

Executive Summary – Enforcement Matter – Case No. 54508
Lone Star NGL Fractionators LLC
RN106018260
Docket No. 2017-0761-AIR-E

Order Type:

1660

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

LDH Energy Mont Belvieu Fractioner Project, 9850 Farm-to-Market Road, Baytown, Chambers 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: No

Texas Register Publication Date: October 27, 2017

Comments Received: No

Penalty Information

Total Penalty Assessed: \$158,950

Amount Deferred for Expedited Settlement: \$31,790

Total Paid to General Revenue: \$63,580

Supplemental Environmental Project ("SEP") Conditional Offset: \$63,580

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Major

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: April 5, 2017 through April 6, 2017

Date(s) of NOE(s): May 10, 2017

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RN106018260
Docket No. 2017-0761-AIR-E

Violation Information

1. Failed to comply with the maximum emissions rates ("MERs") for the Flare, Emission Point Number ("EPN") 1SK25.001. Specifically, from January 9, 2016 through January 8, 2017, the Respondent exceeded the nitrogen oxides ("NOx") MER of 4.50 pounds per hour ("lbs/hr") by an average of 3.04 lbs/hr for 1,033 hours, the carbon monoxide ("CO") MER of 20.22 tons per year ("tpy") by 28.31 tons and 8.98 lbs/hr by an average of 9.44 lbs/hr for 4,849 hours, and the volatile organic compounds ("VOC") MER of 4.91 tpy by 6.73 tons and 3.06 lbs/hr by an average of 6.80 lbs/hr for 1,969 hours, resulting in the unauthorized release of approximately 3,140.32 lbs of NOx, 45,774.56 lbs of CO, and 13,389.2 lbs of VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3586, Special Terms and Conditions No. 11.B, and Standard Permit Registration No. 93813].
2. Failed to report all instances of deviations. Specifically, the deviation report for the January 9, 2016 through July 8, 2016 reporting period did not include 56 deviations for open-ended lines, and the deviation report for the July 9, 2016 through January 8, 2017 reporting period did not include 110 deviations for open-ended lines and three deviations for exceeding the MER for NOx, CO, and VOC for the Flare, EPN 1SK25.001 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O3586, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures at the Plant:

- a. On May 31, 2017, obtained an amendment for Standard Permit Registration No. 93813 to increase the NOx, CO, and VOC MERs for the Flare, EPN 1SK25.001;
- b. On June 7, 2017, modified procedures to ensure all instances of deviations are reported and deviation reports are submitted in a timely manner; and
- c. On June 19, 2017, submitted revised deviation reports for the January 9, 2016 through July 8, 2016 reporting period to include deviations for 56 open-ended lines and the July 9, 2016 through January 8, 2017 reporting period to include deviations for 110 open-ended lines and for exceeding the MERs for NOx, CO, and VOC for the Flare, EPN 1SK25.001.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division,
Enforcement Team 5, MC R-3, (512) 239-2576; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Brad Widener, Sr., Director of Operations, Lone Star NGL Fractionators
LLC, 12353 Eagle Pointe Drive, Mont Belvieu, Texas 77580
Greg McIlwain, Vice President of Operations, 12353 Eagle Pointe Drive, Mont Belvieu,
Texas 77580

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| DATES | Assigned | 15-May-2017 | Screening | 18-May-2017 | EPA Due | 6-Nov-2017 |
| | PCW | 1-Aug-2017 | | | | |

RESPONDENT/FACILITY INFORMATION

| | |
|-----------------------------|---------------------------------|
| Respondent | Lone Star NGL Fractionators LLC |
| Reg. Ent. Ref. No. | RN106018260 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 54508 | No. of Violations | 2 |
| Docket No. | 2017-0761-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Abigail Lindsey |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$93,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **80.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$74,800**

Notes Enhancement for four NOV's with same/similar violations and three orders containing a 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** **-\$9,350**

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

Total EB Amounts \$432
Estimated Cost of Compliance \$7,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$158,950**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$158,950**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$158,950**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$31,790**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$127,160**

Screening Date 18-May-2017

Docket No. 2017-0761-AIR-E

PCW

Respondent Lone Star NGL Fractionators LLC

Case ID No. 54508

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN106018260

PCW Revision March 26, 2014

Media [Statute] Air

Enf. Coordinator Abigail Lindsey

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | 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>) | 4 | 20% |
| | Other written NOVs | 0 | 0% |
| 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 | 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% |
| 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) 80%

>> 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 four NOVs with same/similar violations and three orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 80%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 80%

Screening Date 18-May-2017

Docket No. 2017-0761-AIR-E

PCW

Respondent Lone Star NGL Fractionators LLC

Policy Revision 4 (April 2014)

Case ID No. 54508

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106018260

Media [Statute] Air

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O3586, Special Terms and Conditions No. 11.B, and Standard Permit Registration No. 93813

