

**Executive Summary – Enforcement Matter – Case No. 59515**  
**Enterprise Products Operating LLC**  
**RN102323268**  
**Docket No. 2020-0878-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

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

Enterprise Mont Belvieu Complex, 10207 Farm-to-Market Road 1942, Mont Belvieu, Chambers County

**Type of Operation:**

Liquid petroleum gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2019-1644-AIR-E, 2020-1161-AIR-E, and 2020-1542-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 15, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$25,000

**Total Paid to General Revenue:** \$12,500

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$12,500

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:** \$25,000

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** January 23, 2018 through April 4, 2018

**Date(s) of NOE(s):** June 23, 2020

**Executive Summary – Enforcement Matter – Case No. 59515**  
**Enterprise Products Operating LLC**  
**RN102323268**  
**Docket No. 2020-0878-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 19930, PSDTX797M1, and PSDTX790, Special Conditions No. 1, Federal Operating Permit No. O1641, General Terms and Conditions and Special Terms and Conditions No. 19, TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 11, 2020, the Respondent permanently removed the associated tubing.

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2601; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Anahuac Independent School District, P.O. Box 638, Anahuac, Texas 77514

**Respondent:** Robert Moss, Senior Vice President, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	29-Jun-2020	<b>Screening</b>	1-Jul-2020	<b>EPA Due</b>	
	<b>PCW</b>	14-Jul-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Enterprise Products Operating LLC		
<b>Reg. Ent. Ref. No.</b>	RN102323268		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59515	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0878-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4

<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000
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## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$25,000
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Notes: Enhancement for four NOV's with the same or similar violations, seven NOV's with dissimilar violations, and four agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$1,510  
Estimated Cost of Compliance \$10,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$50,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$50,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$25,000
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$25,000
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Screening Date 1-Jul-2020

Docket No. 2020-0878-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59515

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102323268

Media Air

Enf. Coordinator Amanda Diaz

## Compliance History Worksheet

## &gt;&gt; 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	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
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) 110%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for four NOVs with the same or similar violations, seven NOVs with dissimilar violations, and four agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 110%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%



Screening Date 1-Jul-2020

Docket No. 2020-0878-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59515

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102323268

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 19930, PSDTX797M1, and PSDTX790, Special Conditions No. 1, Federal Operating Permit No. O1641, General Terms and Conditions and Special Terms and Conditions No. 19, Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,583 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 259635) that occurred on June 5, 2017 and lasted 49 minutes. The emissions event occurred due to a fatigue crack that led to the fracture of a half-inch tube at the fitting on the P-702 suction header, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondent completed the corrective actions by June 11, 2020 prior to the Notice of Enforcement dated June 23, 2020.

Violation Subtotal \$25,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,510

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC

**Case ID No.** 59515

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

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	5-Jun-2017	11-Jun-2020	3.02	\$1,510	n/a	\$1,510
<b>Notes for DELAYED costs</b> Estimated cost to permanently remove the associated tubing. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.							
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b> 							
<b>Approx. Cost of Compliance</b>					\$10,000		
					<b>TOTAL</b>	\$1,510	





# Compliance History Report

Compliance History Report for CN603211277, RN102323268, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603211277, Enterprise Products Operating LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.62
<b>Regulated Entity:</b>	RN102323268, ENTERPRISE MONT BELVIEU COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	13.56
<b>Complexity Points:</b>	36	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	03 - Oil and Gas Extraction				
<b>Location:</b>	10207 FM 1942, Mont Belvieu, CHAMBERS COUNTY, TX				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXT490013455

