

Executive Summary – Enforcement Matter – Case No. 59750
Enterprise Products Operating LLC
RN102323268
Docket No. 2020-1161-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

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: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,625

Amount Deferred for Expedited Settlement: \$2,925

Total Paid to General Revenue: \$5,850

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,850

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 14, 2020 through June 5, 2020 and May 4, 2020 through October 30, 2020

Date(s) of NOE(s): August 21, 2020 and November 5, 2020

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Docket No. 2020-1161-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 143.06 pounds ("lbs") of carbon monoxide ("CO"), 288.27 lbs of volatile organic compounds ("VOC"), and 0.18 lb of sulfur dioxide from the Flare, Emissions Point Number ("EPN") SK25.901, during an emissions event (Incident No. 332968) that occurred on March 29, 2020 and lasted 13 hours and 53 minutes. The emissions event occurred when the Isobutane Dehydrogenation Unit experienced an increased discharge pressure to the customer that caused two pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 144873, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O4187, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.52 lbs of CO, 39.75 lbs of VOC, and 215.07 lbs of nitrogen oxides from the Flare, EPN FL-4, during an emissions event (Incident No. 279079) that began on February 20, 2018 and lasted 17 hours and 56 minutes. The emissions event occurred due to the failure of an exhaust valve that caused Recycle Valve FV1233 to fail open and overpressure in the De-Ethanizer Tower, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration No. 95777, FOP No. O1641, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent completed the following corrective actions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 332968:

a. On March 29, 2020, inspected the two pressure safety valves, repaired one of the pressure safety valves, and replaced the other pressure safety valve; and

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Docket No. 2020-1161-AIR-E

b. By September 11, 2020, recalibrated the nearby pressure transmitters along the line to ensure accurate pressure readings are transmitted to the Operations Team.

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 279079; and

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Robert E. Moss, Senior Vice President, Enterprise Products Operating LLC, 1100 Louisiana Street, Houston, Texas 77002

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Aug-2020		
	PCW	26-Mar-2021	Screening	28-Aug-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	59750	No. of Violations	2
Docket No.	2020-1161-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	100.0%	Adjustment	Subtotals 2, 3, & 7	\$7,500
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Notes

Enhancement for three NOVs with same/similar violations, seven NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure 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	-\$375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,034
Estimated Cost of Compliance	\$40,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$14,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,625
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,925
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,700
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Screening Date	28-Aug-2020	Docket No.	2020-1161-AIR-E	PCW
Respondent	Enterprise Products Operating LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59750			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102323268			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

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>)	3	15%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 125%

>> 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 three NOVs with same/similar violations, seven NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 125%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	28-Aug-2020	Docket No.	2020-1161-AIR-E	PCW
Respondent	Enterprise Products Operating LLC	Policy Revision 4 (April 2014)		
Case ID No.	59750	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN102323268			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 144873, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 04187, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to prevent unauthorized emissions. Specifically, the Respondent released 143.06 pounds ("lbs") of carbon monoxide ("CO"), 288.27 lbs of volatile organic compounds ("VOC"), and 0.18 lb of sulfur dioxide from the Flare, Emissions Point Number ("EPN") SK25.901, during an emissions event (Incident No. 332968) that occurred on March 29, 2020 and lasted 13 hours and 53 minutes. The emissions event occurred when the Isobutane Dehydrogenation Unit experienced an increased discharge pressure to the customer that caused two pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.</p>			
			Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release Harm			
		Major	Moderate	Minor
	Actual			x
	Potential			
			Percent	15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
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		1	1	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$3,750
One quarterly event is recommended.				
Good Faith Efforts to Comply		10.0%	Reduction	\$375
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed the corrective actions by September 11, 2020, after the Notice of Enforcement dated August 21, 2020.			
			Violation Subtotal	\$3,375
Economic Benefit (EB) for this violation Statutory Limit Test				
Estimated EB Amount		\$227	Violation Final Penalty Total	\$7,125
This violation Final Assessed Penalty (adjusted for limits)				\$7,125

