

Executive Summary – Enforcement Matter – Case No. 54311
ETC Texas Pipeline, Ltd.
RN106225436
Docket No. 2017-0562-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Jackson County Gas Plant, located at the intersection of Galow Road and Thellman Road near Ganago, Jackson 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: December 30, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$209,510

Amount Deferred for Expedited Settlement: \$41,902

Total Paid to General Revenue: \$167,608

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 13, 2016 through August 15, 2016 and July 26, 2016 through August 5, 2016

Date(s) of NOE(s): August 31, 2016

Executive Summary – Enforcement Matter – Case No. 54311
ETC Texas Pipeline, Ltd.
RN106225436
Docket No. 2017-0562-AIR-E

Violation Information

1. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the permit application for New Source Review ("NSR") Permit Nos. 98529 and PSDTX1264 that four thermal oxidizers were to be installed but four regenerative thermal oxidizers were installed instead; two 300-barrel produced water tanks and one 210-barrel tank each for amine, glycol, slop oil, waste oil, and lube oil were to be installed but two slop oil tanks, one waste coolant tank, one coolant tank, one waste lube oil tank, one glycol tank, one hot oil tank, one amine tank, eight Sulfaguard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks were installed instead; and benzene, toluene, ethylene, and xylene vapors were to be routed to thermal oxidizers but were instead routed to the Plant Flare, Emissions Point Number ("EPN") FS-800 [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

2. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the particulate matter ("PM") annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from July 2015 through February 2016; exceeded the nitrogen oxides ("NOx") annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 1 Thermal Oxidizer, EPN TO-1, resulting in the unauthorized release of 1.15 tons of PM and 2.09 tons of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. O3587, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, NSR Permit Nos. 98529 and PSDTX1264, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the MAERs. Specifically, the Respondent exceeded the formaldehyde ("CH₂O") annual MAER of 0.01 tpy based on a 12-month rolling period for the 12-month period ending on February 2016; exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from November 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 2 Thermal Oxidizer, EPN TO-2, resulting in the unauthorized release of 0.01 ton of CH₂O, 0.47 ton of PM, and 1.40 tons of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 54311
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4. Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 3 Thermal Oxidizer, EPN TO-3, resulting in the unauthorized release of 0.47 ton of PM and 1.13 tons of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 4 Thermal Oxidizer, EPN TO-4, resulting in the unauthorized release of 0.11 ton of PM and 2.50 tons of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to comply with the MAER. Specifically, during a stack test conducted on June 11, 2013, the Respondent exceeded the PM hourly MAER of 0.35 lb/hr by 2.65 lbs/hr for the Plant 2 Residue Compressor 3 (3616), EPN C-2121C, resulting in the unauthorized release of 4,006.80 pounds of PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to timely submit a stack test notification at least 60 days prior to the date testing was scheduled. Specifically, the stack tests for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B were conducted from May 4, 2015 to May 8, 2015 and the stack test notification was due by March 5, 2015, but the Respondent submitted the stack test notification on March 17, 2015 which was 48 days prior to the date testing was scheduled [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.1090, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 63.7(b)(1) and 63.6645(g), FOP No. O3587, GTC and STC Nos. 1.A and 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 4.B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264. Specifically, the stack tests for EPNs C-1121B, C-1121C, C-2121A, and C-2121B were conducted from June 10, 2013 to June 18, 2013 and the stack test notification was due by April 26, 2013, but the Respondent submitted the stack test notification on May 14, 2013 which was 27 days prior to the date testing was scheduled [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c),

