639 Number of violation days

daily	
weekly	
monthly	
Quarterly	x
SEMIANNUAL	
annual	
SINGLE EVENT	

mark only one with an x

Violation Base Penalty \$17,500

Seven quarterly events are recommended based on the quarters the pumps operated in excess of 100 hours.

Good Faith Efforts to Comply

25.0% Reduction

\$4,375

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

Notes

The Respondent completed the corrective actions on May 16, 2011, prior to the May 20, 2011 NOE.

Violation Subtotal \$13,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$77

Violation Final Penalty Total \$41,253

This violation Final Assessed Penalty (adjusted for limits) \$41,253

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$500	15-Apr-2008	16-May-2011	3.08	\$77	n/a	\$77
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 expense to implement recordkeeping procedures for documenting operating hours and to train additional staff to ensure that operating hours of the fire water pumps do not exceed 100 hours in a rolling 12-month period. The Date Required is the first date of the exceedance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$500

**TOTAL**

\$77

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01641, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all deviations in the deviation report. Specifically, the Respondent did not include the following deviations: operating the fire water pump (EPN FWP2) in excess of 100 hours in 2008 and 2009, failure to monitor fugitive components, failure to include the number of added components in the 40 Code of Federal Regulations ("CFR") Part 60, Subpart VV Semi-Annual Reports from June 2008 through June 2009, failure to submit a Corrective Action Plan ("CAP") when in 2007 and 2008 Third Party Highly Reactive Volatile Organic Compound ("HRVOC") audits indicated deficiencies in the implementation of Method 21, and failure to identify components of each process unit in HRVOC service in 2007 through 2009 in the deviation reporting periods following the occurrences.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

1128 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$300

Three single events are recommended, one for each incomplete deviation report.

Good Faith Efforts to Comply

10.0% Reduction

\$30

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on July 30, 2012, after the May 20, 2011 NOE.

Violation Subtotal \$270

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,031

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$4,500	31-Dec-2007	30-Jul-2012	4.58	\$1,031	n/a	\$1,031
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**

Actual expense for conducting training to ensure that all deviations are included in the deviation reports. The Date Required is the date of the initial non-compliance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$4,500

**TOTAL**

\$1,031

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), FOP No. O1641, STC No. 1A, 40 CFR § 60.487(c)(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include the number of components added under 40 CFR Part 60, Subpart VV in the semi-annual reports dated January 14, 2009, July 10, 2009, January 5, 2010, and July 15, 2010 respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes: At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 966

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$400

Four single events are recommended, one for each incomplete semi-annual report.

Good Faith Efforts to Comply

10.0% Reduction

\$40

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

Notes: The Respondent completed the corrective actions on September 7, 2011, after the May 20, 2011 NOE.

Violation Subtotal \$360

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$2,120

This violation Final Assessed Penalty (adjusted for limits) \$2,120

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Jan-2009	7-Sep-2011	2.65	\$66	n/a	\$66

**Notes for DELAYED costs**

Estimated expense for submitting revised semi-annual reports and implementing procedures to ensure that all added components are included in the semi-annual reports. The Date Required is the date the first report was submitted and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$500

**TOTAL**

\$66

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 115.781(b)(3), 116.115(c), and 122.143(4), FOP No. Q1641, STC Nos. 1A and 9, Air Permit No. 8418, SC No. 2E, Air Permit No. 8707, SC No. 5E, Air Permit No. 22105, SC No. 7E, Air Permit Nos. 19930, PSD-TX-797M1 and PSD-TX-790, SC No. 2E, Air Permit Nos. 20698 and PSD-TX-797M1, SC No. 9E, Air Permit No. 22113, SC No. 7E, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8E, Air Permit No. 5581, SC No. 10E, Air Permit No. 6798, SC No. 3E, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify and monitor all connectors in VOC and HRVOC service. Specifically, the Respondent discovered a total of 68,777 connectors (1,958 in 2007, 27,077 in 2008, 17,133 in 2009, and 22,609 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and Belvieu Environmental Fuels ("BEF") Units. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 11

992 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$11,000

Eleven single events are recommended, one for each calendar quarter that monitoring was not conducted.

Good Faith Efforts to Comply

25.0% Reduction

\$2,750

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

Notes The Respondent completed the corrective actions on October 13, 2010, prior to the May 20, 2011 NOE.

Violation Subtotal \$8,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35,894

Violation Final Penalty Total \$26,354

This violation Final Assessed Penalty (adjusted for limits) \$26,354

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 5

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000.00	1-Jun-2007	13-Oct-2010	3.37	\$1,685	n/a	\$1,685

#### Notes for DELAYED costs

Estimated expense to add components to the Leak Detection and Repair ("LDAR") database and begin monitoring them. The Date Required is the first date of discovery and the Final Date is the date of compliance.

### Avoided Costs

ONE-TIME avoided costs [3]	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	\$920.26	1-Apr-2007	30-Jun-2007	1.16	\$54	\$920	\$974	
	\$423.94	1-Jan-2008	31-Mar-2008	1.16	\$25	\$424	\$449	
	\$8,806.39	1-Apr-2008	30-Jun-2008	1.16	\$513	\$8,806	\$9,319	
	\$3,495.86	1-Oct-2008	31-Dec-2008	1.17	\$204	\$3,496	\$3,700	
	\$1,899.74	1-Jan-2009	31-Mar-2009	1.16	\$110	\$1,900	\$2,010	
	\$2,122.99	1-Apr-2009	30-Jun-2009	1.16	\$124	\$2,123	\$2,247	
	\$3,883.14	1-Jul-2009	30-Sep-2009	1.17	\$227	\$3,883	\$4,110	
	\$146.64	1-Oct-2009	31-Dec-2009	1.17	\$9	\$147	\$155	
	\$54.05	1-Jan-2010	31-Mar-2010	1.16	\$3	\$54	\$57	
	\$4,986.23	1-Apr-2010	30-Jun-2010	1.16	\$290	\$4,986	\$5,277	
	\$5,585.95	1-Jul-2010	30-Sep-2010	1.17	\$326	\$5,586	\$5,912	

#### Notes for AVOIDED costs

Actual avoided cost (provided by the Respondent) to comply with the requirements for LDAR monitoring (\$0.47/connector). The Dates Required are the first dates the quarterly monitoring could be conducted and the Final Dates are the last dates that the monitoring could be conducted.

Approx. Cost of Compliance

\$42,325

**TOTAL**

\$35,894

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4), FOP No. 01641, STC Nos. 1A and 9, Air Permit No. 5581, SC No. 10G, Air Permit No. 6798, SC No. 3G, Air Permit No. 8418, SC No. 2G, Air Permit No. 8707, SC No. 5G, Air Permit No. 22105, SC No. 7G, Air Permit Nos. 19930, PSD-TX-797M1, and PSD-TX-790, SC Nos. 2G, Air Permit Nos. 20698 and PSD-TX-797M1, SC No. 9G, Air Permit No. 22113, SC No. 7G, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8G, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify and monitor pumps in VOC and HRVOC service and to identify and monitor all compressor seals in gas service and in gas HRVOC service. Specifically, the Respondent discovered a total of 72 pumps (16 in 2008, 14 in 2009, and 42 in 2010) and 11 compressor seals (nine in 2008, one in 2009, and one in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 9

813 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$9,000

Nine single events are recommended, one for each calendar quarter that monitoring was not conducted.

Good Faith Efforts to Comply

25.0% Reduction

\$2,250

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

Notes

The Respondent completed the corrective actions on October 13, 2010, prior to the May 20, 2011 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$21,769

This violation Final Assessed Penalty (adjusted for limits) \$21,769

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 6

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 5.

### Avoided Costs

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

ONE-TIME avoided costs [3]	\$0.94	1-Jan-2008	31-Mar-2008	1.16	\$0	\$1	\$1
ONE-TIME avoided costs [3]	\$5.64	1-Apr-2008	30-Jun-2008	1.16	\$0	\$6	\$6
ONE-TIME avoided costs [3]	\$0.47	1-Jul-2008	30-Sep-2008	1.17	\$0	\$1	\$1
ONE-TIME avoided costs [3]	\$4.70	1-Oct-2008	31-Dec-2008	1.17	\$0	\$5	\$5
ONE-TIME avoided costs [3]	\$1.88	1-Jan-2009	31-Mar-2009	1.16	\$0	\$2	\$2
ONE-TIME avoided costs [3]	\$0.47	1-Apr-2009	30-Jun-2009	1.16	\$0	\$1	\$1
ONE-TIME avoided costs [3]	\$4.70	1-Jul-2009	30-Sep-2009	1.17	\$0	\$5	\$5
ONE-TIME avoided costs [3]	\$0.47	1-Apr-2010	30-Jun-2010	1.16	\$0	\$1	\$1
ONE-TIME avoided costs [3]	\$19.74	1-Jul-2010	30-Sep-2010	1.17	\$1	\$20	\$21

Notes for AVOIDED costs

Actual avoided cost (provided by the Respondent) to comply with the requirements for LDAR monitoring (\$0.47/pump or compressor). The Dates Required are the first dates the quarterly monitoring could be conducted and the Final Dates are the last dates that the monitoring could be conducted.

Approx. Cost of Compliance

\$39

**TOTAL**

\$43

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 115.354(2)(C) and (2)(D), 116.115(c), and 122.143(4), 40 CFR § 60.482-7(a)(1), FOP No. 01641, STC Nos. 1A and 9, Air Permit Nos. 20698 and PSD-TX-797-M1, SC No. 9F, Air Permit No. 22105, SC No. 7F, Air Permit No. 22113, SC No. 7F, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8F, Air Permit No. 5581, SC No. 10F, Air Permit Nos. 19930, PSD-TX-797M1, and PSD-TX-790, SC Nos. 2F, Air Permit No. 6798, SC No. 3F, Air Permit No. 8707, SC No. 5F, Air Permit No. 8418, SC No. 2F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify and monitor valves and pressure relief valves in VOC and HRVOC service. Specifically, the Respondent discovered a total of 22,587 valves and pressure relief valves (638 in 2007, 9,584 in 2008, 4,392 in 2009, and 7,973 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 11

992 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$11,000

Eleven single events are recommended, one for each calendar quarter that monitoring was not conducted.