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 59750
Reg. Ent. Reference No. RN102323268
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$20,000	29-Mar-2020	29-Mar-2020	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	29-Mar-2020	11-Sep-2020	0.45	\$227	n/a	\$227

Notes for DELAYED costs

Estimated delayed costs to inspect the two pressure safety valves, repair one of pressure safety valves, and replace the other pressure safety valve (\$20,000) and to recalibrate the nearby pressure transmitters along the line to ensure accurate pressure readings are transmitted to the Operations Team (\$10,000) in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 332968. The Dates Required are the date the emissions event occurred and the Final Dates are the dates 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

\$30,000

TOTAL

\$227

Screening Date	28-Aug-2020	Docket No.	2020-1161-AIR-E	PCW
Respondent	Enterprise Products Operating LLC	Policy Revision 4 (April 2014)		
Case ID No.	59750	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN102323268			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration No. 95777, FOP No. O1641, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.52 lbs of CO, 39.75 lbs of VOC, and 215.07 lbs of nitrogen oxides from the Flare, EPN FL-4, during an emissions event (Incident No. 279079) that began on February 20, 2018 and lasted 17 hours and 56 minutes. The emissions event occurred due to the failure of an air exhaust valve that caused Recycle Valve FV1233 to fail open and overpressure in the De-Ethimizer Tower, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.</p>			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
Percent				15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that 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		1	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$3,750
One quarterly event is recommended.				
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$3,750
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$1,807	Statutory Limit Test	
			Violation Final Penalty Total	
			\$7,500	
This violation Final Assessed Penalty (adjusted for limits)				\$7,500

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 59750
Reg. Ent. Reference No. RN102323268
Media Air
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	20-Feb-2018	1-Oct-2021	3.61	\$1,807	n/a	\$1,807

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 279079. The Date Required is the date the emissions event began 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

\$10,000

TOTAL

\$1,807

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Compliance History Report

Compliance History Report for CN603211277, RN102323268, 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: 4.02

Regulated Entity: RN102323268, ENTERPRISE MONT BELVIEU COMPLEX

Classification: SATISFACTORY

Rating: 18.84

Complexity Points: 35

Repeat Violator: NO

CH Group: 03 - Oil and Gas Extraction

Location: 10207 FM RD 1942, MONT BELVIEU, CHAMBERS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CI0008R

AIR OPERATING PERMITS PERMIT 3557

AIR OPERATING PERMITS PERMIT 4187

AIR OPERATING PERMITS PERMIT 27613

AIR NEW SOURCE PERMITS PERMIT 20698

AIR NEW SOURCE PERMITS PERMIT 76070

AIR NEW SOURCE PERMITS PERMIT 5581

AIR NEW SOURCE PERMITS PERMIT 8418

AIR NEW SOURCE PERMITS PERMIT 8707

AIR NEW SOURCE PERMITS REGISTRATION 71649

AIR NEW SOURCE PERMITS REGISTRATION 72757

AIR NEW SOURCE PERMITS PERMIT 22114

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX790

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1057

AIR NEW SOURCE PERMITS REGISTRATION 87477

AIR NEW SOURCE PERMITS REGISTRATION 93268

AIR NEW SOURCE PERMITS REGISTRATION 94067

AIR NEW SOURCE PERMITS REGISTRATION 95777

AIR NEW SOURCE PERMITS REGISTRATION 101478

AIR NEW SOURCE PERMITS REGISTRATION 101481

AIR NEW SOURCE PERMITS REGISTRATION 103076

AIR NEW SOURCE PERMITS REGISTRATION 110727

AIR NEW SOURCE PERMITS REGISTRATION 115013

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX797M1

AIR NEW SOURCE PERMITS REGISTRATION 105671

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX655M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX813