Executive Summary – Enforcement Matter – Case No. 54311
ETC Texas Pipeline, Ltd.
RN106225436
Docket No. 2017-0562-AIR-E

and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264. Specifically, the stack tests for EPNs C-1121A and C-2121C were conducted from August 13, 2013 to August 14, 2013 and the stack test notification was due by June 29, 2013, but the Respondent submitted the stack test notification on July 17, 2013 which was 27 days prior to the date testing was scheduled [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to report all instances of deviations. Specifically, the deviation reports for the February 5, 2014 through August 4, 2014, August 5, 2014 through February 4, 2015, February 5, 2015 through August 4, 2015, and August 5, 2015 through February 4, 2016 reporting periods did not contain deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERs [30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), FOP No. O3587, GTC and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On August 13, 2013, tested the Plant 2 Residue Compressor 3 (3616), EPN C-2121C, demonstrating compliance with the PM hourly MAER;
- b. By April 14, 2014, implemented a record system to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1121A, C-1121B, C-1121C, C-2121A, C-2121B, and C-2121C;
- c. By April 9, 2015, installed the Plant 1 Thermal Oxidizer, EPN TO-1;
- d. By April 17, 2015, installed the Plant 2 Thermal Oxidizer, EPN TO-2;
- e. By May 5, 2015, installed the Plant 3 Thermal Oxidizer, EPN TO-3;
- f. By May 15, 2015, installed the Plant 4 Thermal Oxidizer, EPN TO-4;
- g. By September 2, 2015, implemented a record system to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B;

Executive Summary – Enforcement Matter – Case No. 54311
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Docket No. 2017-0562-AIR-E

h. On September 1, 2016, submitted a revised deviation report for the August 5, 2015 through February 4, 2016 reporting period to report the deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERs and trained employees in order to ensure that all instances of deviations are reported; and

i. On September 14, 2016, obtained Standard Permit Registration No. 141713 that that authorized the two slop oil tanks, one waste coolant tank, one amine tank, eight Sulfaguard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks; the routing of the benzene, toluene, ethylene, and xylene vapors to the Plant Flare; and the associated emissions.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 422-8921; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Chad Ingalls, Vice President of Operations, ETC Texas Pipeline, Ltd., 800 East Sonterra Boulevard, San Antonio, Texas 78258

Respondent's Attorney: Lisa Dyar, Partner, McGinnis Lochridge, 1111 West 6th, Building B, Suite 400, Austin, Texas 78703



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Sep-2016	Screening	16-Sep-2016	EPA Due	27-Feb-2017
	PCW	2-Dec-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	ETC Texas Pipeline, Ltd.	
Reg. Ent. Ref. No.	RN106225436	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	54311	No. of Violations	10
Docket No.	2017-0562-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$147,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **10.0%** Adjustment **Subtotals 2, 3, & 7** **\$14,725**

Notes	Enhancement for two NOVs with same/similar violations.
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Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$16,973**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$64,508**

Total EB Amounts	\$64,508	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$414,150	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$209,510**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount **\$209,510**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$209,510**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$41,902**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY **\$167,608**

Screening Date 16-Sep-2016**Docket No.** 2017-0562-AIR-E**PCW****Respondent** ETC Texas Pipeline, Ltd.**Case ID No.** 54311**Reg. Ent. Reference No.** RN106225436**Media [Statute]** Air**Enf. Coordinator** Amanda Diaz

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%**>> Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%**>> Compliance History Summary****Compliance History Notes**

Enhancement for two NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%**>> Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 10%

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description
 Failed to comply with the representations with regards to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the permit application for New Source Review ("NSR") Permit Nos. 98529 and PSDTX1264 that four thermal oxidizers were to be installed but four regenerative thermal oxidizers were installed instead; two 300-barrel produced water tanks and one 210-barrel tank each for amine, glycol, slop oil, waste oil, and lube oil were to be installed but two slop oil tanks, one waste coolant tank, one coolant tank, one waste lube oil tank, one glycol tank, one hot oil tank, one amine tank, eight Sulfaguard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks were installed instead; and benzene, toluene, ethylene, and xylene vapors were to be routed to thermal oxidizers but were instead routed to the Plant Flare, Emissions Point Number ("EPN") FS-800.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> 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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 15 1321 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$56,250

Fifteen quarterly events are recommended for the period of non-compliance from February 1, 2013 to September 14, 2016.