**AIR OPERATING PERMITS** ACCOUNT NUMBER CI0008R

**AIR OPERATING PERMITS** PERMIT 3557

**AIR OPERATING PERMITS** PERMIT 4004

**AIR OPERATING PERMITS** PERMIT 4187

**WASTEWATER** PERMIT WQ0002940000

**WASTEWATER** EPA ID TX0134465

**AIR NEW SOURCE PERMITS** AFS NUM 4807100007

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER CI0008R

**AIR NEW SOURCE PERMITS** PERMIT 22105

**AIR NEW SOURCE PERMITS** PERMIT 22113

**AIR NEW SOURCE PERMITS** PERMIT 6798

**AIR NEW SOURCE PERMITS** PERMIT 21945

**AIR NEW SOURCE PERMITS** PERMIT 19930

**AIR NEW SOURCE PERMITS** REGISTRATION 5581A

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790M1

**AIR NEW SOURCE PERMITS** REGISTRATION 85477

**AIR NEW SOURCE PERMITS** REGISTRATION 85755

**AIR NEW SOURCE PERMITS** REGISTRATION 94065

**AIR NEW SOURCE PERMITS** REGISTRATION 94133

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1286

**AIR NEW SOURCE PERMITS** EPA PERMIT N154

**AIR NEW SOURCE PERMITS** PERMIT 100091

**AIR NEW SOURCE PERMITS** REGISTRATION 103498

**AIR NEW SOURCE PERMITS** REGISTRATION 106767

**AIR NEW SOURCE PERMITS** PERMIT 107523

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX33

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX823

**AIR NEW SOURCE PERMITS** REGISTRATION 140705

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX6

**AIR NEW SOURCE PERMITS** REGISTRATION 115619

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1336

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX824

**AIR NEW SOURCE PERMITS** REGISTRATION 124545

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX789M1

**AIR NEW SOURCE PERMITS** REGISTRATION 150628

**AIR NEW SOURCE PERMITS** REGISTRATION 141606

**AIR NEW SOURCE PERMITS** REGISTRATION 150604

**AIR NEW SOURCE PERMITS** PERMIT 144873

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 31038

**AIR OPERATING PERMITS** PERMIT 1641

**AIR OPERATING PERMITS** PERMIT 4035

**AIR OPERATING PERMITS** PERMIT 27613

**POLLUTION PREVENTION PLANNING** ID NUMBER P00218

**WASTEWATER** EPA ID TX0102326

**WASTEWATER** PERMIT WQ0005014000

**AIR NEW SOURCE PERMITS** PERMIT 20698

**AIR NEW SOURCE PERMITS** PERMIT 76070

**AIR NEW SOURCE PERMITS** PERMIT 5581

**AIR NEW SOURCE PERMITS** PERMIT 8418

**AIR NEW SOURCE PERMITS** PERMIT 8707

**AIR NEW SOURCE PERMITS** REGISTRATION 71649

**AIR NEW SOURCE PERMITS** REGISTRATION 72757

**AIR NEW SOURCE PERMITS** PERMIT 22114

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1057

**AIR NEW SOURCE PERMITS** REGISTRATION 87477

**AIR NEW SOURCE PERMITS** REGISTRATION 93268

**AIR NEW SOURCE PERMITS** REGISTRATION 94067

**AIR NEW SOURCE PERMITS** REGISTRATION 95777

**AIR NEW SOURCE PERMITS** REGISTRATION 101478

**AIR NEW SOURCE PERMITS** REGISTRATION 101481

**AIR NEW SOURCE PERMITS** REGISTRATION 103076

**AIR NEW SOURCE PERMITS** REGISTRATION 110727

**AIR NEW SOURCE PERMITS** REGISTRATION 115013

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX797M1

**AIR NEW SOURCE PERMITS** REGISTRATION 105671

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655M1

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX813

**AIR NEW SOURCE PERMITS** REGISTRATION 111147

**AIR NEW SOURCE PERMITS** REGISTRATION 106844

**AIR NEW SOURCE PERMITS** REGISTRATION 108247

**AIR NEW SOURCE PERMITS** REGISTRATION 122457

**AIR NEW SOURCE PERMITS** EPA PERMIT N174

**AIR NEW SOURCE PERMITS** REGISTRATION 154993

**AIR NEW SOURCE PERMITS** REGISTRATION 152723

**AIR NEW SOURCE PERMITS** REGISTRATION 147993

**AIR NEW SOURCE PERMITS** PERMIT AMOC37

**AIR NEW SOURCE PERMITS** PERMIT 156320



AIR NEW SOURCE PERMITS EPA PERMIT N276  
AIR NEW SOURCE PERMITS EPA PERMIT N174M1  
AIR NEW SOURCE PERMITS REGISTRATION 155894  
AIR NEW SOURCE PERMITS REGISTRATION 154190  
AIR NEW SOURCE PERMITS REGISTRATION 158401  
AIR NEW SOURCE PERMITS REGISTRATION 156560  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1558  