AIR NEW SOURCE PERMITS REGISTRATION 111147

AIR NEW SOURCE PERMITS REGISTRATION 106844

AIR NEW SOURCE PERMITS REGISTRATION 108247

AIR NEW SOURCE PERMITS REGISTRATION 122457

AIR NEW SOURCE PERMITS EPA PERMIT N174

AIR NEW SOURCE PERMITS REGISTRATION 154993

AIR NEW SOURCE PERMITS REGISTRATION 152723

AIR NEW SOURCE PERMITS EPA PERMIT N174M2

AIR NEW SOURCE PERMITS REGISTRATION 141606

AIR NEW SOURCE PERMITS REGISTRATION 150604

AIR NEW SOURCE PERMITS PERMIT 144873

AIR NEW SOURCE PERMITS EPA PERMIT N174M1

AIR NEW SOURCE PERMITS REGISTRATION 155894

AIR NEW SOURCE PERMITS REGISTRATION 154473

AIR OPERATING PERMITS PERMIT 1641

AIR OPERATING PERMITS PERMIT 4035

AIR OPERATING PERMITS PERMIT 4004

AIR NEW SOURCE PERMITS AFS NUM 4807100007

AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0008R

AIR NEW SOURCE PERMITS PERMIT 22105

AIR NEW SOURCE PERMITS PERMIT 22113

AIR NEW SOURCE PERMITS PERMIT 6798

AIR NEW SOURCE PERMITS PERMIT 21945

AIR NEW SOURCE PERMITS PERMIT 19930

AIR NEW SOURCE PERMITS REGISTRATION 5581A

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX655

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX790M1

AIR NEW SOURCE PERMITS REGISTRATION 85477

AIR NEW SOURCE PERMITS REGISTRATION 85755

AIR NEW SOURCE PERMITS REGISTRATION 94065

AIR NEW SOURCE PERMITS REGISTRATION 94133

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1286

AIR NEW SOURCE PERMITS EPA PERMIT N154

AIR NEW SOURCE PERMITS PERMIT 100091

AIR NEW SOURCE PERMITS REGISTRATION 103498

AIR NEW SOURCE PERMITS REGISTRATION 106767

AIR NEW SOURCE PERMITS PERMIT 107523

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX33

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX823

AIR NEW SOURCE PERMITS REGISTRATION 140705

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX6

AIR NEW SOURCE PERMITS REGISTRATION 115619

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1336

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX824

AIR NEW SOURCE PERMITS REGISTRATION 124545

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX789M1

AIR NEW SOURCE PERMITS REGISTRATION 150628

AIR NEW SOURCE PERMITS PERMIT AMOC168

AIR NEW SOURCE PERMITS REGISTRATION 163265

AIR NEW SOURCE PERMITS REGISTRATION 147993

AIR NEW SOURCE PERMITS PERMIT AMOC37

AIR NEW SOURCE PERMITS PERMIT 156320

AIR NEW SOURCE PERMITS REGISTRATION 153349

AIR NEW SOURCE PERMITS REGISTRATION 162955

AIR NEW SOURCE PERMITS REGISTRATION 154190

AIR NEW SOURCE PERMITS REGISTRATION 159045
AIR NEW SOURCE PERMITS REGISTRATION 158252
AIR NEW SOURCE PERMITS REGISTRATION 156186
AIR NEW SOURCE PERMITS REGISTRATION 154580
AIR NEW SOURCE PERMITS EPA PERMIT N272
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX193
STORMWATER PERMIT TXR05AV96
STORMWATER PERMIT TXR1571EI
WASTEWATER EPA ID TX0102326
WASTEWATER PERMIT WQ0005014000
WASTEWATER EPA ID TX0141020
WASTEWATER PERMIT WQ0005304000
POLLUTION PREVENTION PLANNING ID NUMBER P00218
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31038
TAX RELIEF ID NUMBER 16725
TAX RELIEF ID NUMBER 16684
TAX RELIEF ID NUMBER 16721