Good Faith Efforts to Comply

10.0%

Reduction \$5,625

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

Notes The Respondent completed the corrective measures on September 14, 2016, after the Notice of Enforcement ("NOE") dated August 31, 2016.

Violation Subtotal \$50,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64,155

Violation Final Penalty Total \$62,701

This violation Final Assessed Penalty (adjusted for limits) \$62,701

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$400,000	1-Feb-2013	15-May-2015	2.28	\$3,043	\$60,858	\$63,901
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	\$1,400	1-Feb-2013	14-Sep-2016	3.62	\$253	n/a	\$253
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to replace the regenerative thermal oxidizers with thermal oxidizers (\$400,000) and actual delayed cost to obtain Standard Permit Registration No. 141713 that authorized the two slop oil tanks, one waste coolant tank, one amine tank, eight Sulfaguard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks; the routing of the benzene, toluene, ethylene, and xylene vapors to the Plant Flare; and the associated emissions (\$1,400). The Dates Required are the initial dates of non-compliance and the Final Dates are the compliance dates.

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 \$401,400

TOTAL \$64,155

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. O3587, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, NSR Permit Nos. 98529 and PSDTX1264, 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"). Specifically, the Respondent exceeded the particulate matter ("PM") annual MAER of 0.43 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from July 2015 through February 2016; exceeded the nitrogen oxides ("NOx") annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in Table 1.1 for the Plant 1 Thermal Oxidizer, EPN TO-1, resulting in the unauthorized release of 1.15 tons of PM and 2.09 tons of NOx.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Five quarterly events are recommended for the period of non-compliance from July 1, 2015 through September 14, 2016.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	<input type="text"/>

Notes: The Respondent completed the corrective measures on September 14, 2016, after the NOE dated August 31, 2016.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
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Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 03587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the formaldehyde ("CH2O") annual MAER of 0.01 tpy based on a 12-month rolling period for the 12-month period ending on February 2016; exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from November 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in Table 1.2 for the Plant 2 Thermal Oxidizer, EPN TO-2, resulting in the unauthorized release of 0.01 ton of CH2O, 0.47 ton of PM, and 1.40 tons of NOx.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5 427 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance from July 15, 2015 through September 14, 2016.

Good Faith Efforts to Comply

10.0%

Reduction \$1,875

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

Notes The Respondent completed the corrective measures on September 14, 2016, after the NOE dated August 31, 2016.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$25,201

This violation Final Assessed Penalty (adjusted for limits) \$25,201

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date	16-Sep-2016	Docket No.	2017-0562-AIR-E	PCW
Respondent	ETC Texas Pipeline, Ltd.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	54311			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106225436			
Media [Statute]	Air			
Enf. Coordinator	Amanda Diaz			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in Table 1.3 for the Plant 3 Thermal Oxidizer, EPN TO-3, resulting in the unauthorized release of 0.47 ton of PM and 1.13 tons of NOx.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$18,750"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

Five quarterly events are recommended for the period of non-compliance from July 15, 2015 through September 14, 2016.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures on September 14, 2016, after the NOE dated August 31, 2016.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in Table 1.4 for the Plant 4 Thermal Oxidizer, EPN TO-4, resulting in the unauthorized release of 0.11 ton of PM and 2.50 tons of NOx.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> 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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5 426 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance from July 16, 2015 to September 14, 2016.