AIR NEW SOURCE PERMITS REGISTRATION 158421  
AIR NEW SOURCE PERMITS EPA PERMIT N272  
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX193  
STORMWATER PERMIT TXR05AV96  
STORMWATER PERMIT TXR15605N  
TAX RELIEF ID NUMBER 16722  
TAX RELIEF ID NUMBER 16724  
TAX RELIEF ID NUMBER 16720  
TAX RELIEF ID NUMBER 16198

AIR NEW SOURCE PERMITS REGISTRATION 152344  
AIR NEW SOURCE PERMITS REGISTRATION 153349  
AIR NEW SOURCE PERMITS REGISTRATION 154473  
AIR NEW SOURCE PERMITS REGISTRATION 159045  
AIR NEW SOURCE PERMITS REGISTRATION 158252  
AIR NEW SOURCE PERMITS REGISTRATION 156186  
AIR NEW SOURCE PERMITS REGISTRATION 154580  
AIR NEW SOURCE PERMITS PERMIT 158254  
AIR NEW SOURCE PERMITS REGISTRATION 160377  
AIR NEW SOURCE PERMITS REGISTRATION 160647  
STORMWATER PERMIT TXR05CE50  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CI0008R  
TAX RELIEF ID NUMBER 16725  
TAX RELIEF ID NUMBER 16684  
TAX RELIEF ID NUMBER 16721

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** July 01, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 01, 2015 to July 01, 2020

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

**Name:** Amanda Díaz

**Phone:** (512) 239-2601

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 12/17/2015 ADMINORDER 2014-0371-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.1  
Rqmt Prov: Effluent Reporting Requirements PERMIT  
Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- 2 Effective Date: 02/11/2016 ADMINORDER 2011-1356-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP, Special Terms and Condition 1A OP  
FOP, Special Terms and Condition 9 OP  
NSR, Special Condition 10 E PERMIT  
NSR, Special Condition 2 E PERMIT  
NSR, Special Condition 3 E PERMIT  
NSR, Special Condition 5 E PERMIT  
NSR, Special Condition 7 E PERMIT

*Compliance History Report for CN603211277, RN102323268, Rating Year 2019 which includes Compliance History (CH) components from July 01, 2015, through July 01, 2020.*



NSR, Special Condition 8 E PERMIT

NSR, Special Condition 9 E PERMIT

Description: Failure to identify and monitor all connectors in VOC and HRVOC service at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

FOP, Special Terms and Condition 9 OP

NSR Flexible Permit, Special Condition 1 PERMIT

Description: Failure to comply with the annual allowable emissions cap at Plant 1 based on a rolling 12-month period for the flares (EPNs FL-1, FL-2, FL-3, and FL-45).

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(10)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, General Terms and Conditions OP

Description: Failure to limit the hours of operation for the fire water pump (EPN FWP2) to 100 hours per year on a rolling 12-month basis at Plant 1.

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: FOP, General Terms and Conditions OP

Description: Failure to include all deviations in the deviation report for Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter H 115.781(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

FOP, Special Terms and Condition 9 OP

NSR, Special Condition 10G PERMIT

NSR, Special Condition 2G PERMIT

NSR, Special Condition 3G PERMIT

NSR, Special Condition 5G PERMIT

NSR, Special Condition 7G PERMIT

NSR, Special Condition 8G PERMIT

NSR, Special Condition 9G PERMIT

Description: Failure to identify and monitor pumps in VOC and HRVOC service and to identify and monitor all compressor seals in gas service and in gas HRVOC service at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)  
30 TAC Chapter 115, SubChapter H 115.781(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

FOP, Special Terms and Condition 9 OP

NSR, Special Condition 10G PERMIT

NSR, Special Condition 2G PERMIT

NSR, Special Condition 3G PERMIT

NSR, Special Condition 5G PERMIT

NSR, Special Condition 7G PERMIT

NSR, Special Condition 8G PERMIT

NSR, Special Condition 9G PERMIT

Description: Failure to monitor compressor seals in VOC and HRVOC service.