AIR NEW SOURCE PERMITS REGISTRATION 158401
AIR NEW SOURCE PERMITS REGISTRATION 156560
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1558
AIR NEW SOURCE PERMITS REGISTRATION 158421
AIR NEW SOURCE PERMITS REGISTRATION 160377
AIR NEW SOURCE PERMITS REGISTRATION 160647
STORMWATER PERMIT TXR05CE50
WASTEWATER PERMIT WQ0002940000
WASTEWATER EPA ID TX0134465
WASTEWATER PERMIT WQ0005311000
WASTEWATER EPA ID TX0140783
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CI0008R
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXT490013455
TAX RELIEF ID NUMBER 16722
TAX RELIEF ID NUMBER 16724
TAX RELIEF ID NUMBER 16720
TAX RELIEF ID NUMBER 16198

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

Date Compliance History Report Prepared: March 26, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 26, 2016 to March 26, 2021

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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: 06/20/2018 ADMINORDER 2016-1003-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 11 PERMIT
Special Condition 24 PERMIT
Special Term & Condition 19 OP
Description: Failure to monitor the total sulfur content of Merox Off Gas (MOG) fuel to the Heat Recovery Unit (HRU) burners (Category B1 violation).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 19 OP
Special Term & Condition 1A OP
Description: Failure to prevent unauthorized carbon monoxide (CO) emissions from the 400 DIB Duct Burners (Category A8 General Condition 3 Violation).
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b) |
|---|---|

Rqmt Prov: Special Condition 19B PERMIT

Special Term & Condition 19 OP

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

Classification: Minor

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

Rqmt Prov: Special Condition 18 PERMIT

Special Term & Condition 19 OP

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

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

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

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

Classification: Major

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

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

Classification: Major

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

Rqmt Prov: GTC OP

NSR Permi No. 6798 PERMIT

STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

3 Effective Date: 07/20/2020 ADMINORDER 2017-1118-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition 3 PERMIT

Special Terms & Conditions 19 OP

Description: Failed to comply with the concentration limits and the emissions limits for EPN 44, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOPNo. O1641, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and New NSR Permit Nos. 20698 and PSDTX797M1, Special Conditions ("SC") No. 3. Specifically, the Respondent exceeded the CO concentration limit of 40 parts per million by volume dry ("ppmvd") at

Classification: Moderate

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

Rqmt Prov: Special Condition 3 PERMIT

Special Terms & Conditions 19 OP

Description: Failed to comply with the concentration limits and the MAERs for EPN 42, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC Nos. 1 and 3. Specifically, for 161 days from July 14, 2012 through June 28, 2013, the Respondent exceeded the NOx MAER of 4.86 pounds per hour ("lbs/hr") by

an average of 3.25 lbs/hr for 107 hours; the CO concen

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditons 19 OP

Description: Failed to comply with the MAER for EPN HR15.001, in violation of 30 TEX. ADMIN. CODE §§116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and Standard Permit Registration No. 87477. Specifically, the Respondent exceeded the NOx MAER of 7.0 lbs/hr by an average of 4.75 lbs/hr for three hours on November 11, 2012 and April 19, 2013 for the Hot Oil Heater, EPN HR15.001, resulting in the unauthorized release of 14.25 lbs of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditions 19 OP

Description: Failed to represent the correct applicable requirements in the FOP, in violation of 30 TEX. ADMIN. CODE §§122.142(b)(2)(A) and 122.143(4) and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, FOP No. O1641 incorrectly lists the NSR authorization for the Piping Components, Unit Identification ("ID") D5FU0124, as 30 TEX. ADMIN. CODE § 106.106 instead of NSR Permit No. 8418.