Good Faith Efforts to Comply

10.0%

Reduction \$1,875

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

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent completed the corrective measures on September 14, 2016, after the NOE dated August 31, 2016.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$25,201

This violation Final Assessed Penalty (adjusted for limits) \$25,201

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number
Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, during a stack test conducted on June 11, 2013, the Respondent exceeded the PM hourly MAER of 0.35 lb/hr by 2.65 lbs/hr for the Plant 2 Residue Compressor 3 (3616), EPN C-2121C, resulting in the unauthorized release of 4,006.80 pounds of PM.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the June 11, 2013 initial stack test date to August 13, 2013 compliance date.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

The Respondent completed the corrective measures on August 13, 2013, prior to the NOE dated August 31, 2016.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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	11-Jun-2013	13-Aug-2013	0.17	\$69	n/a	\$69

Notes for DELAYED costs

Estimated delayed cost to test the Plant 2 Residue Compressor 3 (3616), EPN C-2121C, demonstrating compliance with the PM hourly MAER. The Date Required is the initial date of non-compliance and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$69

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.1090, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 63.7(b)(1) and 63.6645(g), FOP No. O3587, GTC and STC Nos. 1.A and 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 4.B, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to timely submit a stack test notification at least 60 days prior to the date testing was scheduled as required by 40 CFR Part 63 Subparts A and ZZZZ. Specifically, the stack tests for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B were conducted from May 4, 2015 to May 8, 2015 and the stack test notification was due by March 5, 2015, but the Respondent submitted the stack test notification on March 17, 2015 which was 48 days prior to the date testing was scheduled.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%

100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent completed the corrective measures on September 2, 2015, prior to the NOE dated August 31, 2016.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$9,639

This violation Final Assessed Penalty (adjusted for limits) \$9,639

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 7

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	\$1,500	5-Mar-2015	2-Sep-2015	0.50	\$37	n/a	\$37
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to implement a record system to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B. The Date Required is the date the notification was due and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$37

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 8

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264. Specifically, the stack tests for EPNs C-1121B, C-1121C, C-2121A, and C-2121B were conducted from June 10, 2013 to June 18, 2013 and the stack test notification was due by April 26, 2013, but the Respondent submitted the stack test notification on May 14, 2013 which was 27 days prior to the date testing was scheduled.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes
 100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 343 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes
 The Respondent completed the corrective measures on April 14, 2014, prior to the NOE dated August 31, 2016.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$73

Violation Final Penalty Total \$9,639

This violation Final Assessed Penalty (adjusted for limits) \$9,639

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 8

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	\$1,500	26-Apr-2013	14-Apr-2014	0.97	\$73	n/a	\$73
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to implement a record to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1121A, C-1121B, C-1121C, C-2121A, C-2121B, and C-2121C. The Date Required is the date the initial stack test notification was due and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$73

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 9

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264. Specifically, the stack tests for EPNs C-1121A and C-2121C were conducted from August 13, 2013 to August 14, 2013 and the stack test notification was due by June 29, 2013, but the Respondent submitted the stack test notification on July 17, 2013 which was 27 days prior to the date testing was scheduled.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

Matrix Notes
 100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 279 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes
 The Respondent completed the corrective measures on April 14, 2014, prior to the NOE dated August 31, 2016.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$9,639

This violation Final Assessed Penalty (adjusted for limits) \$9,639

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See the Economic Benefit in Violation No. 8.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Sep-2016
Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media [Statute] Air
Enf. Coordinator Amanda Diaz

Docket No. 2017-0562-AIR-E

PCW

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

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code §§ 122.145(2)(A) and 122.143(4), FOP No. O3587, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation reports for the February 5, 2014 through August 4, 2014, August 5, 2014 through February 4, 2015, February 5, 2015 through August 4, 2015, and August 5, 2015 through February 4, 2016 reporting periods did not contain deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 4 729 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Four single events are recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$100

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent completed the corrective measures on September 1, 2016, after the NOE dated August 31, 2016.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$175

Violation Final Penalty Total \$7,451

This violation Final Assessed Penalty (adjusted for limits) \$7,451

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 54311
Reg. Ent. Reference No. RN106225436
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,500	3-Sep-2014	1-Sep-2016	2.00	\$150	n/a	\$150
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)	\$250	3-Sep-2014	1-Sep-2016	2.00	\$25	n/a	\$25