Category A12.i(15)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(2)(D)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP  
FOP, Special Terms and Condition 9 OP  
NSR, Special Condition 10 F PERMIT  
NSR, Special Condition 2F PERMIT  
NSR, Special Condition 3F PERMIT  
NSR, Special Condition 5F PERMIT  
NSR, Special Condition 7F PERMIT  
NSR, Special Condition 8F PERMIT  
NSR, Special Condition 9F PERMIT

Description: Failure to identify and monitor valves and pressure relief valves in VOC and HRVOC service at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

Description: Failure to identify the components of each process unit in highly-reactive volatile organic compound (HRVOC) service. Category B3 violation

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

Description: Failure to include the number of components added at Plant 1 under 40 CFR Part 60, Subpart VV in the semi-annual reports dated January 14, 2009, July 10, 2009, January 5, 2010, and July 15, 2010 respectively.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.788(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, Special Terms and Condition 1A OP

Description: Failure to submit a corrective action plan with the 2007 and 2008 Third Party HRVOC audit reports for Plant 1.

Classification: Moderate

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

Rqmt Prov: MAERT PERMIT

Special Term & Condition 10 OP

Description: Failed to prevent unauthorized emissions at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term & Condition 2 OP

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of the discovery at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT



Special Terms and Conditions No. 10 OP

Description: Failure to prevent unauthorized emissions at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions No. 2 OP

Description: Enterprise failed to submit the initial notification for a reportable emissions event within 24 hours of discovery at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC-1 PERMIT

Special Terms and Conditions No. 10 OP

Description: Failed to prevent unauthorized emissions at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC-1 PERMIT

Special Terms and Conditions No. 10 OP

Description: Failed to prevent unauthorized emissions at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Special Terms and Conditions No. 10 OP

Description: Failure to prevent unauthorized emissions at Plant 1.

Classification: Moderate

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

Description: Failed to submit an initial notification for Incident Nos. 161293 and 161297 within 24 hours of discovery of the emissions event at Plant 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failed to prevent unauthorized emissions.

3

Effective Date: 06/20/2018 ADMINORDER 2016-1003-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: Special Condition 11 PERMIT

Special Condition 24 PERMIT

Special Term & Condition 19 OP

Description: Failure to monitor the total sulfur content of Merox Off Gas (MOG) fuel to the Heat Recovery Unit (HRU) burners (Category B1 violation).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Term & Condition 19 OP

Special Term & Condition 1A OP

Description: Failure to prevent unauthorized carbon monoxide (CO) emissions from the 400 DIB Duct Burners (Category A8 General Condition 3 Violation).

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 19B PERMIT

Special Term & Condition 19 OP

Description: Failure to maintain the liquid flow to the scrubber (Category A.12.i.6 Violation).

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 18 PERMIT

Special Term & Condition 19 OP

Description: Failure to prevent 900 DIB Heat Recovery Unit (HRU) from exceeding the authorized firing rate (Category B13 Violation).

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 & Conditions OP

Description: Failure to report all deviations in the previous five deviation reports (Category B3 Violation).

4 Effective Date: 03/05/2020 ADMINORDER 2018-1669-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

Classification: Major

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP

NSR Permi No. 6798 PERMIT

STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

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

Item 1	July 09, 2015	(1228105)
Item 2	July 24, 2015	(1252013)
Item 3	August 03, 2015	(1266019)
Item 4	September 02, 2015	(1267341)
Item 5	September 28, 2015	(1275610)
Item 6	September 29, 2015	(1275928)
Item 7	November 06, 2015	(1276018)



