

Executive Summary – Enforcement Matter – Case No. 59416
Enterprise Products Operating LLC
RN102528197
Docket No. 2020-0764-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Pasadena Plant, 1500 North South Street, Pasadena, Harris County

Type of Operation:

Industrial facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,788

Amount Deferred for Expedited Settlement: \$2,957

Total Paid to General Revenue: \$5,916

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,915

Name of SEP: Galveston Bay Foundation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

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: March 25, 2020

Date(s) of NOE(s): May 26, 2020

Executive Summary – Enforcement Matter – Case No. 59416
Enterprise Products Operating LLC
RN102528197
Docket No. 2020-0764-IWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for total residual chlorine, pH, and oil and grease [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004867000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for total organic carbon during the monthly monitoring periods ending September 30, 2019, October 31, 2019, November 30, 2019, and December 31, 2019 [30 TEX. ADMIN. CODE §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0004867000, Monitoring and Reporting Requirements Nos. 1 and 3.a].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 8, 2020, the Respondent developed and implemented procedures and conducted employee training to ensure samples of total organic carbon are collected and analyzed in accordance with permit requirements.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004867000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1337; 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: Galveston Bay Foundation, 1725 Highway 146

Executive Summary – Enforcement Matter – Case No. 59416
Enterprise Products Operating LLC
RN102528197
Docket No. 2020-0764-IWD-E

Kemah, Texas 77565

Respondent: Robert Moss, Senior Vice President, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210

Ivan Zirbes, Vice President, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	1-Jun-2020			
	PCW	1-Jun-2020	Screening	2-Jun-2020	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102528197
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59416	No. of Violations	2
Docket No.	2020-0764-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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.

Compliance History	91.0% Adjustment	Subtotals 2, 3, & 7	\$6,825
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Notes: Enhancement for six months of self-reported effluent violations, one NOV with dissimilar violations, two orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,174
 Estimated Cost of Compliance: \$16,454
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,325
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OTHER FACTORS AS JUSTICE MAY REQUIRE	3.2% Adjustment	\$463
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount	\$14,788
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,788
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,957
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,831
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Screening Date 2-Jun-2020

Docket No. 2020-0764-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59416

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media Water Quality

Enf. Coordinator Harley Hobson

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>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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>)	2	-4%
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) 91%

>> 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 six months of self-reported effluent violations, one NOV with dissimilar violations, two orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 91%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 91%

Screening Date 2-Jun-2020

Docket No. 2020-0764-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59416

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004867000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
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 \$23,750

\$1,250

Violation Events

Number of Violation Events 2 122 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are 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 does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,701

Violation Final Penalty Total \$4,929

This violation Final Assessed Penalty (adjusted for limits) \$4,929

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 59416
Reg. Ent. Reference No. RN102528197
Media Water Quality
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
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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)	\$15,000	30-Apr-2019	5-Aug-2021	2.27	\$1,701	n/a	\$1,701

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The date required is the end date of the first month of noncompliance and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,701

Screening Date 2-Jun-2020

Docket No. 2020-0764-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59416

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0004867000, Monitoring and Reporting Requirements Nos. 1 and 3.a

Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for Total Organic Carbon during the monthly monitoring periods ending September 30, 2019, October 31, 2019, November 30, 2019, and December 31, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		X		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4 122 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

Four single events are 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 does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$473

Violation Final Penalty Total \$9,859

This violation Final Assessed Penalty (adjusted for limits) \$9,859

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 59416
Reg. Ent. Reference No. RN102528197
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$1,000	25-Mar-2020	8-Jun-2020	0.21	\$10	n/a	\$10
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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples of total organic carbon are collected and analyzed in accordance with permit requirements. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$454	31-Dec-2019	2-Jun-2020	0.42	\$9	\$454	\$463
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze total organic carbon weekly samples (\$25 per weekly sample for 18 weeks plus accrued interest). The date required is the last date of noncompliance and the final date is the screening date.

