Executive Summary – Enforcement Matter – Case No. 56263
Lone Star NGL Fractionators LLC
RN106018260
Docket No. 2018-0809-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
LDH Energy Mont Belvieu Fractionator Project, located at 9850 Farm-to-Market 1942 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: None
Texas Register Publication Date: January 4, 2019
Comments Received: No

Penalty Information

Total Penalty Assessed: $144,637
Amount Deferred for Expedited Settlement: $28,927
Total Paid to General Revenue: $57,855
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $57,855
Name of SEP: Anahuac Independent School District (Third-Party Pre-Approved)
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: September 4, 2017 through September 20, 2017
Date(s) of NOE(s): December 1, 2017

Executive Summary – Enforcement Matter – Case No. 56263
Lone Star NGL Fractionators LLC
RN106018260
Docket No. 2018-0809-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rates ("MAERs") during a stack test. Specifically, during a stack test conducted on May 23, 2016, the Respondent exceeded the permitted nitrogen oxides ("NOx") hourly MAER of 1.18 pounds per hour ("lbs/hr") by 0.19 lb/hr and the permitted volatile organic compounds ("VOC") hourly MAER of 0.25 lb/hr by 0.36 lb/hr at the Hot Oil Heater, Emission Point Number ("EPN") 3HR15.001, resulting in the unauthorized release of 2,599.2 lbs of NOx and 4,924.8 lbs of VOC [30 TEX. ADMIN. CODE § 116.115 (b)(2)(F) and (c), New Source Review ("NSR") Permit Nos. 110274 and N182, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER during a stack. Specifically, during a stack test conducted on May 24, 2016, the Respondent exceeded the permitted sulfur dioxide ("SO2") hourly MAER of 0.01 lb/hr by 0.11 lb/hr at the Thermal Oxidizer, EPN 3SK25.002, resulting in the unauthorized release of 1,502.16 lbs of SO2 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the MAERs during a stack test. Specifically, during a stack test conducted on May 25, 2016, the Respondent exceeded the permitted NOx hourly MAER of 0.29 lb/hr by 0.08 lb/hr and the permitted VOC hourly MAER of 0.06 lb/hr by 0.11 lb/hr at the Molecular Sieve Regenerator, EPN 3HR15.002, resulting in the unauthorized release of 1,090.56 lbs of NOx and 1,499.52 lbs of VOC [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 18, 2018, the Respondent obtained an amendment for NSR Permit Nos. 110274 and N182 to increase the permitted SO2 MAER for the Thermal Oxidizer, EPN 3SK25.002.

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.001; and

ii. Conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.002.

b. Within 45 days, submit written certification demonstrating compliance with a.

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Carol McGrath, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4063; 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, Senior Director - Operations, Lone Star NGL Fractionators LLC, 12353 Eagle Pointe Drive, Mont Belvieu, Texas 77535
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES **Assigned** 14-May-2018 **PCW** 4-Oct-2018 **Screening** 30-May-2018 **EPA Due** 30-May-2018

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.	56263	**No. of Violations**	3
Docket No.	2018-0809-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Carol McGrath
		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*** **$78,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **87.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$68,512**

Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and four 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*** **-$2,625**

Economic Benefit — ***Subtotal 6*** **$0**

Total EB Amounts $2,731
Estimated Cost of Compliance $21,000

0.0% Enhancement*
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$144,637**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$144,637**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$144,637**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$28,927**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$115,710**

Screening Date 30-May-2018 **Docket No.** 2018-0809-AIR-E **PCW**

Respondent Lone Star NGL Fractionators LLC

Policy Revision 4 (April 2014)

Case ID No. 56263

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106018260

Media [Statute] Air

Enf. Coordinator Carol McGrath

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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 87%

>> 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 same/similar violations, one NOV with dissimilar violations, and four orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 87%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 87%

Screening Date 30-May-2018 **Docket No.** 2018-0809-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Lone Star NGL Fractionators LLC

Case ID No. 56263

Reg. Ent. Reference No. RN106018260

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), New Source Review ("NSR") Permit Nos. 110274 and N182, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rates ("MAERs") during a stack test. Specifically, during a stack test conducted on May 23, 2016, the Respondent exceeded the permitted nitrogen oxides ("NOx") hourly MAER of 1.18 pounds per hour ("lbs/hr") by 0.19 lb/hr and the permitted volatile organic compounds ("VOC") hourly MAER of 0.25 lb/hr by 0.36 lb/hr at the Hot Oil Heater, Emission Point Number ("EPN") 3HR15.001, resulting in the unauthorized release of 2,599.2 lbs of NOx and 4,924.8 lbs of VOC.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

