

Executive Summary – Enforcement Matter – Case No. 51480
EnLink Midstream Services, LLC
RN102913225
Docket No. 2015-1639-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Allison Compressor Station, located approximately one mile south of the intersection of County Road 4010 and County Road 4511 near Decatur, Wise County

Type of Operation:

Natural gas processing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 15, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,713

Amount Deferred for Expedited Settlement: \$1,942

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,771

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 24, 2014

Date(s) of NOE(s): August 20, 2015

Executive Summary – Enforcement Matter – Case No. 51480
EnLink Midstream Services, LLC
RN102913225
Docket No. 2015-1639-AIR-E

Violation Information

1. Failed to submit a revision application to include all applicable requirements for each emissions unit in a General Operating Permit ("GOP")/Federal Operating Permit ("FOP"). Specifically, the Respondent did not submit a revision application to include the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart ZZZZ major source rules as applicable requirements for Unit ID Nos. E-13, E-14, E-15, E-16, E-17, E-18, and E-23 in GOP No. 514/FOP No. O2495 [30 TEX. ADMIN. CODE §§ 122.503(c)(2), 122.121, and 122.143(4), GOP No. 514/FOP No. O2495, Site-wide requirements No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prepare a site-specific monitoring plan. Specifically, the Respondent was required to create a site-specific Continuous Parameter Monitoring System plan by September 6, 2011 but it was not created until January 7, 2014 [30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4), 40 CFR § 63.6625(b)(1), GOP No. 514/FOP No. O2495, Site-wide requirements No. 27, 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. By January 7, 2014, created the site-specific Continuous Parameter Monitoring System plan; and
- b. On August 6, 2015, submitted a revision application for GOP No. 514/FOP No. O2495 to include the 40 CFR Part 63, Subpart ZZZZ major source rules as applicable requirements for Unit ID Nos. E-13, E-14, E-15, E-16, E-17, E-18, and E-23.

Technical Requirements:

The Order will require the Respondent to:

- a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the August 6, 2015 permit revision application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- b. Within 180 days, submit written certification that either the GOP No. 514/FOP No. O2495 revision has been obtained or that operation has ceased until the permit revision has been obtained.

Executive Summary – Enforcement Matter – Case No. 51480
EnLink Midstream Services, LLC
RN102913225
Docket No. 2015-1639-AIR-E

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2583; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483
TCEQ SEP Coordinator: N/A
Respondent: Brian Oliver, Vice President of Operations, EnLink Midstream Services,
LLC, 1209 County Road 1304, Bridgeport, Texas 76426
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	25-Aug-2015	Screening	29-Oct-2015	EPA Due	13-Feb-2016
	PCW	7-Dec-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	EnLink Midstream Services, LLC		
Reg. Ent. Ref. No.	RN102913225		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	51480	No. of Violations	2
Docket No.	2015-1639-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts *Capped at the Total EB \$ Amount
Estimated Cost of Compliance

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 29-Oct-2015

Docket No. 2015-1639-AIR-E

PCW

Respondent EnLink Midstream Services, LLC

Policy Revision 4 (April 2014)

Case ID No. 51480

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102913225

Media [Statute] Air

Enf. Coordinator David Carney

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	1	2%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 42%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and two agreed orders with denials of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 42%

Screening Date 29-Oct-2015

Docket No. 2015-1639-AIR-E

PCW

Respondent EnLink Midstream Services, LLC

Policy Revision 4 (April 2014)

Case ID No. 51480

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102913225

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.503(c)(2), 122.121, and 122.143(4), General Operating Permit ("GOP") No. 514/Federal Operating Permit ("FOP") No. O2495, Site-wide requirements No. 7.A., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a revision application to include all applicable requirements for each emissions unit in a GOP/FOP. Specifically, the Respondent did not submit a revision application to include the 40 Code of Federal Regulations ("CFR") Part 63, Subpart ZZZZ major source rules as applicable requirements for Unit ID Nos. E-13, E-14, E-15, E-16, E-17, E-18, and E-23 in GOP No. 514/FOP No. O2495.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 339