Good Faith Efforts to Comply

25.0% Reduction

\$2,750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on October 13, 2010, prior to the May 20, 2011 NOE.

Violation Subtotal \$8,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,235

Violation Final Penalty Total \$26,354

This violation Final Assessed Penalty (adjusted for limits) \$26,354

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 5.

### Avoided Costs

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

ONE-TIME avoided costs [3]	\$299.86	1-Apr-2007	30-Jun-2007	1.16	\$17	\$300	\$317
ONE-TIME avoided costs [3]	\$165.91	1-Jan-2008	31-Mar-2008	1.16	\$10	\$166	\$176
ONE-TIME avoided costs [3]	\$3,250.52	1-Apr-2008	30-Jun-2008	1.16	\$189	\$3,251	\$3,440
ONE-TIME avoided costs [3]	\$1,088.05	1-Oct-2008	31-Dec-2008	1.17	\$63	\$1,088	\$1,152
ONE-TIME avoided costs [3]	\$310.67	1-Jan-2009	31-Mar-2009	1.16	\$18	\$311	\$329
ONE-TIME avoided costs [3]	\$656.12	1-Apr-2009	30-Jun-2009	1.16	\$38	\$656	\$694
ONE-TIME avoided costs [3]	\$1,053.27	1-Jul-2009	30-Sep-2009	1.17	\$61	\$1,053	\$1,115
ONE-TIME avoided costs [3]	\$44.18	1-Oct-2009	31-Dec-2009	1.17	\$3	\$44	\$47
ONE-TIME avoided costs [3]	\$13.16	1-Jan-2010	31-Mar-2010	1.16	\$1	\$13	\$14
ONE-TIME avoided costs [3]	\$1,435.38	1-Apr-2010	30-Jun-2010	1.16	\$84	\$1,435	\$1,519
ONE-TIME avoided costs [3]	\$2,298.77	1-Jul-2010	30-Sep-2010	1.17	\$134	\$2,299	\$2,433

Notes for AVOIDED costs

Actual avoided cost (provided by the Respondent) to comply with the requirements for LDAR monitoring (\$0.47/valve). The Dates Required are the first dates the quarterly monitoring could be conducted and the Final Dates are the last dates that the monitoring could be conducted.

Approx. Cost of Compliance

\$10,616

**TOTAL**

\$11,235

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 115.788(e) and 122.143(4), FOP No. 01641, STC No. 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a CAP with the 2007 and 2008 Third Party HRVOC audit reports. Specifically, the Third Party HRVOC audit identified deficiencies in the implementation of Method 21 and a CAP was not submitted with the Third Party HRVOC audit report.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

1249 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended for the two missing CAPs.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes

The Respondent completed the corrective actions on June 2, 2011, after the May 20, 2011 NOE.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$171

Violation Final Penalty Total \$13,396

This violation Final Assessed Penalty (adjusted for limits) \$13,396

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	31-Dec-2007	2-Jun-2011	3.42	\$171	n/a	\$171

**Notes for DELAYED costs**

Estimated expense to submit the HRVOC CAP reports for 2007 and 2008 and implement measures to ensure they are submitted as required. The Date Required is the date of the initial non-compliance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$171

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), FOP No. 01641, STC No. 10, Flexible Air Permit Nos. 76070 and PSDTX1057, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,387.08 lbs of VOC and experienced 100% opacity from the North Storage Flare, during an emissions event (Incident No. 151412) that began on February 28, 2011 and lasted three hours and 30 minutes. The event occurred due to loss of electrical power to the North Storage Unit. Since the emissions event was not reported within 24 hours, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$77

Violation Final Penalty Total \$7,533

This violation Final Assessed Penalty (adjusted for limits) \$7,533

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 9

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	\$500	28-Feb-2011	29-Mar-2014	3.08	\$77	n/a	\$77
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 expense to implement measures to prevent the recurrence of emissions events from same or similar causes as Incident No. 151412. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions are expected to be completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$500

**TOTAL**

\$77

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1641, STC No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 151412 occurred on February 28, 2011 at 5:45 p.m. but was not reported until March 1, 2011 at 6:15 p.m.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on November 2, 2011, after the June 7, 2011 NOE.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 10

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 14.

### 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 \$0

**TOTAL** \$0

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O1641, STC No. 10, Standard Permit Registration No. 87477, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,319 lbs of NOx, 2,427.8 lbs of CO, and 113.98 lbs of VOC from EPN FL-4, during an emissions event (Incident No. 154623) which began on May 14, 2011 and lasted for 220 hours. The event occurred when leaks developed in the ethane reinjection pump seals, resulting in ethane venting to the flare. Since the emissions event was avoidable by better operational practices and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

10 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed the corrective actions on August 4, 2011, prior to the August 9, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$944

Violation Final Penalty Total \$6,870

This violation Final Assessed Penalty (adjusted for limits) \$6,870

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 11

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment	\$60,000	14-May-2011	4-Aug-2011	0.22	\$45	\$899	\$944
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated expense to replace the ethane pump seals to prevent recurrence of emissions events due to same or similar causes as Incident No. 154623. The Date Required is the date the emissions event began and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$60,000

**TOTAL**

\$944

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

V12 12

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1641, STC No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 154623 was discovered on May 14, 2011 at 2:00 p.m., but was not reported until May 18, 2011 at 5:28 p.m.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

4 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes

The Respondent completed the corrective actions on November 2, 2011, after the August 9, 2011 NOE.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)

**Case ID No.** 42164

**Reg. Ent. Reference No.** RN102323268

**Media** Air

**Violation No.** 12

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 14.

**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

\$0

**TOTAL**

\$0

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,685.70 lbs of VOC, 95.35 lbs of CO, 10.67 lbs of NOx, and experienced 100% opacity from the North Plant Flare, EPN 45, during an emissions event (Incident No. 161297) that began on March 1, 2011 and lasted one hour. The emissions event occurred when an operator failed to manually readjust the reflux flow control valve during a unit startup. Since this emissions event was avoidable and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes The Respondent completed corrective actions on March 1, 2012, after the January 24, 2012 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$7,268

This violation Final Assessed Penalty (adjusted for limits) \$7,268

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 13

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$2,500	1-Mar-2011	1-Mar-2012	1.00	\$125	n/a	\$125
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 conduct training to ensure that operators check the malfunction shutdown switch and know how to manually readjust reflux flow control valves during unit startups to prevent recurrence of emissions events due to same or similar causes as Incident No. 161297. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$125

Screening Date 18-Aug-2011

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 14

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for Incident Nos. 161293 and 161297 within 24 hours after discovery of the emissions events. Specifically, the initial notification for Incident No. 161293 was due by February 4, 2011 at 1:30 p.m. and the initial notification for Incident No. 161297 was due by March 2, 2011 at 11:00 a.m., but the notifications were not submitted until November 2, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

271 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended for the two late notifications.

Good Faith Efforts to Comply

25.0% Reduction

\$50

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

Notes

The Respondent completed corrective actions on November 2, 2011, prior to the January 24, 2012 NOE.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$371

Violation Final Penalty Total \$1,598

This violation Final Assessed Penalty (adjusted for limits) \$1,598

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 14

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$10,000	4-Feb-2011	2-Nov-2011	0.74	\$371	n/a	\$371
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to hire and train additional environmental personnel to assist in emissions event reporting and recordkeeping. The Date Required is the date the initial notification was due. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$371

No. of Connectors Discovered and Not Monitored in Violation No. 5						
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Violation Days/Year	Total/Year
2007	0	1,958	0	0	90	1,958
2008	902	18,737	0	7,438	271	27,077
2009	4,042	4,517	8,262	312	361	17,133
2010	115	10,609	11,885	0	270	22,609
Totals					992	68,777

No. of Pumps Discovered and Not Monitored in Violation No. 6						
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Violation Days/Year	Total/Year
2007	0	0	0	0	0	0
2008	2	4	0	10	271	16
2009	3	1	10	0	270	14
2010	0	0	42	0	91	42
Totals					632	72

No. of Compressors Discovered and Not Monitored in Violation No. 6						
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Violation Days/Year	Total/Year
2007	0	0	0	0	0	0
2008	0	8	1	0	181	9
2009	1	0	0	0	89	1
2010	0	1	0	0	90	1
Totals					360	11

No. of Valves Discovered and Not Monitored in Violation No. 7						
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Violation Days/Year	Total/Year
2007	0	638	0	0	90	638
2008	353	6,916	0	2,315	271	9,584
2009	661	1,396	2,241	94	361	4,392
2010	28	3,054	4,891	0	270	7,973
Totals					992	22,587

Avoided Costs for Connectors (\$0.47/Connector)				
1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	
\$0.00	\$920.26	\$0.00	\$0.00	\$0.00
\$423.94	\$8,806.39	\$0.00	\$0.00	\$3,495.86
\$1,899.74	\$2,122.99	\$3,883.14		\$146.64
\$54.05	\$4,986.23	\$5,585.95		\$0.00

Avoided Costs for Pumps (\$0.47/Pump)				
1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.94	\$1.88	\$0.00	\$0.00	\$4.70
\$1.41	\$0.47	\$4.70		\$0.00
\$0.00	\$0.00	\$19.74		\$0.00

Avoided Costs for Compressors (\$0.47/Compressor)				
1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$3.76	\$0.47	\$0.00	\$0.00
\$0.47	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.47	\$0.00	\$0.00	\$0.00

Avoided Costs for Valves (\$0.47/Valve)				
1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	
\$0.00	\$299.86	\$0.00	\$0.00	\$0.00
\$165.91	\$3,250.52	\$0.00	\$0.00	\$1,088.05
\$310.67	\$656.12	\$1,053.27		\$44.18
\$13.16	\$1,435.38	\$2,298.77		\$0.00