Violation Description

Failed to comply with the maximum emissions rates ("MER") for the Flare, Emission Point Number ("EPN") 1SK25.001. Specifically, from January 9, 2016 through January 8, 2017, the Respondent exceeded the nitrogen oxides ("NOx") MER of 4.50 pounds per hour ("lbs/hr") by an average of 3.04 lbs/hr for 1,033 hours, the carbon monoxide ("CO") MER of 20.22 tons per year ("tpy") by 28.31 tons and 8.98 lbs/hr by an average of 9.44 lbs/hr for 4,849 hours, and the volatile organic compounds ("VOC") MER of 4.91 tpy by 6.73 tons and 3.06 lbs/hr by an average of 6.80 lbs/hr for 1,969 hours, resulting in the unauthorized release of approximately 3,140.32 lbs of NOx, 45,774.56 lbs of CO, and 13,389.2 lbs of VOC.

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 12

365 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$90,000

Twelve monthly events are events are recommended for the period of non-compliance from January 9, 2016 through January 8, 2017.

Good Faith Efforts to Comply

10.0%

Reduction \$9,000

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | x |
| N/A | | |

Notes

The Respondent completed corrections on May 31, 2017, after the Notice of Enforcement ("NOE") dated May 10, 2017.

Violation Subtotal \$81,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$348

Violation Final Penalty Total \$153,000

This violation Final Assessed Penalty (adjusted for limits) \$153,000

Economic Benefit Worksheet

Respondent Lone Star NGL Fractionators LLC
Case ID No. 54508
Reg. Ent. Reference No. RN106018260
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

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

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 | 9-Jan-2016 | 31-May-2017 | 1.39 | \$348 | n/a | \$348 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to obtain an amendment for Standard Permit Registration No. 93813 to increase the NOx, CO, and VOC MERs for the Flare, EPN 1SK25.001. The Date Required is the first date of non-compliance and the Final Date is the 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

\$348

Screening Date 18-May-2017
Respondent Lone Star NGL Fractionators LLC
Case ID No. 54508
Reg. Ent. Reference No. RN106018260
Media [Statute] Air
Enf. Coordinator Abigail Lindsey
Violation Number 2
Rule Cite(s)

Docket No. 2017-0761-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Description
30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O3586, General Terms and Conditions
Failed to report all instances of deviations. Specifically, the deviation report for the January 9, 2016 through July 8, 2016 reporting period did not include 56 deviations for open-ended lines, and the deviation report for the July 9, 2016 through January 8, 2017 reporting period did not include 110 deviations for open-ended lines and three deviations for exceeding the MER for NOx, CO, and VOC for the Flare, EPN 1SK25.001.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|---------|--------|-----------|-----------|---------|
| | | Major | Moderate | Minor | |
| | | Actual | Potential | Potential | |
| | | | | | 0.0% |

>> Programmatic Matrix

| Matrix Notes | Falsification | | | | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | x | | |
| | | | | | 7.0% |

More than than 30% but less than 70% of the rule requirement was not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2 284 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$3,500

Two single events are events are recommended (one for each deviation report).

Good Faith Efforts to Comply

10.0%

Reduction \$350

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | x |
| N/A | | |

Notes The Respondent completed corrections on June 19, 2017, after the NOE dated May 10, 2017.

Violation Subtotal \$3,150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$5,950

This violation Final Assessed Penalty (adjusted for limits) \$5,950

Economic Benefit Worksheet

Respondent Lone Star NGL Fractionators LLC
Case ID No. 54508
Reg. Ent. Reference No. RN106018260
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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 | \$1,500 | 7-Aug-2016 | 7-Jun-2017 | 0.83 | \$62 | n/a | \$62 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 7-Aug-2016 | 19-Jun-2017 | 0.87 | \$22 | n/a | \$22 |

Notes for DELAYED costs

The estimated costs to submit revised deviation reports for the January 9, 2016 through July 8 2016, reporting period to include deviations for 56 open-ended lines and the July 9, 2016 through January 8, 2017 reporting period to include deviations for 110 open-ended lines and for exceeding the MER for NOx, CO, and VOC for the Flare, EPN 1SK25.001, and to modify procedures to ensure all instances of deviations are reported and deviation reports are submitted in a timely manner. The Date Required is the date the first deviation report was due and the Final Dates are the dates 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

\$2,000

TOTAL

\$84



Compliance History Report

Compliance History Report for CN604309419, RN106018260, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

| | | | |
|---|--|-------------------------------------|---------------------|
| Customer, Respondent, or Owner/Operator: | CN604309419, Lone Star NGL Fractionators LLC | Classification: SATISFACTORY | Rating: 3.22 |
| Regulated Entity: | RN106018260, LDH ENERGY MONT BELVIEU FRACTIONER PROJECT | Classification: SATISFACTORY | Rating: 3.22 |
| Complexity Points: | 17 | Repeat Violator: | NO |
| CH Group: | 03 - Oil and Gas Extraction | | |
| Location: | 9850 FARM-TO-MARKET ROAD 1942, BAYTOWN, TEXAS, CHAMBERS COUNTY | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 93813