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

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$483

Violation Final Penalty Total \$5,325

This violation Final Assessed Penalty (adjusted for limits) \$5,325

Economic Benefit Worksheet

Respondent EnLink Midstream Services, LLC
Case ID No. 51480
Reg. Ent. Reference No. RN102913225
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	\$5,000	24-Nov-2014	29-Oct-2016	1.93	\$483	n/a	\$483
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain a permit revision to include the necessary applicable requirements. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$483

Screening Date 29-Oct-2015

Docket No. 2015-1639-AIR-E

PCW

Respondent EnLink Midstream Services, LLC

Policy Revision 4 (April 2014)

Case ID No. 51480

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102913225

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 113.1090 and 122.143(4), 40 CFR § 63.6625(b)(1), GOP No. 514/FOP No. O2495, Site-wide requirements No. 27, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prepare a site-specific monitoring plan. Specifically, the Respondent was required to create a site-specific Continuous Parameter Monitoring System ("CPMS") plan by September 6, 2011 but it was not created until January 7, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

854 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on January 7, 2014, prior to the Notice of Enforcement dated August 20, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$117

Violation Final Penalty Total \$4,388

This violation Final Assessed Penalty (adjusted for limits) \$4,388

Economic Benefit Worksheet

Respondent EnLink Midstream Services, LLC
Case ID No. 51480
Reg. Ent. Reference No. RN102913225
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				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	6-Sep-2011	7-Jan-2014	2.34	\$117	n/a	\$117

Notes for DELAYED costs

Estimated delayed cost to create the site-specific CPMS plan. The Date Required is the initial date of noncompliance and the Final Date is the compliance date.

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

\$1,000

TOTAL

\$117



Compliance History Report

PUBLISHED Compliance History Report for CN604592295, RN102913225, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604592295, EnLink Midstream Services, LLC **Classification:** SATISFACTORY **Rating:** 5.67

Regulated Entity: RN102913225, Allison Compressor Station **Classification:** SATISFACTORY **Rating:** 37.92

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: APPROXIMATELY ONE MILE SOUTH OF THE INTERSECTION OF COUNTY ROAD 4010 AND COUNTY ROAD 4511 NEAR DECATUR, TEXAS, WISE COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER WN0234K	AIR NEW SOURCE PERMITS AFS NUM 4849700067
AIR NEW SOURCE PERMITS REGISTRATION 84846	AIR NEW SOURCE PERMITS REGISTRATION 131864
AIR OPERATING PERMITS ACCOUNT NUMBER WN0234K	AIR OPERATING PERMITS PERMIT 2495
AIR EMISSIONS INVENTORY ACCOUNT NUMBER WN0234K	

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: December 23, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 23, 2010 to December 23, 2015

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

Name: David Carney **Phone:** (512) 239-2583

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: 12/19/2011 ADMINORDER 2011-0685-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GOP 514/Site-wide Requirement (b)(2) OP
Description: Failed to report all instances of deviations during the August 1, 2009 through January 31, 2010 and February 1, 2010 through July 31, 2010 deviation reporting periods. Specifically, the deviation reports did not include 532 blowdown events that occurred during the two semi-annual deviation reporting periods. In addition, the Respondent failed to include an emissions event and a failed engine performance test that occurred during the two semi-annual deviation reporting periods.
- 2 Effective Date: 04/07/2013 ADMINORDER 2012-1068-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1090

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6610(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6615
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-2495 Site-Wide Requirement No. (b)(21) OP

Description: Failed to conduct required initial testing for compliance with federal reciprocating internal combustion engines Maximum Achievable Control Technology requirements and failed to conduct subsequent semi-annual compliance testing.
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: Site Wide Requirements (b)(1) and (b)(2) OP

Description: Failed to report all instances of deviations. Specifically, deviations related to the failure to demonstrate compliance with RICE standards were not included as deviations in the semi-annual deviation reports for the August 1, 2008 through January 31, 2009, February 1, 2009 through July 31, 2009, August 1, 2010 through January 31, 2011, and February 1, 2011 through July 31, 2011 reporting periods