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Mar-2012	<b>Screening</b>	30-Mar-2012	<b>EPA Due</b>	
	<b>PCW</b>	6-Feb-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Enterprise Products Operating LLC (Plant 1)		
<b>Reg. Ent. Ref. No.</b>	RN102323268		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42164	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-1356-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amancio R. Gutierrez
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$18,750**

### 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** **\$18,750**

Notes

Enhancement for five NOV's with same/similar violations, 10 NOV's with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

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

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$3,562**

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

Total EB Amounts	\$40
Approx. Cost of Compliance	\$12,250

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$33,938**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$33,938**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$33,938**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$6,787**

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** **\$27,151**

Screening Date 30-Mar-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### 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> )	5	25%
	Other written NOVs	10	20%
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> )	3	-3%
	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> )	3	-6%
<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)** 141%

#### >> 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 five NOVs with same/similar violations, 10 NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 141%

#### >> Final Compliance History Adjustment

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

Screening Date 30-Mar-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1641, Special Terms and Conditions ("STC") No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 309.73 pounds ("lbs") of nitrogen oxides ("NOx"), 618.35 lbs of carbon monoxide ("CO"), 5,498.6 lbs of propylene, 1,913 lbs of volatile organic compounds ("VOC"), and experienced 100% opacity, from the South Plant Flare, Emissions Point Number ("EPN") FL-1, during an emissions event (Incident No. 162563) that began on December 7, 2011 and lasted five hours. The emissions event occurred when the operator deviated from the proper procedure and increased the operating set pressure of the deethanizer/enricher tower to reduce propylene loss. This caused an increase in tower pressure of the deethanizer, enricher, and propane stripper which resulted in two pressure safety valves relieving to the flare. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDRP/ Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on January 13, 2012, prior to the March 6, 2012, NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### 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	\$250	7-Dec-2011	13-Jan-2012	0.10	\$1	n/a	\$1
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 conduct training to ensure correct procedures are followed by operators to prevent recurrence of emissions events due to same or similar causes as Incident No. 162563. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$1

Screening Date 30-Mar-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,928.82 lbs of CO, 1,914.98 lbs of NOx, and 11,264.72 lbs of VOC from the South Plant Flare, EPN FL-1, and 843.45 lbs of VOC, 219.28 lbs of CO, and 143.30 lbs of NOx from the North Plant Flare, EPN 45, during an emissions event (Incident No. 160766) that began on October 18, 2011 and lasted 23 hours. The emissions event occurred when a feral cat entered a high voltage switchgear cabinet and triggered an arc flash which cut off power to the southern portion of the Plant. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$750

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

Notes

The Respondent completed the corrective actions on March 7, 2012, after the January 24, 2012 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$2,000	18-Oct-2011	7-Mar-2012	0.39	\$39	n/a	\$39
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 present a lesson learned analysis in an operator training session to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 160766. The Date Required is the date the emissions event began. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$39

Screening Date 30-Mar-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 1)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number

3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 171.38 lbs of CO, 55.37 NOx, 3,057 lbs of propylene, and 1,646 lbs of propane from the Splitter I Unit East Potassium Hydroxide ("KOH") Treater, during an emissions event (Incident No. 161283) that began on November 1, 2011 and lasted 19 hours and 55 minutes. The emissions event was caused by a leakage from a cracked screwed thread-o-let connector for a bleeder valve on the overhead line from the KOH Treater. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> 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 levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes

The Respondent completed corrective actions by November 1, 2011, before the January 24, 2012 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 1)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	1-Nov-2011	1-Nov-2011	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to replace the threaded connection with a welded connection to prevent recurrence of emissions events due to the same or similar causes as Incident No. 161283. The Date Required is the date the emissions event began. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$0



# Compliance History Report

**PENDING** Compliance History Report for CN603211277, RN102323268, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603211277, Enterprise Products Operating LLC (Plant 1)	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 2.04
<b>Regulated Entity:</b>	RN102323268, ENTERPRISE MONT BELVIEU COMPLEX	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 10.14
<b>Complexity Points:</b>	33	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	03 - Oil and Gas Extraction		
<b>Location:</b>	10207 FM 1942 MONT BELVIEU, TX 77580, CHAMBERS COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		

**ID Number(s):**

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TX490013455  
**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** EPA PERMIT PSDTX797M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX823  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX813  
**AIR NEW SOURCE PERMITS** PERMIT 117262  
**AIR NEW SOURCE PERMITS** REGISTRATION 115619  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1336  
**AIR NEW SOURCE PERMITS** REGISTRATION 118109  
**AIR NEW SOURCE PERMITS** REGISTRATION 122457  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX789M1  
**STORMWATER** PERMIT TXR15XY43  
**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** PERMIT 107523  
**AIR NEW SOURCE PERMITS** REGISTRATION 105671  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 111147  
**AIR NEW SOURCE PERMITS** PERMIT 108147  
**AIR NEW SOURCE PERMITS** REGISTRATION 106844  
**AIR NEW SOURCE PERMITS** REGISTRATION 108247  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX824  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174  
**STORMWATER** PERMIT TXR05AV96  
**STORMWATER** PERMIT TXR05CE50

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	October 13, 2014				

Component Period Selected: October 13, 2009 to October 13, 2014

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

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

**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)

**Pending Compliance History Report for CN603211277, RN102323268, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.**

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	October 21, 2009	(816821)
Item 2	November 23, 2009	(816822)
Item 3	December 17, 2009	(816823)
Item 4	January 25, 2010	(816824)
Item 5	February 22, 2010	(816816)
Item 6	March 22, 2010	(835122)
Item 7	April 22, 2010	(835123)
Item 8	May 20, 2010	(835124)
Item 9	June 14, 2010	(801826)
Item 10	June 21, 2010	(847567)
Item 11	September 28, 2010	(843218)
Item 12	November 08, 2010	(860369)
Item 13	November 22, 2010	(865940)
Item 14	November 24, 2010	(865933)
Item 15	November 29, 2010	(889392)
Item 16	December 03, 2010	(865932)
Item 17	December 07, 2010	(865930)
Item 18	December 20, 2010	(897764)
Item 19	December 22, 2010	(865931)
Item 20	December 29, 2010	(865935)
Item 21	January 24, 2011	(903651)
Item 22	February 14, 2011	(857784)
Item 23	February 22, 2011	(910546)
Item 24	March 07, 2011	(894391)
Item 25	April 06, 2011	(908466)
Item 26	April 18, 2011	(912865)
Item 27	May 13, 2011	(915443)
Item 28	May 17, 2011	(920477)
Item 29	May 23, 2011	(939499)
Item 30	June 10, 2011	(915472)
Item 31	June 20, 2011	(946902)
Item 32	July 01, 2011	(936412)
Item 33	July 25, 2011	(954170)
Item 34	August 16, 2011	(960747)
Item 35	September 20, 2011	(955766)
Item 36	October 21, 2011	(972818)
Item 37	November 07, 2011	(956486)
Item 38	December 27, 2011	(985788)
Item 39	January 22, 2012	(1082169)
Item 40	February 22, 2012	(999455)
Item 41	March 16, 2012	(994424)
Item 42	April 09, 2012	(995716)
Item 43	April 23, 2012	(1011543)
Item 44	May 21, 2012	(1017921)
Item 45	May 31, 2012	(1008088)
Item 46	June 12, 2012	(996359)
Item 47	June 19, 2012	(1008864)
Item 48	July 11, 2012	(1016002)
Item 49	July 23, 2012	(1033023)
Item 50	August 20, 2012	(1039531)
Item 51	September 25, 2012	(1048449)
Item 52	October 22, 2012	(1068437)

**Pending** Compliance History Report for CN603211277, RN102323268, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.

Item 53	November 26, 2012	(1068438)
Item 54	December 21, 2012	(1068439)
Item 55	January 16, 2013	(1053552)
Item 56	February 22, 2013	(1082168)
Item 57	March 25, 2013	(1090873)
Item 58	April 22, 2013	(1097212)
Item 59	May 15, 2013	(1086890)
Item 60	May 23, 2013	(1108233)
Item 61	May 31, 2013	(1093047)
Item 62	June 26, 2013	(1100469)
Item 63	June 27, 2013	(1100337)
Item 64	July 29, 2013	(1051054)
Item 65	August 07, 2013	(1055622)
Item 66	August 22, 2013	(1113603)
Item 67	October 21, 2013	(1103131)
Item 68	November 06, 2013	(1116597)
Item 69	November 25, 2013	(1103130)
Item 70	December 17, 2013	(1086236)
Item 71	February 04, 2014	(1128200)
Item 72	February 13, 2014	(1150194)
Item 73	April 07, 2014	(1150597)
Item 74	June 09, 2014	(1165302)
Item 75	June 12, 2014	(1172204)
Item 76	July 10, 2014	(1178050)
Item 77	September 02, 2014	(1179172)

**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: 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
  
- 2 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
  
- 3 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
  
- 4 Date: 01/17/2014 (1124839)  
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.
  
- 5 Date: 01/31/2014 (1162054) 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: 02/28/2014 (1168672) CN603211277  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

**Pending** Compliance History Report for CN603211277, RN102323268, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.