Notes for DELAYED costs

Estimated delayed costs to submit a revised deviation report for the August 5, 2015 through February 4, 2016 reporting period to report the deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERs (\$250) and to train employees in order to ensure that all instances of deviations are reported (\$1,500). The Dates Required are the date the first deviation report was due and the Final Dates are the compliance dates.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$175

ETC Texas Pipeline, Ltd.
Case No. 54311, Docket No. 2017-0562-AIR-E

Table 1.1			
Stack Test Date	Pollutant	Permitted Limit [pounds per hour ("lbs/hr")]	Emissions Rate (lbs/hr)
July 14, 2015	NOx	0.64	1.15
July 14, 2015	PM	0.10	5.29
November 17, 2015	NOx	0.64	1.24
November 17, 2015	PM	0.10	0.25

Table 1.2			
Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 15, 2015	NOx	0.64	1.60
July 15, 2015	PM	0.10	2.90
November 18, 2015	NOx	0.64	1.17
November 18, 2015	PM	0.10	0.40

Table 1.3			
Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 15, 2015	NOx	0.64	1.84
July 15, 2015	PM	0.10	8.66
November 20, 2015	NOx	0.64	1.09
November 20, 2015	PM	0.10	0.25

Table 1.4			
Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 16, 2015	NOx	0.64	1.83
July 16, 2015	PM	0.10	7.06
November 19, 2015	NOx	0.64	1.51
November 19, 2015	PM	0.10	0.17



Compliance History Report

Compliance History Report for CN601587652, RN106225436, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN601587652, ETC Texas Pipeline, Ltd.	Classification:	SATISFACTORY	Rating:	0.71
Regulated Entity:	RN106225436, Jackson County Gas Plant	Classification:	SATISFACTORY	Rating:	0.93
Complexity Points:	13	Repeat Violator:	NO		
CH Group:	03 - Oil and Gas Extraction				
Location:	THE INTERSECTION OF GALOW ROAD AND THELLMAN ROAD NEAR GANAGO, TEXAS, JACKSON COUNTY				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):					
AIR NEW SOURCE PERMITS	REGISTRATION 141713	AIR NEW SOURCE PERMITS	AFS NUM 4823900101		
AIR OPERATING PERMITS	PERMIT 3587	AIR OPERATING PERMITS	PERMIT 3975		
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER JBA006F	TAX RELIEF	ID NUMBER 18743		

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: July 14, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 14, 2012 to July 14, 2017

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

Name: David Carney

Phone: (512) 239-2583

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 19, 2013	(1086018)
Item 2	August 23, 2013	(1114909)
Item 3	January 31, 2014	(1144121)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/31/2016	(1337984)		
	Self Report?	NO		Classification:	Minor
	Citation:	[FOP O-3587] STC 1&7 OP [NSR 98529] SC 4B PA 30 TAC Chapter 122, SubChapter B 122.143(4)			

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(g)
 5C THSC Chapter 382 382.085(b)

Description: Failure to notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin.

Self Report? NO Classification: Moderate

Citation: [FOP O-3587] STC 7 PA
 [NSR 98529] GC 1 PA
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.116
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to properly represent the waste gas emissions from the amine and dehydration units.

2 Date: 08/31/2016 (1350242)

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)
 SC 1 PERMIT
 SC 5 PERMIT
 ST&C 7 OP

Description: Failure to comply with the throughput limit of 800 million standard cubic feet per day of field gas as measured at 70 degrees Fahrenheit and 14.7 pounds per square inch absolute (psia) as calculated on a daily average basis.