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Site Wide Requirements (b)(1) and (b)(2) OP

Description: Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the August 1, 2010 through January 31, 2011 certification period was due by March 2, 2011, but it was not received until March 7, 2011.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6625(a)(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to monitor continuous catalyst inlet temperature as required by MACT standards. Specifically, the catalyst inlet temperature was not monitored on Engine EPNs E-13, E-14, E-15, E-16, E-17, E-18, and E-23.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6630(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6650(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Sitewide Requirement (b)(21) OP

Description: Failed to submit an initial compliance notification for MACT RICE applicable engines. Specifically, the Respondent failed to submit the initial notification within 120 days after becoming subject to MACT RICE standards for Engine EPNs E-17, E-18, and E-23.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 01, 2012	(980871)
Item 2	May 31, 2012	(1002676)
Item 3	June 01, 2012	(1002519)
Item 4	May 22, 2013	(1087667)
Item 5	November 12, 2014	(1185200)
Item 6	November 13, 2014	(1185185)
Item 7	May 13, 2015	(1240270)

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:	08/20/2015	(1215655)	CN604592295
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter F 116.620(a)(4)		

Description: 5C THSC Chapter 382 382.085(b)
 Failure to have documentation of the initial biennial performance test within 60 days of startup of engine E-15.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform the initial MACT performance test within 180 days of startup.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 113, SubChapter C 113.1090
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6650(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit the Semiannual Excess Emissions and Continuous Monitoring System Performance reports.

Self Report? NO Classification: Minor

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

Description: Failure to include all deviations in a deviation report.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENLINK MIDSTREAM SERVICES,
LLC
RN102913225

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-1639-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a natural gas processing plant located approximately one mile south of the intersection of County Road 4010 and County Road 4511 near Decatur, Wise County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 25, 2015.
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 Nine Thousand Seven Hundred Thirteen Dollars (\$9,713) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Seven Hundred Seventy-One Dollars (\$7,771) of the administrative penalty and One Thousand Nine

Hundred Forty-Two Dollars (\$1,942) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By January 7, 2014, created the site-specific Continuous Parameter Monitoring System ("CPMS") plan; and
 - b. On August 6, 2015, submitted a revision application for General Operating Permit ("GOP") No. 514/Federal Operating Permit ("FOP") No. O2495 to include the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart ZZZZ major source rules as applicable requirements for Unit ID Nos. E-13, E-14, E-15, E-16, E-17, E-18, and E-23.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit a revision application to include all applicable requirements for each emissions unit in a GOP/FOP, in violation of 30 TEX. ADMIN. CODE §§ 122.503(c)(2), 122.121, and 122.143(4), GOP No. 514/FOP No. O2495, Site-wide requirements No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 24, 2014. Specifically, the Respondent did not submit a revision application to include the 40 CFR Part 63, Subpart ZZZZ major source rules as

applicable requirements for Unit ID Nos. E-13, E-14, E-15, E-16, E-17, E-18, and E-23 in GOP No. 514/FOP No. O2495.

2. Failed to prepare a site-specific monitoring plan, in violation of 30 TEX. ADMIN. CODE §§ 113.1090 and 122.143(4), 40 CFR § 63.6625(b)(1), GOP No. 514/FOP No. O2495, Site-wide requirements No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 24, 2014. Specifically, the Respondent was required to create a site-specific CPMS plan by September 6, 2011 but it was not created until January 7, 2014.

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: EnLink Midstream Services, LLC, Docket No. 2015-1639-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the August 6, 2015 permit revision application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 180 days after the effective date of this Agreed Order, submit written certification that either the GOP No. 514/FOP No. O2495 revision has been obtained or that operation has ceased until the permit revision has been obtained. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/9/16

Date

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

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

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

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



Signature

3/4/16

Date

Brian H Oliver

Name (Printed or typed)
Authorized Representative of
EnLink Midstream Services, LLC

VP OPERATIONS

Title

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