30 TAC Chapter 305, SubChapter F 305.125(1)

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

7

Date: 03/31/2014 (1175846) 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: 04/08/2014 (1134950) CN603211277

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.602  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.620(a)(12)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition (4)(C) PERMIT  
Special Terms & Conditions 19 OP  
Special Terms & Conditions 1A OP

Description: Failure to prevent visible emissions for more than five minutes in any two-hour period for Flares [EPN: FL-1 and FL-4]. Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.602  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 10(E) PERMIT  
Special Condition 2(E) PERMIT  
Special Condition 3(E) PERMIT  
Special Condition 6(E) PERMIT  
Special Condition 7(E) PERMIT  
Special Condition 8(E) PERMIT  
Special Terms & Conditions 19 OP  
Special Terms & Conditions 1A OP

Description: Failure to equip open-ended valves or lines with a cap, blind flange, plug or second valve. Category C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.602  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.620(a)(12)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 4(A) PERMIT  
Special Terms & Conditions 1A OP  
Special Terms & Conditions 19 OP

Description: Failure to maintain net heating value at or above 300 Btu/scf for Flares [Group Inclusive Units: MTFL0120, PTFL0121, ESFL0123 and FL-004]. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 14 PERMIT  
Special Terms & Conditions 19 OP

Description: Failure to maintain a pH at or above 10 for Scrubber CS-1 [Unit ID: MTST0220]. Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 1 PERMIT  
Special Conditons 1 PERMIT  
Special Terms & Conditions 19 OP

Description: Failure to prevent exceedances of emission caps for West Texas DIB Turbines [EPN: 4, 5, 5A] and Flares [FL-1, FL-2, FL-3, and 45]. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.602  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.620(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart Db 60.44b(a)(1)(i)  
5C THSC Chapter 382 382.085(b)  
Special Terms & Conditions 1A PERMIT

Description: Failure to prevent exceedances of Nitrogen Oxide (NOx) lbs/MMBtu limits for FRAC IV [EPN: HR15.001] and FRAC V [EPN: HR16.001]. Category B13

9 Date: 04/10/2014 (1157257) CN603211277

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
Standard Permit PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

10 Date: 04/30/2014 (1182066) 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

11 Date: 05/20/2014 (1163523) CN603211277

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 5581, SC1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

12 Date: 05/31/2014 (1188963) 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

13 Date: 06/12/2014 (1139374) CN603211277

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKKK 60.4375(b)  
5C THSC Chapter 382 382.085(b)  
ST&C 1A OP

Description: Failure to submit the 2010 Source Emission Survey of Solar Centaur Turbine Numbers 1, 2, & 3 Ducts stack test report and the 2010 Source Emission Survey of Solar 50-6100S Turbine stack test report by the 60 day report submittal deadline.

14 Date: 06/30/2014 (1200798) 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

15 Date: 07/31/2014 (1200799) 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

**Pending Compliance History Report for CN603211277, RN102323268, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.**

## F. Environmental audits:

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)

Disclosure Date: 07/11/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(1)

Description: Failed to maintain a written schedule for inspection of monitoring, safety, and emergency equipments

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failed to maintain documentation of all weekly hazardous waste container inspections for calendar years 2012 and 2013.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(2)

Description: Failed to correctly report the NOx emission factor for area 400 Seminole Heater (EPN 4/5) on the ECT form.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)

Description: Failed to include 30 TAC § 117 in the permit renewal application for the West Texas Frac firewater pump engine FWP-2.

Notice of Intent Date: 04/05/2013 (1105868)

Disclosure Date: 07/11/2013

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)

Description: Failed to reflect the correct process for the water wash column in the startup, shutdown, and malfunction plan (section 4.6 wastewater).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(11)

Description: Failed to limit the Frac IV Firewater pump engine (FWP 5) 107PM18.920, Canal Firewater pump engine (FWP 4) 356PM18.001, and the BEF Firewater pump engine (FWP 3) 107PM18.113B operating hours to less than 100, in order to maintain an exemption.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)

Description: Failed to maintain totalizing fuel flow meter calibration records for Splitters 1 through 4 and Cogen III and Frac IV, V, and VI Heaters.

## 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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Dec-2011	<b>Screening</b>	13-Jan-2012	<b>EPA Due</b>	10-Sep-2012
	<b>PCW</b>	30-Jul-2014				

## RESPONDENT / FACILITY INFORMATION

<b>Respondent</b>	Enterprise Products Operating LLC (Plant 2)	
<b>Reg. Ent. Ref. No.</b>	RN100210665	
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b> Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42164	<b>No. of Violations</b>	5
<b>Docket No.</b>	2011-1356-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amancio R. Gutierrez
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$15,200</b>
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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.

<b>Compliance History</b>	66.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$10,032</b>
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Notes: Enhancement for two NOVs with same/similar violations, two orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$2,645</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$721  
 Approx. Cost of Compliance \$6,750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$22,587</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	<b>\$22,587</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$22,587</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$4,517</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$18,070</b>
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Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### 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> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	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> )	3	-6%

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) 66%

>> 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 two NOVs with same/similar violations, two orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1339, General Terms and Conditions ("GTC")

Violation Description Failed to certify compliance for at least each 12-month period following permit issuance. Specifically, the Respondent did not certify compliance with the terms and conditions of the permit from May 18, 2007 through November 17, 2007 in the Permit Compliance Certification ("PCC") for the certification period from May 18, 2007 through May 17, 2008 and from May 18, 2008 through November 17, 2008 in the PCC for the certification period from May 18, 2008 through May 17, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 1094

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

Violation Base Penalty \$5,000

Two single events are recommended for the two PCCs.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes The Respondent completed corrective actions on February 13, 2012, after the December 16, 2011 NOE.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$458

Violation Final Penalty Total \$7,800

This violation Final Assessed Penalty (adjusted for limits) \$7,800

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 2)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN100210665  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,000	15-Jun-2008	13-Feb-2012	3.67	\$367	n/a	\$367
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	15-Jun-2008	13-Feb-2012	3.67	\$92	n/a	\$92

**Notes for DELAYED costs**

Estimated cost to submit complete PCCs for the certification periods from May 18, 2007 through May 17, 2008 and May 18, 2008 through May 17, 2009, and to implement training to ensure the timely submittal of PCCs. The Date Required was the due date for the first PCC. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$458

Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(8)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1339, Special Terms and Conditions ("STC") No. 3(A)(ii)

Violation Description Failed to comply with the opacity limit of 30% for any six-minute period. Specifically, visible emissions were observed from an engine, Emission Point Number 14P201, for 17 minutes on February 11, 2011, and the Respondent assumed an opacity of 100%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the date of non-compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed corrective actions by September 29, 2011, prior to the December 16, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$3,525

This violation Final Assessed Penalty (adjusted for limits) \$3,525

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 2)

**Case ID No.** 42164

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

**Media** Air

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	11-Feb-2011	29-Sep-2011	0.63	\$79	n/a	\$79

**Notes for DELAYED costs**

Estimated cost to make engine adjustments to the carburetor by adjusting the mass air to fuel ratio to prevent visible emissions. The Date Required is the date of non-compliance. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,500

**TOTAL**

\$79

Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (2), 116.115(c) and 122.143(4), 40 Code of Federal Regulations §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Tex. Health & Safety Code § 382.085(b), Permit No. 20289, Special Conditions ("SC") No. 13, and FOP No. O1339, STC Nos. 1A and 14

Violation Description

Failed to maintain the minimum net heating value of 300 British Thermal Units per standard cubic feet ("BTU/scf") for Flare 104A. Specifically, the net heating values for Flare 104A ranged from 31.5 BTU/scf to 299 BTU/scf from May 18, 2010 through November 16, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

182 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for the period of non-compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes

The Respondent completed corrective actions by September 29, 2011, prior to the December 16, 2011 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$7,050

This violation Final Assessed Penalty (adjusted for limits) \$7,050

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 2)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN100210665  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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)	\$500	18-May-2010	29-Sep-2011	1.37	\$34	n/a	\$34

Notes for DELAYED costs

Estimated cost for revising procedures to reset the low alarm set point on Flare 104A to 450 BTU/scf to allow sufficient time to make adjustments to increase the BTU value of the waste gas as needed. The Date Required is based on the initial date of non-compliance. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$34

Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 20289, SC No. 15, and FOP No. O1339, STC No. 14

Violation Description

Failed to operate the thermal oxidizing flare ("TOF") above the minimum operating temperature necessary to achieve a 98% destruction efficiency during barge loading. Specifically, the minimum operating temperature necessary to achieve 98% destruction efficiency is 1,450°F, and the TOF was operating between 930°F and 1,181°F on November 14, 2010 from 11:00 a.m. to 12:00 p.m.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the date of non-compliance.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

The Respondent completed corrective actions on February 14, 2012, after the December 16, 2011 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 2)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN100210665  
**Media** Air  
**Violation No.** 4

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)	\$500	14-Nov-2010	14-Feb-2012	1.25	\$31	n/a	\$31

Notes for DELAYED costs

Estimated cost to update the TOF Standard Operating Procedure to establish a minimum operating temperature of 1,450°F to ensure that a 98% destruction efficiency is achieved. The Date Required is the date of non-compliance. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$31

Screening Date 13-Jan-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210665

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O1339, GTC

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the reporting period from November 18, 2010 to May 17, 2011 documented the failure to report the late submittal of two earlier PCCs in the appropriate deviation reports. The deviations should have been reported in the May 18, 2008 through November 17, 2008 reporting period and the May 18, 2009 through November 17, 2009 reporting period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

910 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended for the two incomplete reports.

Good Faith Efforts to Comply

10.0% Reduction

\$20

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

Notes

The Respondent completed corrective actions by February 13, 2012, after the December 16, 2011 NOE.