Item 8	November 17, 2015	(1303374)
Item 9	November 20, 2015	(1282614)
Item 10	November 23, 2015	(1288934)
Item 11	December 10, 2015	(1310359)
Item 12	December 17, 2015	(1296044)
Item 13	December 29, 2015	(1287327)
Item 14	December 30, 2015	(1300885)
Item 15	January 22, 2016	(1306387)
Item 16	January 28, 2016	(1286895)
Item 17	February 23, 2016	(1312687)
Item 18	March 07, 2016	(1314894)
Item 19	March 15, 2016	(1300918)
Item 20	April 15, 2016	(1324823)
Item 21	April 19, 2016	(1340380)
Item 22	June 20, 2016	(1353609)
Item 23	July 07, 2016	(1312552)
Item 24	July 19, 2016	(1398611)
Item 25	August 23, 2016	(1286569)
Item 26	September 07, 2016	(1349377)
Item 27	September 14, 2016	(1299804)
Item 28	September 15, 2016	(1344896)
Item 29	September 20, 2016	(1345103)
Item 30	November 08, 2016	(1362927)
Item 31	February 17, 2017	(1406374)
Item 32	March 20, 2017	(1413490)
Item 33	March 28, 2017	(1395903)
Item 34	April 20, 2017	(1419933)
Item 35	May 18, 2017	(1427578)
Item 36	May 31, 2017	(1329205)
Item 37	June 13, 2017	(1329208)
Item 38	July 19, 2017	(1442149)
Item 39	August 18, 2017	(1445812)
Item 40	September 20, 2017	(1463722)
Item 41	October 20, 2017	(1458279)
Item 42	November 13, 2017	(1437315)
Item 43	November 17, 2017	(1463723)
Item 44	December 15, 2017	(1469304)
Item 45	January 19, 2018	(1476879)
Item 46	February 20, 2018	(1489008)
Item 47	April 17, 2018	(1495974)
Item 48	May 18, 2018	(1502939)
Item 49	May 31, 2018	(1395607)
Item 50	June 13, 2018	(1447385)
Item 51	June 20, 2018	(1510032)
Item 52	July 13, 2018	(1496750)
Item 53	July 16, 2018	(1496749)
Item 54	August 16, 2018	(1506962)
Item 55	August 19, 2018	(1521531)
Item 56	September 07, 2018	(1507245)
Item 57	October 17, 2018	(1517554)
Item 58	November 19, 2018	(1511312)
Item 59	December 19, 2018	(1546640)
Item 60	January 31, 2019	(1527109)
Item 61	February 22, 2019	(1513422)
Item 62	March 19, 2019	(1566631)
Item 63	April 23, 2019	(1554746)
Item 64	June 05, 2019	(1556633)
Item 65	July 17, 2019	(1569191)
Item 66	August 19, 2019	(1601770)
Item 67	September 09, 2019	(1579412)

Item 68	September 17, 2019	(1608670)
Item 69	October 16, 2019	(1615549)
Item 70	October 28, 2019	(1597006)
Item 71	November 18, 2019	(1604906)
Item 72	December 18, 2019	(1628687)
Item 73	January 16, 2020	(1622480)
Item 74	February 12, 2020	(1512794)
Item 75	February 14, 2020	(1626053)
Item 76	February 18, 2020	(1618502)
Item 77	February 19, 2020	(1642924)
Item 78	March 17, 2020	(1648597)
Item 79	March 20, 2020	(1649430)
Item 80	April 15, 2020	(1631913)
Item 81	April 16, 2020	(1654950)
Item 82	April 20, 2020	(1655795)
Item 83	April 28, 2020	(1645429)
Item 84	May 05, 2020	(1632182)
Item 85	June 23, 2020	(1632214)

#### 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:	07/31/2019	(1600920)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	08/28/2019	(1580360)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 10(C) PERMIT Special Condition 5 PERMIT Special Term & Condition 19 OP			
	Description:	Failure to maintain weekly total dissolved solids (TDS) records for the Propane/Propylene (P/P) Splitter II Cooling Tower.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 13(C) PERMIT Special Condition 16(H) PERMIT Special Term & Condition 19 OP			
	Description:	Failure to maintain weekly total dissolved solids (TDS) records for the Splitter IV Cooling Tower.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 10(C) PERMIT Special Condition 7 PERMIT Special Term & Condition 19 OP			
	Description:	Failure to maintain weekly total dissolved solids (TDS) records for the Depropanizer (DeC3) Cooling Tower.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Condition 7 PERMIT Special Condition 9 PERMIT Special Term & Condition 19 OP			
	Description:	Failure to maintain daily conductivity monitoring records for Cooling Tower Emission Point Number (EPN) C01.			
	Self Report?	NO		Classification:	Moderate



Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 4(A) PERMIT Special Term & Condition 19 OP Special Term & Condition 1A OP		
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the South Plant (Main) Flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 4(A) PERMIT Special Term & Condition 19 OP Special Term & Condition 1A OP		
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the North Plant Flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.620(a)(12) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Term & Condition 19 OP Special Term & Condition 1A OP		
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the Fractionation Unit Flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15 PERMIT Special Term & Condition 19 OP		
Description:	Failure to maintain a maximum firing rate of 84.5 million British thermal units per hour (MMBtu/hr) from the 900 Deisobutanizer (DIB) Heat Recovery Unit (HRU).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 21 PERMIT Special Condition 24(E) PERMIT Special Term & Condition 19 OP		
Description:	Failure to monitor daily total sulfur content of the Merox off-gas (MOG).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter F 116.615(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 17 OP		
Description:	Failure to prevent unauthorized emissions from the South Hot Oil Heater, Emission Point Number (EPN) SHOH.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter F 116.615(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 17 OP Special Term & Condition 22(B) OP		
Description:	Failure to prevent unauthorized oxide of nitrogen (NOx) emissions from the Fractionation IV Hot Oil Heater, Emission Point Number (EPN) HR15.001.		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 17 OP

Description: Failure to prevent unauthorized oxide of nitrogen (NOx) emissions from the Fractionation IV Regenerant Heater, Emission Point Number (EPN) HR15.002.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 19 OP

Description: Failure to prevent unauthorized emissions from the 1300 Deisobutanizer (DIB) turbines and duct burner, Emission Point Number (EPN) 27.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 19 OP

Description: Failure to prevent unauthorized emissions from the 600 Deisobutanizer (DIB) turbine and duct burner, Emission Point Number (EPN) 14.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT HH 63.769(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 10(E) PERMIT  
Special Condition 11(E) PERMIT  
Special Condition 2(E) PERMIT  
Special Condition 3(E) PERMIT  
Special Condition 6(E) PERMIT  
Special Condition 7(E) PERMIT  
Special Condition 8(E) PERMIT  
Special Condition 9(E) PERMIT  
Special Term & Condition 19 OP  
Special Term & Condition 1A OP

Description: Failure to prevent open-ended lines (OEL's) for components in Leak Detection and Repair (LDAR) service.

3 Date: 08/30/2019 (1533159)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 6.A PA  
FOP Special Term and Condition 7 OP

Description: Failure to prevent open ended lines (Category C10).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 1.A OP  
NSR Special Condition 7.A PA

Description: Failure to maintain net heating value for EPN: SK25.001 (Category C4)

4 Date: 08/31/2019 (1607835)

Self Report? YES Classification: Moderate



	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
5	Date:	09/30/2019 (1614701)		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
6	Date:	11/15/2019 (1604750)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOO 60.5400(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2) 5C THSC Chapter 382 382.085(b) Special Condition 3(D) PERMIT Special Condition 6(E) PERMIT Special Term & Condition 1A OP Special Term & Condition 6 OP		
	Description:	Failure to prevent an open-ended line (OEL) for a component in Leak Detection and Repair (LDAR) service.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 14 PERMIT Special Term & Condition 6 OP		
	Description:	Failure to maintain weekly Total Dissolved Solids (TDS) at or below 3,500 milligrams per liter (mg/l).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Condition 8 PERMIT Special Condition 1 PERMIT Special Term & Condition 6 OP		
	Description:	Failure to maintain oxides of nitrogen (NOx) emissions at or below 4.00 pounds per hour (lb/hr).		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 117, SubChapter B 117.345(d) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
	Description:	Failure to submit a complete and accurate 40 Code of Federal Regulations (CFR) 60 Subpart A Report.		
7	Date:	11/27/2019 (1605196)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 7(C) PERMIT Special Term & Condition 19 OP		
	Description:	Failure to conduct daily conductivity sampling for the Isobutane Cooling Tower, Emission Point Number (EPN) CT-1.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 9 PERMIT Special Term & Condition 19 OP		
	Description:	Failure to conduct daily conductivity sampling for the Splitter I Cooling Tower		