Approx. Cost of Compliance

\$1,454

TOTAL

\$473

Enterprise Products Operating LLC
Docket No. 2020-0764-IWD-E
TPDES Permit No. WQ0004867000
Case No. 59416

Effluent Violation Table

	Total Residual Chlorine Daily Maximum Concentration	Oil and Grease Daily Maximum Concentration	pH Minimum
Monitoring Period	Limit = 0.1 mg/L	Limit = 20 mg/L	Limit = 6 SU
April 2019	c	32.5	c
October 2019	0.29	c	c
November 2019	0.12	c	5.92
December 2019	0.11	c	c

mg/L = milligram per liter SU = standard units c = compliant

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Compliance History Report

Compliance History Report for CN603211277, RN102528197, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603211277, Enterprise Products Operating LLC **Classification:** SATISFACTORY **Rating:** 3.97
Regulated Entity: RN102528197, ENTERPRISE PASADENA PLANT **Classification:** SATISFACTORY **Rating:** 11.32
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 1500 North South Street in the City of Pasadena, Harris County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 72000	AIR NEW SOURCE PERMITS REGISTRATION 1294
AIR NEW SOURCE PERMITS PERMIT 7245	AIR NEW SOURCE PERMITS PERMIT 7278
AIR NEW SOURCE PERMITS PERMIT 8291	AIR NEW SOURCE PERMITS REGISTRATION 10784
AIR NEW SOURCE PERMITS REGISTRATION 11723	AIR NEW SOURCE PERMITS REGISTRATION 36103
AIR NEW SOURCE PERMITS REGISTRATION 42738	AIR NEW SOURCE PERMITS REGISTRATION 43620
AIR NEW SOURCE PERMITS REGISTRATION 44422	AIR NEW SOURCE PERMITS REGISTRATION 44421
AIR NEW SOURCE PERMITS REGISTRATION 44568	AIR NEW SOURCE PERMITS REGISTRATION 45224
AIR NEW SOURCE PERMITS REGISTRATION 45853	AIR NEW SOURCE PERMITS REGISTRATION 45947
AIR NEW SOURCE PERMITS REGISTRATION 48454	AIR NEW SOURCE PERMITS REGISTRATION 50296
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX0055V	AIR NEW SOURCE PERMITS REGISTRATION 52374
AIR NEW SOURCE PERMITS REGISTRATION 52917	AIR NEW SOURCE PERMITS REGISTRATION 53874
AIR NEW SOURCE PERMITS REGISTRATION 55244	AIR NEW SOURCE PERMITS AFS NUM 4820101459
AIR NEW SOURCE PERMITS REGISTRATION 70491	AIR NEW SOURCE PERMITS REGISTRATION 52980
AIR NEW SOURCE PERMITS REGISTRATION 72916	AIR NEW SOURCE PERMITS REGISTRATION 83219
AIR NEW SOURCE PERMITS REGISTRATION 87581	AIR NEW SOURCE PERMITS REGISTRATION 87793
AIR NEW SOURCE PERMITS REGISTRATION 85684	AIR NEW SOURCE PERMITS REGISTRATION 125968
AIR NEW SOURCE PERMITS REGISTRATION 135762	AIR NEW SOURCE PERMITS REGISTRATION 111561
AIR NEW SOURCE PERMITS REGISTRATION 124890	AIR NEW SOURCE PERMITS REGISTRATION 110031
AIR NEW SOURCE PERMITS REGISTRATION 144744	AIR NEW SOURCE PERMITS REGISTRATION 161217
AIR NEW SOURCE PERMITS REGISTRATION 160122	TAX RELIEF ID NUMBER 17655
TAX RELIEF ID NUMBER 16034	TAX RELIEF ID NUMBER 17628
AIR OPERATING PERMITS ACCOUNT NUMBER HX0055V	AIR OPERATING PERMITS PERMIT 1429
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000012856	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84331
STORMWATER PERMIT TXR05AA28	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX0055V
WASTEWATER PERMIT WQ0004867000	WASTEWATER EPA ID TX0131768
POLLUTION PREVENTION PLANNING ID NUMBER P08451	

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: September 29, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 29, 2015 to September 29, 2020

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

Name: Harley Hobson

Phone: (512) 239-1337

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: 11/08/2016 ADMINORDER 2016-0100-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Terms and Conditions No. 12 OP
Description: Failed to comply with the maximum allowable emission rates ("MAER") for the Marine Vapor Combustor System Loading, Emission Point Number ("EPN") VCSTK. HPV A8GC3.
Classification: Moderate
Citation: 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)
Rqmt Prov: SC1 OP
Special Terms and Conditions No. 12 OP
Description: Failed to comply with the MAER for Boiler 2, EPN BLR-2. HPV A8GC3.
- 2 Effective Date: 10/25/2019 ADMINORDER 2018-0795-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.44b(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
ST&C 15 OP
Description: Failed to comply with the MAERs and the emissions limits for Boiler 1.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.44b(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
ST&C 15 OP
Description: Failed to comply with the MAERs and the emissions limits for Boiler 2.
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)
Rqmt Prov: SC 7A PERMIT
ST&C 15 OP
Description: Failed to comply with the temperature limit for the combustion chamber for the Marine Vapor Combustor System.
- 3 Effective Date: 01/14/2020 ADMINORDER 2019-0473-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP Special Term & Condition 15 OP