AIR NEW SOURCE PERMITS PERMIT 110274

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX5

AIR NEW SOURCE PERMITS REGISTRATION 142529

STORMWATER PERMIT TXR15SN70

STORMWATER PERMIT TXR150016494

AIR OPERATING PERMITS PERMIT 3586

TAX RELIEF ID NUMBER 18761

AIR NEW SOURCE PERMITS EPA PERMIT N182

AIR NEW SOURCE PERMITS REGISTRATION 140029

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX34

AIR NEW SOURCE PERMITS AFS NUM 4807100132

STORMWATER PERMIT TXR15TK88

STORMWATER PERMIT TXR150017808

AIR EMISSIONS INVENTORY ACCOUNT NUMBER CIA019S

| | | | | | |
|--|---------------------------------------|---------------------|------|---------------------|------------|
| Compliance History Period: | September 01, 2011 to August 31, 2016 | Rating Year: | 2016 | Rating Date: | 09/01/2016 |
| Date Compliance History Report Prepared: | May 18, 2017 | | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | | |
| Component Period Selected: | May 18, 2012 to May 18, 2017 | | | | |

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

Name: TCEQ Staff Member

Phone: (512) 239-1000

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? YES
- 3) Who is the current owner/operator? Lone Star NGL Mont Belvieu LP OWNER OPERATOR since 1/1/1800
Lone Star NGL Fractionators LLC OWNER OPERATOR since 5/6/2013
S & B Engineers And Constructors, Ltd. OPERATOR since 7/28/2014
- 4) Who was/were the prior owner(s)/operator(s)? Lone Star NGL Mont Belvieu L.P., OWNER OPERATOR, 10/19/2010 to 5/5/2013

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

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

- 1 Effective Date: 05/23/2015 ADMINORDER 2014-1519-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: MER PERMIT
ST&C 11(B) OP
ST&C 8 OP
Description: Failed to comply with maximum allowable hourly emissions rates.

2 Effective Date: 12/09/2016 ADMINORDER 2016-0773-AIR-E (1660 Order-Agreed Order With Denial)
 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 & Conditions OP
 Description: Failure to report all deviations (CATEGORY B3 VIOLATION).
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms & Conditions OP
 Description: Failure to submit the deviation report, dated August 10, 2015, within the required timeframe (CATEGORY B3 VIOLATION).
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms & Conditions OP
 Description: Failure to submit a Permit Compliance Certification (CATEGORY A.12.i.7 VIOLATION).
 Classification: Moderate
 Citation: 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: Special Term & Condition 10 OP
 Description: Failure to comply with existing carbon monoxide (CO) emissions limits (CATEGORY A.12.i.6 VIOLATION).

3 Effective Date: 01/20/2017 ADMINORDER 2015-1485-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Major
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)
 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a revision application for a Federal Operating Permit to include all applicable requirements for each emissions unit.
 Classification: Major
 Citation: 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: Special Terms & Condition 11B OP
 Standar Permit PERMIT
 Description: Failure to operate in accordance with Standard Permit representations. (Category A2c Violation)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(8)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Terms & Condition 11B OP
 Description: Failure to provide records upon request.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | |
|--------|-------------------|-----------|
| Item 1 | June 12, 2015 | (1255135) |
| Item 2 | January 29, 2016 | (1295334) |
| Item 3 | October 18, 2016 | (1343760) |
| Item 4 | February 24, 2017 | (1389277) |

Compliance History Report for CN604309419, RN106018260, Rating Year 2016 which includes Compliance History (CH) components from May 18, 2012, through May 18, 2017.

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: | 09/15/2016 | (1322339) | | |
| | 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 minimize the unauthorized emissions during a shutdown of the Frac III Unit. [Category B13] | | | |
| 2 | Date: | 10/18/2016 | (1341989) | | |
| | 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 during an emissions event. [Category B-13] | | | |
| 3 | Date: | 04/18/2017 | (1382496) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 116, SubChapter F 116.615(2) 5C THSC Chapter 382 382.085(b) | | | |
| | Description: | Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B14) | | | |
| 4 | Date: | 05/10/2017 | (1358919) | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP | | | |
| | Description: | Failure to perform manual sampling of flare waste gas in a timely manner when the flare analyzer was inoperable (CATEGORY C1 VIOLATION). | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP | | | |
| | Description: | Failure to operate the flare without visible emissions (CATEGORY C4 VIOLATION). | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP | | | |
| | Description: | Failure to operate the facility without open-ended lines (CATEGORY C10 VIOLATION). | | | |
| | Self Report? | NO | | Classification: | Minor |
| | 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) Special Term & Condition 7A OP | | | |
| | Description: | Failure to operate the FRAC I and FRAC II heaters within the required pounds per hour limit for NOx and CO (CATEGORY C4 VIOLATION). | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 115, SubChapter H 115.725(d)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP | | | |
| | Description: | Failure to maintain a continuously operating flare flow meter (CATEGORY C1 VIOLATION). | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 7A OP | | | |
| | Description: | Failure to operate the thermal oxidizer (TO) at or above the minimum required temperature (CATEGORY C3 VIOLATION). | | | |