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 that did 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: 7 — 570 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $26,250

Seven quarterly events are recommended from the non-compliant stack test on May 23, 2016 to the recommended screening date on December 14, 2017.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $26,250

Economic Benefit (EB) for this violation

Estimated EB Amount $1,108

Statutory Limit Test

Violation Final Penalty Total $49,088

This violation Final Assessed Penalty (adjusted for limits) $49,088

Economic Benefit Worksheet

Respondent Lone Star NGL Fractionators LLC
Case ID No. 56263
Reg. Ent. Reference No. RN106018260
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
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)	$8,000	23-May-2016	28-Feb-2019	2.77	$1,108	n/a	$1,108
Notes for DELAYED costs	Estimated cost to conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.001. The Date Required is the first date of non-compliance 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 $8,000 **TOTAL** $1,108

Screening Date 30-May-2018 **Docket No.** 2018-0809-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Lone Star NGL Fractionators LLC

Case ID No. 56263

Reg. Ent. Reference No. RN106018260

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER during a stack test. Specifically, during a stack test conducted on May 24, 2016, the Respondent exceeded the permitted sulfur dioxide ("SO2") hourly MAER of 0.01 lb/hr by 0.11 lb/hr at the Thermal Oxidizer, EPN 3SK25.002, resulting in the unauthorized release of 1,502.16 lbs of SO2.

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 that did 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: 7 — 569 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $26,250

Seven quarterly events are recommended from the non-compliant stack test on May 24, 2016 to the recommended screening date on December 14, 2017.

Good Faith Efforts to Comply

10.0% Reduction $2,625

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

Notes: The Respondent achieved compliance on June 18, 2018, after the December 1, 2017 Notice of Enforcement ("NOE").

Violation Subtotal $23,625

Economic Benefit (EB) for this violation

Estimated EB Amount $517

Statutory Limit Test

Violation Final Penalty Total $46,463

This violation Final Assessed Penalty (adjusted for limits) $46,463

Economic Benefit Worksheet

Respondent Lone Star NGL Fractionators LLC
Case ID No. 56263
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				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs	$5,000	24-May-2016	18-Jun-2018	2.07	$517	n/a	$517
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to obtain an amendment for NSR Permit Nos. 110274 and N182 to increase the permitted SO2 hourly MAER for EPN 3SK25.002. 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: $517

Screening Date 30-May-2018 **Docket No.** 2018-0809-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Lone Star NGL Fractionators LLC

Case ID No. 56263

Reg. Ent. Reference No. RN106018260

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAERs during a stack test. Specifically, during a stack test conducted on May 25, 2016, the Respondent exceeded the permitted NOx hourly MAER of 0.29 lb/hr by 0.08 lb/hr and the permitted VOC hourly MAER of 0.06 lb/hr by 0.11 lb/hr at the Molecular Sieve Regenerator, EPN 3HR15.002, resulting in the unauthorized release of 1,090.56 lbs of NOx and 1,499.52 lbs of VOC.

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 that did 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 7 — 568 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $26,250

Seven quarterly events are recommended from the non-compliant stack test on May 25, 2016 to the recommended screening date on December 14, 2017.

Good Faith Efforts to Comply

0.0%

Reduction $0

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

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

Violation Subtotal $26,250

Economic Benefit (EB) for this violation

Estimated EB Amount $1,106

Statutory Limit Test

Violation Final Penalty Total $49,088

This violation Final Assessed Penalty (adjusted for limits) $49,088

Economic Benefit Worksheet

Respondent Lone Star NGL Fractionators LLC
Case ID No. 56263
Reg. Ent. Reference No. RN106018260
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
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)	$8,000	25-May-2016	28-Feb-2019	2.76	$1,106	n/a	$1,106
Notes for DELAYED costs	Estimated cost to conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.002. The Date Required is the first date of non-compliance 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	$8,000	TOTAL	$1,106

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN604309419, RN106018260, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN604309419, Lone Star NGL Fractionators LLC **Classification:** SATISFACTORY **Rating:** 17.37

Regulated Entity: RN106018260, LDH ENERGY MONT BELVIEU FRACTIONER PROJECT **Classification:** SATISFACTORY **Rating:** 21.84

Complexity Points: 18 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 9850 FM RD 1942 BAYTOWN, TX 77521-9573, 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
AIR OPERATING PERMITS ACCOUNT NUMBER CIA019S
TAX RELIEF ID NUMBER 18761
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000081347
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 OPERATING PERMITS PERMIT 3838
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CIA019S
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 96793

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: June 12, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 12, 2013 to June 12, 2018

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

Name: Shelby Orme **Phone:** (512) 239-1001

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.