NSR Special Condition 8 PERMIT

Description: Failure to prevent exceedance of the lb/hr MAERT emissions limit for CO, NOx, and VOC during MSS activities[Category C4]

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 20, 2015	(1298638)	Item 27	January 19, 2018	(1476750)
Item 2	November 17, 2015	(1304090)	Item 28	February 20, 2018	(1488889)
Item 3	November 18, 2015	(1289937)	Item 29	March 15, 2018	(1492549)
Item 4	January 14, 2016	(1317859)	Item 30	April 17, 2018	(1495854)
Item 5	February 18, 2016	(1327206)	Item 31	September 17, 2018	(1529462)
Item 6	February 29, 2016	(1307692)	Item 32	September 18, 2018	(1504342)
Item 7	April 19, 2016	(1341127)	Item 33	October 18, 2018	(1535772)
Item 8	May 19, 2016	(1347929)	Item 34	November 19, 2018	(1543648)
Item 9	June 20, 2016	(1354360)	Item 35	December 19, 2018	(1547350)
Item 10	August 19, 2016	(1367756)	Item 36	January 19, 2019	(1566270)
Item 11	October 20, 2016	(1380649)	Item 37	February 19, 2019	(1566268)
Item 12	November 17, 2016	(1386598)	Item 38	March 19, 2019	(1566269)
Item 13	December 05, 2016	(1377377)	Item 39	April 18, 2019	(1574013)
Item 14	December 20, 2016	(1392727)	Item 40	July 12, 2019	(1587592)
Item 15	January 19, 2017	(1399340)	Item 41	July 13, 2019	(1668763)
Item 16	February 17, 2017	(1406249)	Item 42	July 16, 2019	(1595381)
Item 17	March 17, 2017	(1413354)	Item 43	August 08, 2019	(1582417)
Item 18	April 20, 2017	(1419816)	Item 44	August 19, 2019	(1601644)
Item 19	May 18, 2017	(1427466)	Item 45	September 17, 2019	(1608549)
Item 20	June 20, 2017	(1433475)	Item 46	October 18, 2019	(1615425)
Item 21	July 19, 2017	(1442032)	Item 47	December 02, 2019	(1611997)
Item 22	August 18, 2017	(1445698)	Item 48	March 17, 2020	(1649311)
Item 23	September 20, 2017	(1452292)	Item 49	May 20, 2020	(1662218)
Item 24	October 18, 2017	(1458164)	Item 50	June 15, 2020	(1656996)
Item 25	November 17, 2017	(1463594)	Item 51	July 20, 2020	(1653071)
Item 26	December 15, 2017	(1470036)	Item 52	August 20, 2020	(1665361)

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: 10/31/2019 (1621226)
 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: 11/07/2019 (1592310)
 Self Report? NO Classification: Minor
 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 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 15 OP
 FOP Special Term and Condition 1A OP
 Special Condition 25E PERMIT
 Description: Failure to prevent open-ended lines (OELs). (Category C10)
 Self Report? NO Classification: Minor
 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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 15 OP
 FOP Special Term and Condition 1A OP
 Special Condition 6A PERMIT

Description: Failure to maintain flare (A-D-1) net heating value. (Category C4)
 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)
 FOP Special Term and Condition 15 OP
 Special Condition 8 PERMIT

Description: Failure to operate flare (EPN: A-D-1) within the Carbon Monoxide (CO) Maximum Allowable Emission Rate (MAER) during MSS activities. (Category C4)
 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)
 FOP Special Term and Condition 15 OP
 Special Condition 8 PERMIT

Description: Failure to operate flare (EPN: A-D-1) within the Nitrous Oxides (NOx) Maximum Allowable Emission Rate (MAER) during MSS activities. (Category C4)
 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)
 FOP Special Term and Condition 15 OP
 Special Condition 8 PERMIT

Description: Failure to operate flare (EPN: A-D-1) within the VOC Maximum Allowable Emission Rate (MAER) during MSS activities. (Category C4)
 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)
 FOP Special Term and Condition 15 OP
 Special Condition 7A PERMIT

Description: Failure to maintain stack (EPN: VCSTK) temperature. (Category C4)

3 Date: 11/30/2019 (1628565)
 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

4 Date: 12/31/2019 (1636185)
 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: 01/31/2020 (1642806)
 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: 03/31/2020 (1655676)
 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

7 Date: 06/30/2020 (1675710)
 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: 11/15/2016 (1377018)

Disclosure Date: 04/18/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(1)(D)

Description: Failed to maintain records of expected VOC emissions if the process unit is shut down.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.487a

Rqmt Prov: OP Special Terms and Conditions No.1.A.