Violation Subtotal \$180

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$118

Violation Final Penalty Total \$312

This violation Final Assessed Penalty (adjusted for limits) \$312

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 2)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN100210665  
**Media** Air  
**Violation No.** 5

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	\$750	17-Dec-2008	13-Feb-2012	3.16	\$118	n/a	\$118
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and procedures to ensure all deviations are included in semi-annual deviation reports. The Date Required was the due date for the first semi-annual report. The Final Date is the date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

**TOTAL**

\$118



# Compliance History Report

**PENDING** Compliance History Report for CN603211277, RN100210665, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603211277, Enterprise Products Operating LLC (Plant 2)	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 2.04
<b>Regulated Entity:</b>	RN100210665, MORGANS POINT COMPLEX	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 2.84
<b>Complexity Points:</b>	20	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	1200 N BROADWAY ST LA PORTE, TX 77571-3031, HARRIS COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0714Q  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00196

**AIR OPERATING PERMITS** PERMIT 1339  
**WASTEWATER** PERMIT WQ0000440000

**WASTEWATER** EPA ID TX0106721  
**AIR NEW SOURCE PERMITS** REGISTRATION 7999  
**AIR NEW SOURCE PERMITS** REGISTRATION 12142  
**AIR NEW SOURCE PERMITS** PERMIT 20289  
**AIR NEW SOURCE PERMITS** REGISTRATION 42407  
**AIR NEW SOURCE PERMITS** REGISTRATION 45044  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100051  
**AIR NEW SOURCE PERMITS** REGISTRATION 78575  
**AIR NEW SOURCE PERMITS** REGISTRATION 101946  
**AIR NEW SOURCE PERMITS** REGISTRATION 111635  
**AIR NEW SOURCE PERMITS** REGISTRATION 115233

**AIR NEW SOURCE PERMITS** REGISTRATION 4819  
**AIR NEW SOURCE PERMITS** REGISTRATION 8711  
**AIR NEW SOURCE PERMITS** REGISTRATION 13977  
**AIR NEW SOURCE PERMITS** REGISTRATION 28990  
**AIR NEW SOURCE PERMITS** REGISTRATION 14239  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0714Q  
**AIR NEW SOURCE PERMITS** REGISTRATION 77166  
**AIR NEW SOURCE PERMITS** REGISTRATION 78580  
**AIR NEW SOURCE PERMITS** REGISTRATION 115273  
**AIR NEW SOURCE PERMITS** REGISTRATION 106057  
**AIR NEW SOURCE PERMITS** REGISTRATION 111735  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD008084238  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30282  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0714Q

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD008084238  
**STORMWATER** PERMIT TXR05S090

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	October 13, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	October 13, 2009 to October 13, 2014				

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

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 03/18/2012 ADMINORDER 2011-1056-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GT&C OP

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

2 Effective Date: 08/03/2013 ADMINORDER 2012-2454-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

Description: The facility failed to prevent the release of unauthorized emissions during an excessive emission event. A12.i.(6)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Description: Enterprise Products failed to maintain HRVOC emissions below the limit of 1,200 lbs per 1-hour block for a site located in Harris County. The violation of this standars is associated to an excessive emissions event. A12.i.(9)

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 21, 2009	(817555)
Item 2	November 23, 2009	(817556)
Item 3	January 22, 2010	(817550)
Item 4	March 23, 2010	(835392)
Item 5	April 12, 2010	(796064)
Item 6	May 20, 2010	(835394)
Item 7	June 21, 2010	(847650)
Item 8	September 01, 2010	(841598)
Item 9	December 20, 2010	(897850)
Item 10	January 24, 2011	(910639)
Item 11	February 22, 2011	(910638)
Item 12	March 21, 2011	(917901)
Item 13	April 25, 2011	(929678)
Item 14	May 23, 2011	(939597)
Item 15	October 21, 2011	(972914)
Item 16	November 21, 2011	(979050)
Item 17	December 27, 2011	(985883)
Item 18	January 24, 2012	(992239)
Item 19	February 22, 2012	(999549)
Item 20	March 22, 2012	(1005093)
Item 21	April 13, 2012	(997430)
Item 22	April 23, 2012	(1011649)
Item 23	May 21, 2012	(1018030)
Item 24	June 21, 2012	(1025771)
Item 25	July 23, 2012	(1033118)
Item 26	August 20, 2012	(1039635)
Item 27	September 24, 2012	(1048563)
Item 28	October 18, 2012	(1037356)
Item 29	October 22, 2012	(1068885)
Item 30	November 29, 2012	(1068886)
Item 31	December 12, 2012	(1021069)

Item 32	December 27, 2012	(1068887)
Item 33	January 22, 2013	(1082468)
Item 34	February 22, 2013	(1082467)
Item 35	March 25, 2013	(1090981)
Item 36	April 22, 2013	(1097309)
Item 37	May 10, 2013	(1085329)
Item 38	May 22, 2013	(1108336)
Item 39	June 24, 2013	(1111923)
Item 40	August 23, 2013	(1126607)
Item 41	September 24, 2013	(1131154)
Item 42	October 25, 2013	(1136909)
Item 43	November 25, 2013	(1142326)
Item 44	December 23, 2013	(1148763)
Item 45	January 27, 2014	(1154845)
Item 46	February 20, 2014	(1162156)
Item 47	March 19, 2014	(1168771)
Item 48	April 17, 2014	(1175949)
Item 49	May 20, 2014	(1182169)
Item 50	June 19, 2014	(1189070)
Item 51	July 17, 2014	(1200948)
Item 52	August 13, 2014	(1172022)
Item 53	August 19, 2014	(1200949)
Item 54	September 15, 2014	(1116255)

**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:	11/26/2013	(1115986)	CN603211277
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) FOP O-01339 Special Term & Condition 14 OP FOP O-01339 Special Term & Condition 1A OP NSR Permit 20289 Special Condition 2C PERMIT		
	Description:	Failure to ensure sample connections were equipped with closed-purge, closed-loop, or a closed-vent system. (CATEGORY C1 Violation)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1) 40 CFR Part 60, Subpart VV 60.482-2 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A & 14 OP		
	Description:	Failure to conduct method 21 monitoring and AVO inspections on pumps and valves for units 023FUG, 105FUG, and 117. (CATEGORY C1 Violation)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) FOP O-01339 Special Term & Condition 14 OP FOP O-01339 Special Term & Condition 1A OP NSR PERMIT 20289 Special Condition 15A PERMIT		
	Description:	Failure to maintain net heating values for Unit ID 104A. (CATEGORY C4 Violation)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01339 Special Term & Condition 14 OP NSR Permit 20289 Special Condition 1 PERMIT		
	Description:	Failure to maintain hourly MAERT limits for NOx and CO for Unit ID 104A. (CATEGORY 13 Violation)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

**Pending Compliance History Report for CN603211277, RN100210665, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.**

5C THSC Chapter 382 382.085(b)  
FOP O-01339 Special Term & Condition 14 OP  
NSR Permit 20289 Special Condition 17 PERMIT  
Description: Failure to maintain control efficiency of Unit ID 105. (CATEGORY C4 Violation)

2 Date: 03/26/2014 (1152347) CN603211277  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Category B.13

## F. Environmental audits:

Notice of Intent Date: 09/23/2010 (870796)

Disclosure Date: 03/23/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)

Description: Failure to properly label drums. Two drums, believed to be paint waste, in the drum accumulation area were not labeled properly and existing writing were not legible.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(4)

Description: Failure to comply with applicable requirements. The facility is not complying with the applicable requirements of 63.563(A)(4) regarding vapor-tightness requirements for marine vessels.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.560

Description: Failure to include 63.563(a)(4) into the Title V permit O-1339. 63.563(a)(4) appears to be applicable to the facility. A permit amendment should be submitted to reflect the applicable citations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.560

Description: Failure to submit permit amendment to reflect that the TOF is a "combustion control device" instead of a "flare" and the appropriate Subpart Y citations be added/deleted to reflect this change. Representation made in the Title V permit application submitted to the TCEQ in fall 2009, indicate that the vapor control option used for marine dock loading emission would be "flare".

Viol. Classification: Moderate

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

Description: Failure to submit excess emission and continuous monitoring system performance reports and/or a summary report to the Agency once a year.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(j)(3)

Description: Failure to submit annual reports of the source's HAP control efficiency calculated using the procedures specified in 63.565(l), based on the source's actual throughput.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failure to include regulated entity number, estimate total quality of emissions, authorized emission limits, and supporting calculations in Emissions Events records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to locate facility files. Five years of records for the smoking flare logs could not be located in the facility files. 2007 to December 2010 were the only records available for review in the facility files.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(E)

Description: Failure to locate Monthly fugitive monitoring and maintenance records for the gasoline terminals in facility files. The report shall include all the associated equipment involved in the loading/unloading of gasoline. for this detection method, incorporation sight, sound, and smell are acceptable.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)

Description: Failure to locate file. Each time a vessel is loaded, a copy of the most recent vapor tightness test has to be maintained by the affected facility. The vapor tightness testing cannot exceed one year from the last test data. This documentaion was not available.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(3)

Description: Failure to include NGST Flare in the following semi-annual reports in which the pilot flame was absent for the operating periods: 01/01/2006 to 06/30/2006 letter dated 12/08/2008; 01/01/2008 to 06/30/2008 letter dated 07/10/2008; and 07/07/2008 to 12/31/2008 letter dated 01/05/2009.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to submit report. Title V Deviation reports were not submitted for the failure to include the NGST

**Pending Compliance History Report for CN603211277, RN100210665, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.**

Flare on the semi-annual reports in which the pilot flame was absent as required by 40 CFR 60.115b(d).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.542(a)

Description: Failure to route vapors to a control device. It was noted that there was a nitrogen purge on the tank for an extended period of time without any of the emission being controlled.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)

Description: Failure to locate files in the facility files. Records of the date of the last leak test for each tank truck-tank for the required annual leak testing could not be located.

Notice of Intent Date: 09/23/2011 (968658)

Disclosure Date: 06/14/2012

Viol. Classification: Major

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

Description: Failure to timely submit a semi-annual excess emissions and monitoring system performance report.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2386(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(c)

Description: Failure to timely report a semi-annual periodic report for closed vent systems subject to 63.983 was not timely reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter D 115.356(1)(D)

40 CFR Part 60, Subpart VV 60.487

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

6C THSC Chapter 482, SubChapter G 482.001

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

Viol. Classification: Major

Citation: 30 TAC Chapter 117, SubChapter B 117.303

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

Viol. Classification: Moderate

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

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

Notice of Intent Date: 02/15/2013 (1072908)

Disclosure Date: 06/11/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 20289, SC 16

Description: Failed to conduct stack testing on the Thermal Oxidizer (EPN 105) in accordance with Special Condition 16 of NSR Permit No. 20289 issued December 27, 2011. Specifically, the TO was tested in April 1993 at a 98% destruction efficiency, but the permit required a 99.5% destruction efficiency.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)

Description: Failed to limit the annual runtime of emergency firewater diesel engine 14PI04B to 52 hours.