4 Effective Date: 05/30/2018 ADMINORDER 2017-0761-AIR-E (1660 Order-Agreed Order With Denial)

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: Special Term & Condition 11B OP

Description: Failed to comply with the maximum emissions rates ("MER") for the Flare, Emission Point Number ("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 nitrogen oxides ("NOx") MER of 10.13 tons p

Classification: Minor

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, 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 159 deviations for open-ended lines, and the deviation report for the July 9, 2016 through January 8, 2017 reporting period did not include 159 deviations for open-ended lines and

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)
Item 5	July 13, 2017	(1409157)
Item 6	July 18, 2017	(1410740)
Item 7	April 04, 2018	(1479614)

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: 02/14/2018 (1447361)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter D 117.2035(e)(9)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the test report within a required timeframe for EPN 002-Thermo.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter H 117.9200(1)(B)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct an initial Relative Accuracy Test Audit (RATA) within the required timeframe (Category B1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter H 117.9200(1)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct the initial compliance performance tests within the required timeframe for EPNs 002-Thermo and 003-SCR (Category B1).

2 Date: 05/10/2018 (1467565)

Self Report? NO Classification: Moderate

Citation: NSR SC 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Lone Star failed to prevent emissions from the Plant Flare due to operator error (Category B13).

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. 2018-0809-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 $144,637 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $57,855 of the penalty and $28,927 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, $57,855 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 on June 18, 2018, the Respondent obtained an amendment for New Source Review ("NSR") Permit Nos. 110274 and N182 to increase the permitted sulfur dioxide ("SO2") hourly maximum allowable emissions rate ("MAER") for the Thermal Oxidizer, Emission Point Number ("EPN") 3SK25.002.

II. ALLEGATIONS

During a record review conducted from September 4, 2017 through September 20, 2017, an investigator documented that the Respondent:

1. Failed to comply with the MAERs during a stack test, in violation of 30 TEX. ADMIN. CODE § 116.115 (b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on May 23, 2016, the Respondent exceeded the permitted nitrogen oxides ("NOx") hourly MAER of 1.18 pounds per hour ("lbs/hr") by 0.19 lb/hr and the permitted volatile organic compounds ("VOC") hourly MAER of 0.25 lb/hr by 0.36 lb/hr at the Hot Oil Heater, EPN 3HR15.001, resulting in the unauthorized release of 2,599.2 lbs of NOx and 4,924.8 lbs of VOC.

2. Failed to comply with the MAER during a stack test, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on May 24, 2016, the Respondent exceeded the permitted SO2 hourly MAER of 0.01 lb/hr by

0.11 lb/hr at the Thermal Oxidizer, EPN 3SK25.002, resulting in the unauthorized release of 1,502.16 lbs of SO2.

3. Failed to comply with the MAERs during a stack test, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), NSR Permit Nos. 110274 and N182, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on May 25, 2016, the Respondent exceeded the permitted NOx hourly MAER of 0.29 lb/hr by 0.08 lb/hr and the permitted VOC hourly MAER of 0.06 lb/hr by 0.11 lb/hr at the Molecular Sieve Regenerator, EPN 3HR15.002, resulting in the unauthorized release of 1,090.56 lbs of NOx and 1,499.52 lbs of VOC.

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. 2018-0809-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 No. 4. The amount of $57,855 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. The Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Order:

      i. Conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.001; and

      ii. Conduct a stack test demonstrating compliance with the permitted NOx and VOC hourly MAERs for EPN 3HR15.002.

b. Within 45 days after the effective date of this Order, submit written certification, 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 signed by the Respondent and shall 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 Street, Suite H
> Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 — Date 6/5/19

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.

Signature — Date 11-01-2018

BRAD WIDENER — SR. DIRECTOR OPERATIONS

Name (Printed or typed)
Authorized Representative of
Lone Star NGL Fractionators LLC — Title

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

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

Attachment A

Docket Number: 2018-0809-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Lone Star NGL Fractionators LLC**
Payable Penalty Amount:	**$115,710**
SEP Offset Amount:	**$57,855**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Anahuac Independent School District**
Project Name:	***Clean School Bus Project***
Location of SEP:	**Texas Air Quality Control Region 216, Houston - Galveston**

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Anahuac Independent School District** for the *Clean School Bus 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 purchase a lower-emission school bus that is model year 2010 or newer ("Replacement Bus") to replace a bus that is model year 1995 ("Older Bus"), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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 to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Business Manager
P.O. Box 638
Anahuac, Texas 77514

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the 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.