Self Report? NO 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)
 ST&C 7 OP

Description: Failure to comply with the maximum heat input of a heater

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
ETC TEXAS PIPELINE, LTD.
RN106225436

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2017-0562-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 ETC Texas Pipeline, Ltd. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Lisa Dyar of the law firm of McGinnis Lochridge, together stipulate that:

1. The Respondent owns and operates a natural gas processing plant located at the intersection of Galow Road and Thellman Road near Ganago, Jackson 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 \$209,510 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$167,608 of the penalty and \$41,902 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On August 13, 2013, tested the Plant 2 Residue Compressor 3 (3616), Emissions Point Number ("EPN") C-2121C, demonstrating compliance with the particulate matter ("PM") hourly maximum allowable emissions rate ("MAER");
 - b. By April 14, 2014, implemented a record system to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1121A, C-1121B, C-1121C, C-2121A, C-2121B, and C-2121C;
 - c. By April 9, 2015, installed the Plant 1 Thermal Oxidizer, EPN TO-1;
 - d. By April 17, 2015, installed the Plant 2 Thermal Oxidizer, EPN TO-2;
 - e. By May 5, 2015, installed the Plant 3 Thermal Oxidizer, EPN TO-3;
 - f. By May 15, 2015, installed the Plant 4 Thermal Oxidizer, EPN TO-4;
 - g. By September 2, 2015, implemented a record system to manage and track stack testing notifications in order to ensure the timely submittal of stack test notifications for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B;
 - h. On September 1, 2016, submitted a revised deviation report for the August 5, 2015 through February 4, 2016 reporting period to report the deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERs and trained employees in order to ensure that all instances of deviations are reported; and
 - i. On September 14, 2016, obtained Standard Permit Registration No. 141713 that that authorized the two slop oil tanks, one waste coolant tank, one amine tank, eight SulfaGuard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks; the routing of the benzene, toluene, ethylene, and xylene vapors to the Plant Flare; and the associated emissions.

II. ALLEGATIONS

During record reviews for the Plant conducted from June 13, 2016 through August 15, 2016 and from July 26, 2016 through August 5, 2016, investigators documented that the Respondent:

1. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondent represented in the permit application for New Source Review ("NSR") Permit Nos. 98529 and PSDTX1264 that four thermal oxidizers were to be installed but four regenerative thermal oxidizers were installed instead; two 300-barrel produced water tanks and one 210-barrel tank each for amine, glycol, slop oil, waste oil, and lube oil were to be installed but two slop oil tanks, one waste coolant tank, one coolant tank, one waste lube oil tank, one glycol tank, one hot oil tank, one amine tank, eight Sulfaguard tanks, two stabilized condensate tanks, three off-spec condensate tanks, 16 lube oil tanks, and four urea tanks were installed instead; and benzene, toluene, ethylene, and xylene vapors were to be routed to thermal oxidizers but were instead routed to the Plant Flare, EPN FS-800.
2. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. O3587, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, NSR Permit Nos. 98529 and PSDTX1264, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from July 2015 through February 2016; exceeded the nitrogen oxides ("NOx") annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 1 Thermal Oxidizer, EPN TO-1, resulting in the unauthorized release of 1.15 tons of PM and 2.09 tons of NOx.

Stack Test Date	Pollutant	Permitted Limit [pounds per hour ("lbs/hr")]	Emissions Rate (lbs/hr)
July 14, 2015	NOx	0.64	1.15
July 14, 2015	PM	0.10	5.29
November 17, 2015	NOx	0.64	1.24
November 17, 2015	PM	0.10	0.25

3. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the formaldehyde ("CH₂O") annual MAER of 0.01 tpy based on a 12-month rolling period for the 12-month period ending on February 2016; exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NOx annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from November 2015 through February 2016; and exceeded the PM and NOx hourly MAERs during stack tests as outlined in the table below for the Plant 2

Thermal Oxidizer, EPN TO-2, resulting in the unauthorized release of 0.01 ton of CH₂O, 0.47 ton of PM, and 1.40 tons of NO_x.

Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 15, 2015	NO _x	0.64	1.60
July 15, 2015	PM	0.10	2.90
November 18, 2015	NO _x	0.64	1.17
November 18, 2015	PM	0.10	0.40

4. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from September 2015 through February 2016; exceeded the NO_x annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; and exceeded the PM and NO_x hourly MAERs during stack tests as outlined in the table below for the Plant 3 Thermal Oxidizer, EPN TO-3, resulting in the unauthorized release of 0.47 ton of PM and 1.13 tons of NO_x.

Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 15, 2015	NO _x	0.64	1.84
July 15, 2015	PM	0.10	8.66
November 20, 2015	NO _x	0.64	1.09
November 20, 2015	PM	0.10	0.25

5. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM annual MAER of 0.43 tpy based on a 12-month rolling period for the 12-month periods ending from December 2015 through February 2016; exceeded the NO_x annual MAER of 2.79 tpy based on a 12-month rolling period for the 12-month periods ending from October 2015 through February 2016; and exceeded the PM and NO_x hourly MAERs during stack tests as outlined in the table below for the Plant 4 Thermal Oxidizer, EPN TO-4, resulting in the unauthorized release of 0.11 ton of PM and 2.50 tons of NO_x.

Stack Test Date	Pollutant	Permitted Limit (lbs/hr)	Emissions Rate (lbs/hr)
July 16, 2015	NO _x	0.64	1.83
July 16, 2015	PM	0.10	7.06
November 19, 2015	NO _x	0.64	1.51
November 19, 2015	PM	0.10	0.17

6. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on June 11, 2013, the Respondent exceeded the PM hourly MAER of 0.35 lb/hr by 2.65 lbs/hr for the Plant 2 Residue Compressor 3 (3616), EPN C-2121C, resulting in the unauthorized release of 4,006.80 pounds of PM.
7. Failed to timely submit a stack test notification at least 60 days prior to the date testing was scheduled as required by 40 Code of Federal Regulations ("CFR") Part 63 Subparts A and ZZZZ, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.1090, 116.115(c), and 122.143(4), 40 CFR §§ 63.7(b)(1) and 63.6645(g), FOP No. O3587, GTC and STC Nos. 1.A and 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 4.B, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the stack tests for EPNs C-1100A, C-1100B, C-2100A, C-2100B, C-3100A, C-3100B, C-4100A, and C-4100B were conducted from May 4, 2015 to May 8, 2015 and the stack test notification was due by March 5, 2015, but the Respondent submitted the stack test notification on March 17, 2015 which was 48 days prior to the date testing was scheduled.
8. Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the stack tests for EPNs C-1121B, C-1121C, C-2121A, and C-2121B were conducted from June 10, 2013 to June 18, 2013 and the stack test notification was due by April 26, 2013, but the Respondent submitted the stack test notification on May 14, 2013 which was 27 days prior to the date testing was scheduled.
9. Failed to timely submit a stack test notification at least 45 days in advance of testing as required by NSR Permit Nos. 98529 and PSDTX1264, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), FOP No. O3587, GTC and STC No. 7, NSR Permit Nos. 98529 and PSDTX1264, SC No. 24.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the stack tests for EPNs C-1121A and C-2121C were conducted from August 13, 2013 to August 14, 2013 and the stack test notification was due by June 29, 2013, but the Respondent submitted the stack test notification on July 17, 2013 which was 27 days prior to the date testing was scheduled.
10. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), FOP No. O3587, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation reports for the February 5, 2014 through August 4, 2014, August 5, 2014 through February 4, 2015, February 5, 2015 through August 4, 2015, and August 5, 2015 through February 4, 2016 reporting periods did not contain deviations for failing to timely submit stack test notifications, failing to comply with the monitoring and recordkeeping requirements, and failing to comply with the MAERS.

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: ETC Texas Pipeline, Ltd., Docket No. 2017-0562-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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

5/15/2023


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 OAG 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 OAG 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

4/13/2023

Date



Name (Printed or typed)
Authorized Representative of
ETC Texas Pipeline, Ltd.

VP of Ops

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.