Description: Failed to appropriately include or exclude LDAR components in the TERME and TERMW units in the NSPS VVa Semiannual Report. Specifically, it is unclear whether or not the appropriate components were included in the NSPS VVa Semiannual Report and further evaluation and correction of the report are pending.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)

Description: Failed to maintain a signed log identifying pumps, compressors, valves, and PRVs with identification numbers for equipment designated for no detectable emissions under the provisions of §§60.482-2a(e), 60.482-3a(i), and 60.482-7a(f) and the designation of equipment as subject to the requirements of §60.482-2a(e), §60.482-3a(i), or §60.482-7a(f).

Notice of Intent Date: 03/05/2020 (1638430)

Disclosure Date: 04/28/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC No. 3

Description: Failed to maintain records of quarterly visible emission observations for two stationary boiler vents EPNs BLR-1, BLR-2, and affected structures.

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
RN102528197**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0764-IWD-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 Enterprise Products Operating LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial facility located at 1500 North South Street in the City of Pasadena, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 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 \$14,788 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,916 of the penalty and \$2,957 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,915 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by June 8, 2020, the Respondent developed and implemented procedures and conducted employee training to ensure samples of total organic carbon are collected and analyzed in accordance with permit requirements.

II. ALLEGATIONS

During a record review conducted on March 25, 2020, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004867000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below:

	Total Residual Chlorine Daily Maximum Concentration	Oil and Grease Daily Maximum Concentration	pH Minimum
Monitoring Period	Limit = 0.1 mg/L	Limit = 20 mg/L	Limit = 6 SU
April 2019	c	32.5	c
October 2019	0.29	c	c
November 2019	0.12	c	5.92
December 2019	0.11	c	c

mg/L = milligram per liter SU = standard units c = compliant

2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0004867000, Monitoring and Reporting Requirements Nos. 1 and 3.a. Specifically, the Respondent did not collect and analyze samples for Total Organic Carbon during the monthly monitoring periods ending September 30, 2019, October 31, 2019, November 30, 2019, and December 31, 2019.

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 No. 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: Enterprise Products Operating LLC, Docket No. 2020-0764-IWD-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,915 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004867000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals

immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



2/11/2022

For the Executive Director

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

1/12/2021
Date

ROBERT E. MOSS
Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

JVP
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: 2020-0764-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$11,831
SEP Offset Amount:	\$5,915
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Galveston Bay Foundation
Project Name:	<i>Galveston Bay “Marsh Mania” Restoration Program</i>
Location of SEP:	Harris, Galveston, Chambers, and Brazoria Counties

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 **Galveston Bay Foundation** for the *Galveston Bay “Marsh Mania” Restoration Program*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to re-establish marsh habitat to Galveston Bay by restoring marsh elevations to those that will support marsh vegetation and protect marsh habitats from the threat of erosion. The Third-Party Administrator shall also plant salinity-appropriate marsh grasses to reestablish the habitat. The SEP Offset Amount will be used for on-the-ground site preparation and construction of marsh restoration sites, including supplies, materials, equipment, and contractual labor costs, excluding compensation of Galveston Bay Foundation personnel or volunteers.

Restoration work will take place in and around Galveston Bay, its sub-bays, and its tributaries throughout Harris, Galveston, Chambers, and Brazoria Counties. The specific locations will be determined based on local prioritization and needs. The Third-Party Administrator, at its own expense, shall work with local steering committees comprised of leaders from government agencies and local organizations to identify and prioritize sites. The SEP will be performed 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 it 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 in any manner from this SEP.

b. Environmental Benefit

Due to the loss of wetlands in the Galveston Bay system, the Galveston Bay National Estuary Program identified wetland restoration, creation, and protection as the number one priority in the *Galveston Bay Plan*. Marshes along coastal Texas, including Galveston Bay, serve as nursery grounds for over 95% of the recreational and commercial fish species found in the Gulf of Mexico as well as many varieties of shrimps and crabs. These habitats also provide breeding, nesting, and feeding grounds for more than one-third of all threatened and endangered animal species, support many endangered plant species, and provide permanent and seasonal habitat for a great variety of wildlife, including finfish and shellfish and 75% of North America's bird species. Marshes also result in the reduction of pollution by filtering particulates and excess nutrients from runoff and serve to protect shorelines from erosion and help reduce the effects of flooding and storm surges on more upland areas.

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 **Galveston Bay Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Robert Stokes, President
Galveston Bay Foundation
1725 Highway 146
Kemah, Texas 77565

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 attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.