**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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** MORGANS POINT COMPLEX

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

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

**Reg Entity No:** RN100210665

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

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

**Case Result:**

**Statute:** CAA

**Sect of Statute:** 111

**Classification:** Minor

**Program:** New Source Performanc

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	4-Sep-2012	<b>Screening</b>	23-Oct-2012	<b>EPA Due</b>	27-May-2013
	<b>PCW</b>	30-Jul-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Enterprise Products Operating LLC (Plant 3)		
<b>Reg. Ent. Ref. No.</b>	RN102984911		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42164	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-1356-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amancio R. Gutierrez
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$6,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.  
**Compliance History** **89.0%** Enhancement **Subtotals 2, 3, & 7** **\$5,785**

Notes: Enhancement for two NOVs with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

**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** **\$1,250**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**  
 Total EB Amounts **\$4,268**  
 Approx. Cost of Compliance **\$18,400**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$11,035**

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

Notes:

**Final Penalty Amount** **\$11,035**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$11,035**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,207**  
 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** **\$8,828**

Screening Date 23-Oct-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 3)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### 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> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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> )	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%
<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) 89%

#### > 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 two NOVs with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date 23-Oct-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 3)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 117.335(a)(1) and 117.9020(2)(C)(i) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct a stack test on the regeneration heaters prior to the March 31, 2007 deadline. Specifically, the stack tests for Emission Point Numbers ("EPNs") H-1401, H-1402, H-2401, and H-3401 were not conducted until August 27, 2012.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

1976 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$4,000

Four single events are recommended for the four heaters.

Good Faith Efforts to Comply

25.0% Reduction

\$1,000

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

Notes

The Respondent completed the corrective actions on August 27, 2012, prior to the August 30, 2012 NOE.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,898

Violation Final Penalty Total \$6,560

This violation Final Assessed Penalty (adjusted for limits) \$6,560

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 3)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102984911  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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)	\$14,400	31-Mar-2007	27-Aug-2012	5.41	\$3,898	n/a	\$3,898

Notes for DELAYED costs

Actual expense provided by the Respondent to conduct required testing. The Date Required is the date of the initial non-compliance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$14,400

**TOTAL**

\$3,898

Screening Date 23-Oct-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 3)

Policy Revision 2 (September 2002)

Case ID No. 42164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 122.121 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to obtain Federal Operating Permit ("FOP") authorization for all emission units prior to operation. Specifically, four regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401, were not authorized under a FOP prior to their operation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

675 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

The Respondent completed the corrective actions on January 10, 2013, after the August 30, 2012 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$370

Violation Final Penalty Total \$4,475

This violation Final Assessed Penalty (adjusted for limits) \$4,475

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 3)  
**Case ID No.** 42164  
**Reg. Ent. Reference No.** RN102984911  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$4,000	7-Mar-2011	10-Jan-2013	1.85	\$370	n/a	\$370
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual expense to obtain a revision for FOP No. O3369 to include the regeneration heaters. The Date Required is the date of the initial non-compliance and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$4,000

**TOTAL**

\$370



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	4-Sep-2012 30-Jul-2014	<b>Screening</b>	23-Oct-2012	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>						
<b>Respondent</b>	Enterprise Products Operating LLC (Plant 3)					
<b>Reg. Ent. Ref. No.</b>	RN102984911					
<b>Facility/Site Region</b>	12-Houston			<b>Major/Minor Source</b>	Major	

<b>CASE INFORMATION</b>						
<b>Enf./Case ID No.</b>	42164		<b>No. of Violations</b>	1		
<b>Docket No.</b>	2011-1356-AIR-E		<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Air		<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>			<b>Enf. Coordinator</b>	Amancio R. Gutierrez		
			<b>EC's Team</b>	Enforcement Team 5		
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	89.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$445

Notes: Enhancement for two NOVs with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$50
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$6  
Approx. Cost of Compliance \$125  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$895
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$895
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$895
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$179
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$716
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Screening Date 23-Oct-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 3)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### 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> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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> )	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%
<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) 89%

#### >> 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 two NOVs with dissimilar violations, three orders with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 89%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 89%

Screening Date 23-Oct-2012

Docket No. 2011-1356-AIR-E

PCW

Respondent Enterprise Products Operating LLC (Plant 3)

Policy Revision 3 (September 2011)

Case ID No. 42164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O3369, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation reports for the reporting periods from March 7, 2011 through September 6, 2011 and September 7, 2011 through March 6, 2012 did not include the deviations for failure to conduct compliance testing for the regeneration heaters and for failure to obtain authorization under a FOP for the regeneration heaters.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$500

Two single events are recommended for the two incomplete deviation reports.

Good Faith Efforts to Comply

10.0% Reduction

\$50

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

Notes

The Respondent completed the corrective actions on October 5, 2012, after the August 30, 2012 NOE.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$895

This violation Final Assessed Penalty (adjusted for limits) \$895

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC (Plant 3)

**Case ID No.** 42164

**Reg. Ent. Reference No.** RN102984911

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	6-Oct-2011	5-Oct-2012	1.00	\$6	n/a	\$6

Notes for DELAYED costs

Actual expense to report deviations for the late compliance test for the regeneration heaters and the failure to obtain authorization under FOP. The Date Required is the date of the deviation report was due and the Final Date is the date the corrective actions were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

**TOTAL**

\$6



# Compliance History Report

**PENDING** Compliance History Report for CN603211277, RN102984911, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603211277, Enterprise Products Operating LLC (Plant 3)	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.04
<b>Regulated Entity:</b>	RN102984911, ENTERPRISE EAST	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	13.36
<b>Complexity Points:</b>	13	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	316 S MAIN ST MONT BELVIEU, TX 77520-7703, CHAMBERS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD987981560	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 39257
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER CI0006V	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 50169
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 15488	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 50176
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4807100017	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 83868
<b>AIR NEW SOURCE PERMITS</b> PERMIT 93973	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 111578
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 111589	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 109745
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 111590	<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0006V
<b>AIR OPERATING PERMITS</b> PERMIT 3369	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER CI0006V
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00174	<b>WASTEWATER</b> EPA ID TX0133175
<b>WASTEWATER</b> PERMIT WQ0004966000	

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	October 13, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	October 13, 2009 to October 13, 2014				

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

**Name:** Amancio R. Gutierrez **Phone:** (512) 239-3921

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 03/07/2011 ADMINORDER 2010-0926-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 5C THSC Chapter 382 382.085(a)  
Description: Failure to prevent the release of unauthorized emissions specifically when the Well #3 pump failed.  
Classification: Major  
Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.130(b)(2)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit a FOP application.

- 2 Effective Date: 07/02/2011 ADMINORDER 2011-0032-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: REGISTRATION PERMIT  
Description: Enterprise failed to properly maintain a control device and failed to prevent unauthorized emissions during an event that occurred on August 25, 2010.
- 3 Effective Date: 04/05/2012 ADMINORDER 2011-1316-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 3369 STC No. 2G OP  
Description: Failure to provide the correct Regulated Entity Number associated with the facility experiencing the emissions event. (Category C3)  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter V 106.492  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 3369 STC Nos. 9 and 10 OP  
Description: Failed to prevent unauthorized emissions as a result of premature lifting of PSV-6511 and did not provide information on the cause of the incident. Category A8; Attachment A c.(2)(A)(ii)  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter P 106.371  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 3369 STC No. 10 OP  
Description: failed to prevent the release of unauthorized emissions into the air. (Category A2.a Violation)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Term & Condition 2 OP  
Description: As a result of the investigation conducted, it was determined that Enterprise East (Enterprise) failed to report the incident (Incident #153286) that occurred on April 8, 2011 as required. Specifically, Enterprise failed to submit the Initial Notification within 24 hours of the discovery of the reportable Emissions Event.
- 4 Effective Date: 08/26/2012 ADMINORDER 2011-2150-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.13  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 3369 STC 10 OP  
PBR Registration No. 28849 PERMIT  
Special Term and Condition 9 OP  
Standard Exemption 80 PERMIT  
Description: Enterprise failed to prevent the release of unauthorized emissions [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 April 06, 2011 (908553)

*Pending Compliance History Report for CN603211277, RN102984911, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.*

Item 2	May 19, 2011	(860156)
Item 3	May 23, 2011	(920329)
Item 4	July 27, 2011	(922763)
Item 5	August 17, 2011	(948424)
Item 6	November 21, 2011	(964206)
Item 7	May 08, 2012	(1002063)
Item 8	June 19, 2012	(1008866)
Item 9	October 26, 2012	(1040970)
Item 10	June 19, 2013	(1094111)
Item 11	September 03, 2013	(1114750)
Item 12	June 23, 2014	(1163563)
Item 13	August 15, 2014	(1201882)

**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: 01/30/2014 (1114837) CN603211277  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.
- 2 Date: 08/25/2014 (1172027) CN603211277  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2A PERMIT  
Special Term and Condition 10 OP  
Special Term and Condition 1A OP  
Description: Failure to maintain net heating value during normal operations for East flare (EPN: FL-06). (Category C4)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8E PERMIT  
Special Condition 9E PERMIT  
Special Term and Condition 10 OP  
Special Term and Condition 1A OP  
Description: Failure to plug, cap, or otherwise seal 113 open-ended lines for EPNs: F-100 and F-500. (Category C10)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to verify that truck tank leak testing had occurred within one year before conducting loading activities (EPN: PHT-LOAD). (Category C4)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2C PERMIT  
Special Term and Condition 10 OP  
Special Term and Condition 1A OP  
Description: Failure to prevent visible emissions from West flare (EPN: FL-08). (Category C4)

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

*Pending Compliance History Report for CN603211277, RN102984911, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.*

N/A

**4. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**I. 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, RN100210665  
AND RN102984911