Classification: Minor

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: General Terms & Conditons OP

Description: Failed to comply with the MAER for EPNs 6/7, in violation of 30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit No. 8418, SC No. 1. Specifically, the Respondent exceeded the CO MAERs of 4.46 lbs/hr by an average of 6.64 lbs/hr for 4,255 hours from January 13, 2016 to May 28, 2016 and from July 6, 2016 to December 31, 2016 for the three DIB 300 Unit 501 KC5 Allison Turbines With 15 MMBtu

Classification: Minor

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, General Terms and Conditions OP

Description: Failed to comply with the MAER for EPNs 8/9, in violation of 30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit No. 8418, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 4.46 lbs/hr by an average 19.54 lbs/hr for 684 hours from January 1, 2016 to May 7, 2016 for the three DIB 400 Unit 501 KC5 Allison Turbines With 15 MMBtu/hr Duct Burner Contribution, EPNs 8/9, resulting in th

Classification: Moderate

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

Rqmt Prov: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

Description: Failed to comply with the MAER for EPN HR15.615, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 0.54 lb/hr by an average of 1.21 lbs/hr for 4,318 hours from February 26, 2016 to December 31, 2016 for the ORU Heater, EPN HR15.615, resulting in the estimated unauthorized r

Classification: Moderate

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

Rqmt Prov: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

Description: Failed to comply with the MAER for EPN HR15.616, in violation of 30 TEX. ADMIN. CODE §§101.20(3),

116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 1.04

lbs/hr by an average of 5.14 lbs/hr for 5,733 hours from February 29, 2016 to December 31, 2016 for the RED Heater, EPN HR15.616, resulting in the estimated unauthorized

- 4 Effective Date: 11/20/2020 ADMINORDER 2020-0461-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC & STC No. 6 OP
NSR Special Condition 1 PA
Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the CO MAER of 3.8 pounds per hour ("lbs/hr") by an average of 0.97 lb/hr for 208 hours on 36 days from August 16, 2017 to February 8, 2018 for the Regenerant Heater, EPN HR15002A, resulting in 201.76 lbs of unauthorized CO emissions.
- 5 Effective Date: 02/01/2021 ADMINORDER 2020-0777-AIR-E (1660 Order-Agreed Order With Denial)
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: GTC and STC No. 19 OP
Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 155.73 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 276754) that began on January 19, 2018 and lasted 26 hours. The emissions event occurred due to accumulated water in the heat exchanger tubes that froze and expanded during freezing weather conditions and caused the tubes to leak at the Splitter I Junior Sub Cooler, resulting in the release to the atmosphere.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 2.F OP
Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the best known cause of the emissions event at the time of reporting on the final record for Incident No. 276754.

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 15, 2016	(1324823)
Item 2	April 19, 2016	(1340380)
Item 3	June 20, 2016	(1353609)
Item 4	July 07, 2016	(1312552)
Item 5	July 19, 2016	(1398611)
Item 6	August 23, 2016	(1286569)
Item 7	September 07, 2016	(1349377)
Item 8	September 14, 2016	(1299804)
Item 9	September 15, 2016	(1344896)
Item 10	September 20, 2016	(1345103)
Item 11	November 08, 2016	(1362927)
Item 12	February 17, 2017	(1406374)
Item 13	March 20, 2017	(1413490)
Item 14	March 28, 2017	(1395903)
Item 15	April 20, 2017	(1419933)
Item 16	May 18, 2017	(1427578)
Item 17	May 31, 2017	(1329205)