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
LONE STAR NGL
FRACTIONATORS LLC
RN106018260**

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

AGREED ORDER DOCKET NO. 2017-0761-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 Lone Star NGL Fractionators 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 together stipulate that:

1. The Respondent owns and operates a natural gas processing plant located at 9850 Farm-to-Market Road 1942 in Baytown, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$158,950 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$63,580 of the penalty and \$31,790 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$63,580 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On May 31, 2017, obtained an amendment for Standard Permit Registration No. 93813 to increase the nitrogen oxides ("NOx"), carbon monoxide ("CO"), and volatile organic compounds ("VOC") maximum emissions rates ("MERs") for the Flare, Emission Point Number ("EPN") 1SK25.001;
 - b. On June 7, 2017, modified procedures to ensure all instances of deviations are reported and deviation reports are submitted in a timely manner; and
 - c. On June 19, 2017, submitted revised deviation reports for the January 9, 2016 through July 8, 2016 reporting period to include deviations for 56 open-ended lines and the July 9, 2016 through January 8, 2017 reporting period to include deviations for 110 open-ended lines and for exceeding the MERs for NOx, CO, and VOC for the Flare, EPN 1SK25.001.

II. ALLEGATIONS

During a record review conducted from April 5, 2017 through April 6, 2017, an investigator documented that the Respondent:

1. Failed to comply with the MER for the Flare, EPN 1SK25.001, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3586, Special Terms and

Conditions No. 11.B, and Standard Permit Registration No. 93813. Specifically, from January 9, 2016 through January 8, 2017, the Respondent exceeded the NO_x MER of 4.50 pounds per hour ("lbs/hr") by an average of 3.04 lbs/hr for 1,033 hours, the CO MER of 20.22 tons per year ("tpy") by 28.31 tons and 8.98 lbs/hr by an average of 9.44 lbs/hr for 4,849 hours, and the VOC MER of 4.91 tpy by 6.73 tons and 3.06 lbs/hr by an average of 6.80 lbs/hr for 1,969 hours, resulting in the unauthorized release of approximately 3,140.32 lbs of NO_x, 45,774.56 lbs of CO, and 13,389.2 lbs of VOC.

2. Failed to report all instances of deviations, 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. O3586, General Terms and Conditions. Specifically, the deviation report for the January 9, 2016 through July 8, 2016 reporting period did not include 56 deviations for open-ended lines, and the deviation report for the July 9, 2016 through January 8, 2017 reporting period did not include 110 deviations for open-ended lines and three deviations for exceeding the MER for NO_x, CO, and VOC for the Flare, EPN 1SK25.001.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lone Star NGL Fractionators LLC, Docket No. 2017-0761-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$63,580 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. 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

Im for Ramiro Garcia, Jr.

For the Executive Director

Date

3-29-18

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

Greg McIlwain

Signature

9/1/17

Date

GREG McILWAIN

Name (Printed or typed)

Authorized Representative of

Lone Star NGL Fractionators LLC

VP-OPERATIONS

Title

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2017-0761-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|---|
| Respondent: | Lone Star NGL Fractionators LLC |
| Payable Penalty Amount: | \$127,160 |
| SEP Offset Amount: | \$63,580 |
| Type of SEP: | Contribution to a Third-Party Pre-Approved SEP |
| Third-Party Administrator: | Barbers Hill Independent School District |
| Project Name: | <i>Energy Efficiency Building Upgrade/Retrofit Project</i> |
| Location of SEP: | Chambers County |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above and the contribution will be for the *Energy Efficiency Building Upgrade/Retrofit 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 pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. Additionally, the Third-Party Administrator shall use the SEP Offset Amount to pay its contractor to monitor, calibrate, and repair existing meters and to complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. 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 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 the Respondent has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall decline of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will lessen fuel and electricity usage for heating, cooling, and day-to-day operations. These actions will curtail emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also help in a lowering of peak loads on the State electric power grid.

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 **Barbers 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

The Respondent shall also 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 this correspondence to:

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

4. Failure to Fully Perform

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

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

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.