Self Report?	NO	Emission Point Number (EPN) C01.	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 4(A) PERMIT Special Term & Condition 19 OP Special Term & Condition 1A OP			
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the South Plant (Main) Flare, Emission point Number (EPN) FL-1.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term & Condition 19 OP			
Description:	Failure to prevent unauthorized emissions from the South Plant (Main) Flare, Emission point Number (EPN) FL-1.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 4(A) PERMIT Special Term & Condition 19 OP Special Term & Condition 1A OP			
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the North Storage Flare, Emission Point Number (EPN) FL-2.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.620(a)(12) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Term & Condition 19 OP Special Term & Condition 1A OP			
Description:	Failure to maintain flare net heating value above 300 British thermal units per standard cubic foot (Btu/scf) for the Fractionation Unit Flare, Emission Point Number (EPN) FL-4.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter F 116.620(a)(12) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 5C THSC Chapter 382 382.085(b) Special Term & Condition 19 OP Special Term & Condition 1A OP			
Description:	Failure to prevent visible emissions for more than 5 minutes from the Fractionation Unit Flare, Emission Point Number (EPN) FL-4.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP			
Description:	Failure to prevent Volatile Organic Compound (VOC) loading into tank trucks with expired leak test dates.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c)			



30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Term & Condition 19 OP  
 Description: Failure to prevent unauthorized emissions from the 1300 Deisobutanizer (DIB) turbines and duct burner, Emission Point Number (EPN) 27.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term & Condition 17 OP  
 Special Term & Condition 22(B) OP  
 Description: Failure to prevent unauthorized emissions from the Fractionation Unit V Regenerant Heater, Emission Point Number (EPN) HR16.002.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 10(E) PERMIT  
 Special Condition 11(E) PERMIT  
 Special Condition 2(E) PERMIT  
 Special Condition 3(E) PERMIT  
 Special Condition 6(E) PERMIT  
 Special Condition 7(E) PERMIT  
 Special Condition 8(E) PERMIT  
 Special Condition 9(E) PERMIT  
 Special Term & Condition 19 OP  
 Special Term & Condition 1A OP  
 Description: Failure to prevent open-ended lines (OEL's) for components in Leak Detection and Repair (LDAR) service.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12(C) PERMIT  
 Special Term & Condition 19 OP  
 Description: Failure to conduct daily conductivity sampling for the Seminole Cooling Tower, Emission Point Number (EPN) F8A.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term & Condition 17 OP  
 Special Term & Condition 19 OP  
 Description: Failure to prevent unauthorized emissions from the South Hot Oil Heater, Emission Point Number (EPN) SHOH.  
 Self Report? NO 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)  
 General Terms & Conditions OP  
 Description: Failure to report all deviations.

8 Date: 11/30/2019 (1627840)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

9 Date: 12/31/2019 (1636306)

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

10 Date: 12/31/2019 (1635467)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

11 Date: 01/31/2020 (1642084)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

#### F. Environmental audits:

Notice of Intent Date: 02/08/2018 (1472368)

Disclosure Date: 07/27/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section D.1.(c)

PERMIT Part III, Section D.5.

Description: Failed to record rain gauge date and rainfall total daily during storm events.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section D.2.(a)(1)

PERMIT Part III, Section D.5.

Description: Failed to conduct quarterly sampling monitoring for qualifying events.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section D.1.(a)

PERMIT Part III, Section D.5.

Description: Failed to record quarterly visual monitoring for qualifying events.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section B.2.

PERMIT Part III, Section D.5.

Description: Failed to record periodic routine facility inspections. These inspections are part of best management practices and must be conducted at least once per quarter.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part II, Section C.4.

Description: Failed to implement the SWP3 plan. The final plan must be signed by the Delegated Authorized Representative.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section A.4.(f)

Description: Failed to implement the SWP3 plan training program. Training must be conducted at least once per year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, C.1.(c)

PERMIT Part III, C.1.(e)

PERMIT Part III, Section C.1.(a)

PERMIT Part III, Section C.1.(b)

PERMIT Part III, Section D.5.

PERMIT Part III.C.1.(d)

Description: Failed to implement annual sampling/testing (metals) requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section B.5.



PERMIT Part III, Section D.5.