Item 18	June 13, 2017	(1329208)
Item 19	July 19, 2017	(1442149)
Item 20	August 18, 2017	(1445812)
Item 21	September 20, 2017	(1463722)
Item 22	October 20, 2017	(1458279)
Item 23	November 13, 2017	(1437315)
Item 24	November 17, 2017	(1463723)
Item 25	December 15, 2017	(1469304)
Item 26	January 19, 2018	(1476879)
Item 27	February 20, 2018	(1489008)
Item 28	April 17, 2018	(1495974)
Item 29	May 18, 2018	(1502939)
Item 30	May 31, 2018	(1395607)
Item 31	June 13, 2018	(1447385)
Item 32	June 20, 2018	(1510032)
Item 33	July 13, 2018	(1496750)
Item 34	July 16, 2018	(1496749)
Item 35	August 16, 2018	(1506962)
Item 36	August 19, 2018	(1521531)
Item 37	September 07, 2018	(1507245)
Item 38	October 17, 2018	(1517554)
Item 39	November 19, 2018	(1511312)
Item 40	December 19, 2018	(1546640)
Item 41	January 31, 2019	(1527109)
Item 42	February 22, 2019	(1513422)
Item 43	March 19, 2019	(1566631)
Item 44	April 23, 2019	(1554746)
Item 45	June 05, 2019	(1556633)
Item 46	July 17, 2019	(1569191)
Item 47	August 19, 2019	(1601770)
Item 48	September 09, 2019	(1579412)
Item 49	September 17, 2019	(1608670)
Item 50	October 16, 2019	(1615549)
Item 51	October 28, 2019	(1597006)
Item 52	November 18, 2019	(1604906)
Item 53	December 18, 2019	(1628687)
Item 54	January 16, 2020	(1622480)
Item 55	February 12, 2020	(1512794)
Item 56	February 14, 2020	(1626053)
Item 57	February 18, 2020	(1618502)
Item 58	February 19, 2020	(1642924)
Item 59	March 17, 2020	(1648597)
Item 60	March 20, 2020	(1649430)
Item 61	April 15, 2020	(1631913)
Item 62	April 16, 2020	(1654950)
Item 63	April 20, 2020	(1655795)
Item 64	April 28, 2020	(1645429)
Item 65	May 05, 2020	(1632182)
Item 66	May 20, 2020	(1661511)
Item 67	June 15, 2020	(1668882)
Item 68	June 18, 2020	(1668044)
Item 69	June 23, 2020	(1632214)
Item 70	August 04, 2020	(1665907)
Item 71	August 05, 2020	(1632161)
Item 72	September 14, 2020	(1689169)
Item 73	September 17, 2020	(1506302)
Item 74	September 22, 2020	(1630339)
Item 75	October 19, 2020	(1695533)
Item 76	November 30, 2020	(1690629)
Item 77	December 21, 2020	(1697468)
Item 78	February 08, 2021	(1701966)

Item 79	February 23, 2021	(1692387)
Item 80	February 26, 2021	(1703433)
Item 81	March 01, 2021	(1703440)

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: 04/30/2020 (1662336)
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: 06/30/2020 (1675829)
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
- 3 Date: 06/30/2020 (1674990)
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: 07/31/2020 (1681759)
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: 07/31/2020 (1682622)
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: 08/31/2020 (1688337)
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: 09/30/2020 (1694694)
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
- 8 Date: 11/23/2020 (1672482)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4A PERMIT
Special Term and Condition 19 OP
Special Term and Condition 1A OP
Description: Failure to maintain net heating value of the north storage flare (EPN: FL-2).
(Category B13 Violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Special Condition 7C PERMIT
 Failure to maintain ISOM cooling tower sample records (EPN: CT-1). (Category C3 Violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 21 PERMIT

Description: Failure to maintain Merox off-gas monitoring records. (Category B3 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 13C PERMIT

Description: Failure to maintain splitter IV cooling tower sample records (EPN: CT-06). (Category C3 Violation)

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)
 MAERT REG
 Special Term and Condition 19 OP
 Special Term and Condition 22B OP

Description: Failure to maintain emission limit of south plant hot oil heater (EPN: SHOH). (Category B13 Violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 19 OP

Description: Failure to maintain emission limit of the HRU-3 turbines and fired-HRU (EPN: 27). (Category B13 Violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 19 OP

Description: Failure to maintain emission limit of the Oleflex reactor heater (EPN: 44). (Category B13 Violation)

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)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11E PERMIT
 Special Condition 2E PERMIT
 Special Condition 3E PERMIT
 Special Condition 4E PERMIT
 Special Condition 5E PERMIT
 Special Condition 6E PERMIT
 Special Condition 7E PERMIT
 Special Condition 9E PERMIT
 Special Term and Condition 19 OP
 Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 3A PERMIT
 Special Term and Condition 19 OP
 Special Term and Condition 1A OP
 Special Term and Condition 22B OP