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2011-1356-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Eddie Lewis of the law firm of Norton Rose Fulbright US LLP, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum storage and distribution plant, a petrochemical production plant, and a product handling terminal (collectively known as the "Plants") located at:
  - a. 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas ("Plant 1");
  - b. 1200 North Broadway Street in La Porte, Harris County, Texas ("Plant 2"); and
  - c. 316 South Main Street in Mont Belvieu, Chambers County, Texas ("Plant 3").
2. The Plants consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about May 25, 2011, June 12, 2011, August 14, 2011, December 21, 2011, January 29, 2012, March 11, 2012 and September 4, 2012.
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 Five Hundred Ninety-Six Thousand Four Hundred Sixty-Five Dollars (\$596,465) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Thirty-Eight Thousand Five Hundred Eighty-Seven Dollars (\$238,587) of the administrative penalty and One Hundred Nineteen Thousand Two Hundred Ninety-Two Dollars (\$119,292) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Hundred Thirty-Eight Thousand Five Hundred Eighty-Six Dollars (\$238,586) shall be conditionally offset by the Respondent's completion of two Supplemental Environmental Projects ("SEPs").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures:
  - a. At Plant 1:
    - i. On October 13, 2010, added missing components to the Leak Detection and Repair ("LDAR") database and began monitoring them;
    - ii. On May 16, 2011, implemented recordkeeping procedures for documenting operating hours and trained additional staff to ensure that the operating hours of the fire water pumps do not exceed 100 hours in a rolling 12-month period;
    - iii. On June 2, 2011, submitted the Highly Reactive Volatile Organic Compound ("HRVOC") Corrective Action Plan ("CAP") reports for 2007 and 2008 and implemented measures to ensure they are submitted as required;
    - iv. On August 4, 2011, replaced the ethane pump seals to prevent recurrence of emissions events due to same or similar causes as Incident No. 154623;

- v. On September 7, 2011, implemented procedures to ensure that all added components are included in the semi-annual reports and submitted revised reports showing the addition of components under 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60, Subpart VV;
  - vi. On November 1, 2011, replaced the threaded connection on the Splitter I Unit East Potassium Hydroxide ("KOH") Treater with a welded connection to prevent recurrence of emissions events due to the same or similar causes as Incident No. 161283;
  - vii. By November 2, 2011, hired and trained additional environmental personnel to assist in emissions event reporting and recordkeeping and submitted the initial notifications for Incident Nos. 161293 and 161297;
  - viii. On January 13, 2012, conducted training to ensure correct procedures are followed by operators to prevent recurrence of emissions events due to same or similar causes as Incident No. 162563;
  - ix. On March 1, 2012, conducted training to ensure that operators check the malfunction shutdown switch and know how to manually readjust reflux flow control valves during unit startups to prevent recurrence of emissions events due to same or similar causes as Incident No. 161297;
  - x. On March 7, 2012, presented a lesson learned analysis in an operator training session to prevent recurrence of emissions events due to the same or similar causes as Incident No. 160766;
  - xi. On July 30, 2012, conducted training to ensure that all deviations are included in the deviation reports; and
  - xii. By March 28, 2013, completed an engineering inspection of Plant piping to reduce emissions to the flares, Emission Point Numbers ("EPNs") FL-1, FL-2, FL-3, and FL-45, and ensured that they are operated within allowable emission limits provided by Air Permit Nos. 76070 and PSDTX1057. In addition, obtained authorization for the installation and operation of two flare recovery units under Standard Permit Registration No. 108247.
- b. At Plant 2:
- i. By September 29, 2011, revised procedures to reset the low alarm set point on Flare 104A to 450 British Thermal Units per standard cubic foot ("BTU/scf") to allow sufficient time to make adjustments to increase the BTU value of the waste gas as needed;
  - ii. By September 29, 2011, made engine adjustments to the carburetor by adjusting the mass air to fuel ratio to prevent visible emissions from an engine, EPN 14P201;

- iii. By February 13, 2012, implemented training on the Enterprise Products Operating Procedure for Federal Operating Permit ("FOP") Reporting (Pro-Air-4) to ensure timely and accurate submittals of permit compliance certifications ("PCCs") and semi-annual deviation reports and submitted the PCCs for the certification periods from May 18, 2007 through May 17, 2008 and May 18, 2008 through May 17, 2009; and
    - iv. On February 14, 2012, updated the Thermal Oxidizing Flare ("TOF") Standard Operating Procedure to establish a minimum operating temperature of 1,400°F to ensure that a 98% destruction efficiency is achieved.
  - c. At Plant 3:
    - i. On August 27, 2012, conducted the compliance tests for the regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401;
    - ii. On October 5, 2012, reported the deviations for the late compliance test for the regeneration heaters and for the failure to obtain authorization under FOP for the regeneration heaters; and
    - iii. On January 10, 2013, obtained a revision for FOP No. O3369 to include the regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401.
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 Plants, the Respondent is alleged to have:

1. Failed to comply with the annual allowable emissions cap at Plant 1 based on a rolling 12-month period for the flares (EPNs FL-1, FL-2, FL-3, and FL-45), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), FOP No. O1641, Special Terms and Conditions ("STC") Nos. 1A and 9, TCEQ Flexible Air Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, in calendar years 2007 and 2008, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling emissions cap of 233.1 tons per year ("tpy") and in calendar years 2007, 2008, and 2009, the Respondent exceeded the

volatile organic compound ("VOC") 12-month rolling emissions cap of 93.2 tpy, resulting in the unauthorized release of 178.27 tons of VOC and 98.89 tons of CO.

2. Failed to limit the hours of operation for the fire water pump (EPN FWP2) to 100 hours per year on a rolling 12-month basis at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 117.303(a)(10)(A) and 122.143(4), FOP No. 01641, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the fire water pump operated for 325 hours in 2008 and 242 hours in 2009 resulting in unauthorized emissions of 1,604.25 pounds ("lbs") of nitrogen oxides ("NOx"), 346.5 lbs of CO, and 105.75 lbs of sulfur dioxide ("SO<sub>2</sub>") in 2008 and 1,012 lbs of NOx, 218.68 lbs of CO, and 66.74 lbs of SO<sub>2</sub> in 2009.
3. Failed to include all deviations in the deviation report for Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01641, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the Respondent did not include the following deviations: operating the fire water pump (EPN FWP2) in excess of 100 hours in 2008 and 2009, failure to monitor fugitive components, failure to include the number of added components in the 40 CFR Part 60, Subpart VV Semi-Annual Reports from June 2008 through June 2009, failure to submit a CAP when in 2007 and 2008 Third Party HRVOC audits indicated deficiencies in the implementation of Method 21, and failure to identify components of each process unit in HRVOC service in 2007 through 2009.
4. Failed to include the number of components added at Plant 1 under 40 CFR Part 60, Subpart VV in the semi-annual reports dated January 14, 2009, July 10, 2009, January 5, 2010, and July 15, 2010 respectively, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. 01641, STC No. 1A, 40 CFR § 60.487(c)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010.
5. Failed to identify and monitor all connectors in VOC and HRVOC service at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.781(b)(3), 116.115(c), and 122.143(4), FOP No. 01641, STC Nos. 1A and 9, Air Permit No. 8418, SC No. 2E, Air Permit No. 8707, SC No. 5E, Air Permit No. 22105, SC No. 7E, Air Permit Nos. 19930, PSD-TX-797M1 and PSD-TX-790, SC No. 2E, Air Permit Nos. 20698 and PSD-TX-797M1, SC No. 9E, Air Permit No. 22113, SC No. 7E, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8E, Air Permit No. 5581, SC No. 10E, Air Permit No. 6798, SC No. 3E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the Respondent discovered a total of 68,777 connectors (1,958 in 2007, 27,077 in 2008, 17,133 in 2009 and 22,609 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and Belvieu Environmental Fuels ("BEF") Units. See attached table.

No. of Connectors Discovered and Not Monitored					
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Total /Year
2007	0	1,958	0	0	1,958
2008	902	18,737	0	7,438	27,077
2009	4,042	4,517	8,262	312	17,133
2010	115	10,609	11,885	0	22,609

6. Failed to identify and monitor pumps in VOC and HRVOC service and to identify and monitor all compressor seals in gas service and in gas HRVOC service at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4), FOP No. O1641, STC Nos. 1A and 9, Air Permit No. 5581, SC No. 10G, Air Permit No. 6798, SC No. 3G, Air Permit No. 8418, SC No. 2G, Air Permit No. 8707, SC No. 5G, Air Permit No. 22105, SC No. 7G, Air Permit Nos. 19930, PSD-TX-797M1, and PSD-TX-790, SC Nos. 2G, Air Permit Nos. 20698 and PSD-TX-797M1, SC No. 9G, Air Permit No. 22113, SC No. 7G, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8G, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the Respondent discovered a total of 72 pumps (16 in 2008, 14 in 2009, and 42 in 2010) and 11 compressor seals (nine in 2008, one in 2009, and one in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units. See attached tables.

No. of Pumps Discovered and Not Monitored					
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Total/Year
2007	0	0	0	0	0
2008	2	4	0	10	16
2009	3	1	10	0	14
2010	0	0	42	0	42

No. of Compressors Discovered and Not Monitored					
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Total/Year
2007	0	0	0	0	0
2008	0	8	1	0	9
2009	1	0	0	0	1
2010	0	1	0	0	1

7. Failed to identify and monitor valves and pressure relief valves in VOC and HRVOC service at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.354(2)(C) and (2)(D), 116.115(c), and 122.143(4), 40 CFR § 60.482-7(a)(1), FOP No. O1641, STC Nos. 1A and 9, Air Permit Nos. 20698 and PSD-TX-797-M1, SC No. 9F, Air Permit No. 22105, SC No. 7F, Air Permit No. 22113, SC No. 7F, Air Permit Nos. 22114 and PSD-TX-823, SC No. 8F, Air Permit No. 5581, SC No. 10F, Air Permit Nos. 19930, PSD-TX-797M1, and PSD-TX-790, SC Nos. 2F, Air Permit No. 6798, SC No. 3F, Air Permit No. 8707, SC No. 5F, Air Permit No. 8418, SC No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the Respondent discovered a total of 22,587 valves and pressure relief valves (638 in 2007, 9,584 in 2008, 4,392 in 2009, and 7,973 in 2010) that were not being monitored in the Isom, Seminole, West Texas Fractionator, Splitter, and BEF Units. See attached table.