Description: Failed to conduct annual compliance evaluations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section B.1.a.

PERMIT Part III, Section B.1.b.

PERMIT Part III, Section B.1.c.

PERMIT Part III, Section B.1.d.

Description: Failed to certify non-allowable non-storm water discharges within 180 days of Notice of Intent.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section A.5.(3)

Description: Failed to assign a Delegated Authorized Representative under this permit. Specifically, the letter designating a signatory authority by an authorized representative was not maintained.

Viol. Classification: Moderate

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

Description: Failed to include the ORU (EPN HR15.615), RED (EPN HR15.616), and Hot Oil (EPN HR15.614) heaters in the 2017 and 2018 annual compliance report for the Mass Emission Cap and Trade Program.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7530(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(e)

Description: Failed to submit a Notice of Compliance Status to TCEQ for the ORU (EPN HR15.615), Hot Oil (EPN HR15.614), and RED (EPN HR15.616).

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.788(a)

Description: Failed to accurately report data in the third part HRVOC audit report submitted to TCEQ on November 16, 2017. Specifically, the report inadvertently included the 2016 HRVOC Comparative Monitoring Data.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)

Description: Failed to include Cooling Towers 107CT13.202 and CT2 in the quality assurance plan.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)

Description: Failed to include Cooling Tower 107CT13.202 in HON Cooling Tower Monitoring Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(2)

30 TAC Chapter 115, SubChapter H 115.764(b)(3)

30 TAC Chapter 115, SubChapter H 115.764(b)(4)

Description: Failed to maintain monitoring records of the Cooling Tower (107CT13.202) total strippable VOC and speciated strippable HRVOC concentrations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(5)

Description: Failed to collect additional samples at Cooling Tower 107CT13.202 in some instances.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 15.C.

Description: Failed to provide calibration records for the scrubber flow monitoring device to determine if calibration is accurate and occurring at the frequency required.

Viol. Classification: Moderate

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

Description: Instances were found for which daily visible emission observations were not conducted.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.636(c)

Description: Failed to include the CSP Unit components as part of the 40 CFR KKK semiannual report.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOO 60.5422(c)

Description: Failed to include the North Plant Distribution, North Storage Degasser, and North Plant Gas Treater Unit components as part of the 40 CFR 60 OOOO semiannual report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.150(c)(3)

Description: Failed to achieve the de minimis threshold for permit modifications to existing major sources of VOC by federally enforceable means. Specifically, the project netting relied on VOC reductions attributable to a Flare Gas Recovery project, but the emission reduction was met through other means, such as installation of rupture disks, that are not federally enforceable.

Notice of Intent Date: 11/12/2019 (1612845)

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-0878-AIR-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a liquid petroleum gas processing plant located at 10207 Farm-to-Market Road 1942 in Mont Belvieu, 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. During a record review conducted from January 23, 2018 through April 4, 2018, an investigator documented that the Respondent released 23,583 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 259635) that occurred on June 5, 2017 and lasted 49 minutes. The emissions event occurred due to a fatigue crack that led to the fracture of a half-inch tube at the fitting on the P-702 suction header, resulting in the release to the atmosphere. TCEQ staff determined that the emissions event was not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.



3. The Executive Director recognizes that by June 11, 2020, the Respondent permanently removed the associated tubing.

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 19930, PSDTX797M1, and PSDTX790, Special Conditions No. 1, Federal Operating Permit No. O1641, General Terms and Conditions and Special Terms and Conditions No. 19, TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$12,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 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.

## **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2020-0878-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, Conclusion of Law No. 4. The amount of \$12,500 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.
7. 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 in this Order.
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. 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.

10. 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.
11. 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



For the Executive Director

Date

05/24/2021

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.



Signature

12/1/2020

Date

ROBERT E. MOSS

Name (Printed or typed)

Authorized Representative of

Enterprise Products Operating LLC

SVP

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: 2020-0878-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$25,000</b>
<b>SEP Offset Amount:</b>	<b>\$12,500</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Anahuac Independent School District</b>
<b>Project Name:</b>	<b><i>Clean School Bus Project</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216, Houston - Galveston</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment 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 solely to settle this enforcement action. The Respondent shall not profit 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.