Description: Failure to maintain the net heating value of the south plant flare (EPN: FL-1). (Category B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
MAERT REG
Special Term and Condition 19 OP
Special Term and Condition 1A OP
Special Term and Condition 22B OP

Description: Failure to maintain the net heating value of the north fracs flare (EPN: FL-4).
(Category B13 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4C PERMIT
Special Term and Condition 19 OP
Special Term and Condition 1A OP

Description: Failure to prevent visible emissions from the north plant flare (EPN: 45).
(Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to conduct daily visible observations of the south plant flare (EPN: FL-1).
(Category C3 Violation)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain emission limit of the BEF hot oil heater (EPN: HR15.614).
(Category B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
MAERT REG
Special Term and Condition 19 OP
Special Term and Condition 1A OP
Special Term and Condition 22 OP

Description: Failure to maintain emission limit of the Frac IV Regen Heater (EPN: HR15.002).
(Category B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
MAERT REG
Special Term and Condition 19 OP
Special Term and Condition 1A OP
Special Term and Condition 22 OP

Description: Failure to maintain emission limit of the Frac VI Regen Heater (EPN: HR17.002).
(Category B13 Violation)

9

Date: 02/12/2021 (1692327)

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 F 116.620(c)(1)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A PERMIT

Description: Failure to prevent open-ended lines (OELs) in the Frac IX unit.

Self Report? NO Classification: Minor

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

MAERT PERMIT

Description: Failure to prevent exceedance of CO as allowed by permit

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP 4035 Special Term and Condition 1A OP

Description: Failure to maintain minimum net heating value of 300 Btu/scf for EPN: SK25.002

10 Date: 02/26/2021 (1692395)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
AMOC 37 Condition F.5 PERMIT
FOP Special Term & Condition (ST&C) 11 OP

Description: Failure to maintain video records from Flare (EPN: SK25.801). (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 1 PERMIT

Description: Failure to maintain emissions in pound per hour (lb/hr) for Reactor Charge Heater (RCH) (EPN: HR15.101) within the limits of the Maximum Allowable Emissions Rates (MAER). (Category B12)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 10 PERMIT

Description: Failure to maintain the Reactor Charge Heater (RCH) (EPN: HR15.101) emissions concentrations within the permit limit. (Category B12)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 10 PERMIT

Description: Failure to maintain emissions in pound per hour (lb/hr) for Auxiliary Boiler A (Aux A) (EPN: BO10.103A) within the limits of the Maximum Allowable Emissions Rates (MAER). (Category B12)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 1 PERMIT

Description: Failure to maintain emissions in pound per hour (lb/hr) for Auxiliary Boiler B (Aux B) (EPN: BO10.103B) within the limits of the Maximum Allowable Emissions Rates (MAER). (Category B12)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 12 PERMIT

Description: Failure to maintain the Auxiliary Boiler A (Aux A) (EPN: BO10.103A) emissions concentrations within the permit limit. (Category B12)

Self Report? NO Classification: Moderate

Citation: 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 KKKK 60.4400(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
FOP Special Term & Condition (ST&C) 5B OP
NSR Special Condition (SC) 3E PERMIT

Description: Failure to conduct performance test on Gas Turbines (EPN: GT26.101A).
(Category C4)

Self Report? NO Classification: Moderate

Citation: 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 KKKK 60.4400(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
FOP Special Term & Condition (ST&C) 5B OP
NSR Special Condition (SC) 3E PERMIT

Description: Failure to conduct performance test on Gas Turbines (EPN: GT26.101B).
(Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to operate PCR001 Emergency Generator Engine (ENP: GEN001) for
preventative maintenance outside of the hours of 06:00 and 12:00. (Category
C4)

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 VVa 60.482-6a(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 & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 20E PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)
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 VVa 60.482-7a(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-9a(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 20H PERMIT

Description: Failure to properly identify a valve for delay of repair (DOR). (Category B13)