No. of Valves Discovered and Not Monitored					
Calendar Year	1st QTR.	2nd QTR.	3rd QTR.	4th QTR.	Total/Year
2007	0	638	0	0	638
2008	353	6,916	0	2,315	9,584
2009	661	1,396	2,241	94	4,392
2010	28	3,054	4,891	0	7,973

8. Failed to submit a CAP with the 2007 and 2008 Third Party HRVOC audit reports for Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 115.788(e) and 122.143(4), FOP No. O1641, STC No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from February 18, 2010 through April 6, 2010. Specifically, the Third Party HRVOC audits identified deficiencies in the implementation of Method 21 and a CAP was not submitted with the Third Party HRVOC audit report.
9. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), FOP No. O1641, STC No. 10, Flexible Air Permit Nos. 76070 and PSDTX1057, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 28, 2011. Specifically, the Respondent released 2,387.08 lbs of VOC and experienced 100% opacity from the North Storage Flare, during an emissions event (Incident No. 151412) that began on February 28, 2011 and lasted three hours and 30 minutes. The event occurred due to loss of electrical power to the North Storage Unit. Since the emissions event was not reported within 24 hours, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
10. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and

122.143(4), FOP No. O1641, STC No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 28, 2011. Specifically, Incident No. 151412 occurred on February 28, 2011 at 5:45 p.m., but was not reported until March 1, 2011 at 6:15 p.m.

11. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O1641, STC No. 10, Standard Permit Registration No. 87477, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 17, 2011. Specifically, the Respondent released 2,319 lbs of NOx, 2,427.8 lbs of CO, and 113.98 lbs of VOC from EPN FL-4, during an emissions event (Incident No. 154623) which began on May 14, 2011 and lasted for 220 hours. The event occurred when leaks developed in the ethane reinjection pump seals, resulting in ethane venting to the flare. Since the emissions event was avoidable by better operational practices and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
12. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1641, STC No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 17, 2011. Specifically, Incident No. 154623 was discovered on May 14, 2011 at 2:00 p.m. but was not reported until May 18, 2011 at 5:28 p.m.
13. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 29, 2011. Specifically, the Respondent released 3,685.70 lbs of VOC, 95.35 lbs of CO, 10.67 lbs of NOx, and experienced 100% opacity from the North Plant Flare, EPN 45, during an emissions event (Incident No. 161297) that began on March 1, 2011 and lasted one hour. The emissions event occurred when an operator failed to manually readjust the reflux flow control valve during a unit startup. Since this emissions event was avoidable and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
14. Failed to submit an initial notification for Incident Nos. 161293 and 161297 within 24 hours of discovery of the emissions event at Plant 1, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 29, 2011. Specifically, the initial notification for Incident No. 161293 was due by February 4, 2011 at 1:30 p.m. and the initial notification for Incident No. 161297 was due by March 2, 2011 at 11:00 a.m., but the notifications were not submitted until November 2, 2011.
15. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 3, 2012. Specifically, the Respondent released 309.73 lbs of NOx, 618.35 lbs of CO, 5,498.6 lbs of propylene, 1,913 lbs of other VOC, and experienced 100% opacity from the South Plant Flare, EPN FL-1, during an emissions event (Incident No. 162563) that began on December 7, 2011 and

- lasted five hours. The emissions event occurred when the operator deviated from the proper procedure and increased the operating set pressure of the deethanizer/enricher tower to reduce propylene loss. This caused an increase in tower pressure of the deethanizer, enricher, and propane stripper which resulted in two pressure safety valves relieving to the flare. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
16. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 29, 2011. Specifically, the Respondent released 2,928.82 lbs of CO, 1,914.98 lbs of NO<sub>x</sub>, and 11,264.72 lbs of VOC from the South Plant Flare, EPN FL-1, and 843.45 lbs of VOC, 219.28 lbs of CO, and 143.30 lbs of NO<sub>x</sub> from the North Plant Flare, EPN 45, during an emissions event (Incident No. 160766) that began on October 18, 2011 and lasted 23 hours. The emissions event occurred when a feral cat entered a high voltage switchgear cabinet and triggered an arc flash which cut off power to the southern portion of the Plant. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
  17. Failed to prevent unauthorized emissions at Plant 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 76070 and PSDTX1057, SC No. 1, FOP No. O1641, STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 29, 2011. Specifically, the Respondent released 171.38 lbs of CO, 55.37 NO<sub>x</sub>, 3,057 lbs of propylene, and 1,646 lbs of propane from the Splitter I Unit East KOH Treater, during an emissions event (Incident No. 161283) that began on November 1, 2011 and lasted 19 hours and 55 minutes. The emissions event was caused by a leakage from a cracked screwed thread-o-let connector for a bleeder valve on the overhead line from the KOH Treater. Since this emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
  18. Failed to certify compliance for at least each 12-month period following permit issuance at Plant 2, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, GTC, as documented during an investigation conducted from September 29, 2011 through October 5, 2011. Specifically, the Respondent did not certify compliance with the terms and conditions of the permit from May 18, 2007 through November 17, 2007 in the PCC for the certification period from May 18, 2007 through May 17, 2008, and from May 18, 2008 through November 17, 2008 in the PCC for the certification period from May 18, 2008 through May 17, 2009.
  19. Failed to comply with the opacity limit of 30% for any six-minute period at Plant 2, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(8)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, STC No. 3(A)(ii), as documented during an investigation conducted from September 29, 2011 through October 5, 2011. Specifically, visible emissions were observed from an engine, EPN 14P201, at Plant 2 for 17 minutes on February 11, 2011, and the Respondent assumed an opacity of 100%.

20. Failed to maintain the minimum net heating value of 300 BTU/scf on Flare 104A at Plant 2, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 116.115(c) and 122.143(4), 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 20289, SC No. 13, and FOP No. O1339, STC Nos. 1A and 14, as documented during an investigation conducted from September 29, 2011 through October 5, 2011. Specifically, the net heating values for Flare 104A ranged from 31.5 BTU/scf to 299 BTU/scf from May 18, 2010 through November 16, 2010.
21. Failed to operate the TOF above the minimum operating temperature necessary to achieve a 98% destruction efficiency during barge loading at Plant 2, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 20289, SC No. 15, and FOP No. O1339, STC No. 14, as documented during an investigation conducted from September 29, 2011 through October 5, 2011. Specifically, the minimum operating temperature necessary to achieve 98% of destruction efficiency is 1,400°F and the TOF was operating between 930°F and 1,181°F on November 14, 2010 from 11:00 a.m. to 12:00 p.m.
22. Failed to report all instances of deviations for Plant 2, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1339, GTC, as documented during an investigation conducted from September 29, 2011 through October 5, 2011. Specifically, the deviation report for the reporting period from November 18, 2010 to May 17, 2011 documented the failure to report the late submittal of two earlier PCCs in the appropriate deviation reports. The deviations should have been reported in the May 18, 2008 through November 17, 2008 reporting period and the May 18, 2009 through November 17, 2009 reporting period.
23. Failed to conduct a stack test on the regeneration heaters prior to the March 31, 2007 deadline at Plant 3, in violation of 30 TEX. ADMIN. CODE §§ 117.335(a)(1) and 117.9020(2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 24 and 25, 2012. Specifically, the stack tests for Emission Point Numbers ("EPNs") H-1401, H-1402, H-2401, and H-3401 were not conducted until August 27, 2012.
24. Failed to obtain FOP authorization for all emission units prior to operation at Plant 3, in violation of 30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 24 and 25, 2012. Specifically, four regeneration heaters, EPNs H-1401, H-1402, H-2401, and H-3401, were not authorized under a FOP prior to their operation.
25. Failed to report all instances of deviations for Plant 3, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3369, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 24 and 25, 2012. Specifically, the deviation reports for the reporting periods from March 7, 2011 through September 6, 2011 and September 7, 2011 through March 6, 2012 did not include the deviations for failure to conduct compliance testing for the regeneration heaters and for failure to obtain authorization under a FOP for the regeneration heaters.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2011-1356-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Hundred Thirty-Eight Thousand Five Hundred Eighty-Six Dollars (\$238,586) of the assessed administrative penalty shall be offset with the condition that the SEPs defined in Attachments A and B, incorporated herein by reference, are implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreements.
3. The is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days of the effective date of this Agreed Order, implement procedures to prevent the recurrence of emissions events due to same or similar causes as Incident No. 151412; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations of the Plants 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,

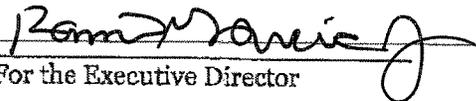
including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" 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

  
For the Executive Director

\_\_\_\_\_  
Date 12/18/15

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

\_\_\_\_\_  
Date 6/3 2015

Graham Bacon  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Enterprise Products Operating LLC

\_\_\_\_\_  
Group Sr. Vice President  
Title

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

**Attachment A**

**Docket Number: 2011-1356-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Penalty Amount:</b>	<b>Four Hundred Seventy-Seven Thousand One Hundred Seventy-Three Dollars (\$477,173)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Nineteen Thousand Two Hundred Ninety-Three Dollars (\$119,293)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Barber's Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Alternative Fuel School Bus Replacement</i></b>
<b>Location of SEP:</b>	<b>Chambers County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the 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 **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide ("CO"), nitrogen oxides ("NO<sub>x</sub>"), particulate matter ("PM"), and volatile organic compounds ("VOCs") emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed 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 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 able to be 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 it 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

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO<sub>x</sub> may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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 **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division 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:

Enterprise Products Operating LLC  
Agreed Order - Attachment A

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 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 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.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this 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.

**Attachment B**

**Docket Number: 2011-1356-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Penalty Amount:</b>	<b>Four Hundred Seventy-Seven Thousand One Hundred Seventy-Three Dollars (\$477,173)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Nineteen Thousand Two Hundred Ninety-Three Dollars (\$119,293)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO ("AERCO")</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b><u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties</b>	

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 B.

**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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

Enterprise Products Operating LLC  
Agreed Order - Attachment B

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

Enterprise Products Operating LLC  
Agreed Order - Attachment B

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

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

Enterprise Products Operating LLC  
Agreed Order - Attachment B

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

**5. Publicity**

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