Self Report? NO Classification: Moderate

Citation: 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)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(iii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 15A PERMIT

Description: Failure to maintain the exit velocity of Flare (EPN: SK25.801) below the calculated
Vmax. (Category B13)

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 & Condition (ST&C) 11 OP
NSR Special Condition (SC) 26 PERMIT

Description: Failure to operate according to the parameters of the permit. (Category B17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
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 & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP

Description: NSR Special Condition (SC) 15A PERMIT
Failure to maintain Flare (EPN: SK25.801) net heating value above 300 Btu/scf. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
AMOC 37 CND F.3 PERMIT
FOP Special Term & Condition (ST&C) 11 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 15C PERMIT

Description: Failure to prevent visible emissions from Flare (EPN: SK25.801). (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP General Terms & Condition OP

Description: Failure to report a deviation in the proper time frame. (Category B3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to operate Control Room Emergency Generator Engine (ENP: GEN003) for preventative maintenance outside of the hours of 06:00 and 12:00. (Category C4)

F. Environmental audits:

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

Disclosure Date: 07/27/2018

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section D.1.(c)
PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section D.2.(a)(1)
PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section D.1.(a)
PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section B.2.
PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

PERMIT Part III, Section C.1.(b)
PERMIT Part III, Section D.5.
PERMIT Part III.C.1.(d)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Part III, Section B.5.
PERMIT Part III, Section D.5.

Description: Failed to conduct annual compliance evaluations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Part III, Section B.1.a.
PERMIT Part III, Section B.1.b.
PERMIT Part III, Section B.1.c.
PERMIT Part III, Section B.1.d.

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Part III, Section A.5.(3)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

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

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7530(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(e)

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.788(a)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)

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

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

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(2)
30 TAC Chapter 115, SubChapter H 115.764(b)(3)
30 TAC Chapter 115, SubChapter H 115.764(b)(4)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(5)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 15.C.

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)

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

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

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

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1161-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 Enterprise Products Operating LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas processing plant located at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. 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 \$14,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,850 of the penalty and \$2,925 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, \$5,850 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent completed the following corrective actions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 332968:
 - a. On March 29, 2020, inspected the two pressure safety valves, repaired one of the pressure safety valves, and replaced the other pressure safety valve.
 - b. By September 11, 2020, recalibrated the nearby pressure transmitters along the line to ensure accurate pressure readings are transmitted to the Operations Team.

II. ALLEGATIONS

1. During a record review conducted from May 14, 2020 through June 5, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 144873, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O4187, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 143.06 pounds ("lbs") of carbon monoxide ("CO"), 288.27 lbs of volatile organic compounds ("VOC"), and 0.18 lb of sulfur dioxide from the Flare, Emissions Point Number ("EPN") SK25.901, during an emissions event (Incident No. 332968) that occurred on March 29, 2020 and lasted 13 hours and 53 minutes. The emissions event occurred when the Isobutane Dehydrogenation Unit experienced an

increased discharge pressure to the customer that caused two pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During a record review conducted from May 4, 2020 through October 30, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration No. 95777, FOP No. O1641, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 229.52 lbs of CO, 39.75 lbs of VOC, and 215.07 lbs of nitrogen oxides from the Flare, EPN FL-4, during an emissions event (Incident No. 279079) that began on February 20, 2018 and lasted 17 hours and 56 minutes. The emissions event occurred due to the failure of an exhaust valve that caused Recycle Valve FV1233 to fail open and overpressure in the De-Ethanizer Tower, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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. 2020-1161-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,850 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any

portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 279079.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive

Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

12/01/2021

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

Date

7/6/2021

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Title

SVP

☐ 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: 2020-1161-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$11,700
SEP Offset Amount:	\$5,850
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Texas Air Quality Control Region 216, Houston - Galveston

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer (“Replacement Bus”) to replace a bus that is model year 1995 (“Older Bus”), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Enterprise Products Operating LLC
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

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

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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