

Executive Summary – Enforcement Matter – Case No. 59978
Enterprise Products Operating LLC
RN102984911
Docket No. 2020-1377-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise East, 316 South Main Street, Mont Belvieu, Chambers County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0460-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 9, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,175

Total Paid to General Revenue: \$5,588

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,587

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: January 31, 2020 through February 21, 2020

Date(s) of NOE(s): October 9, 2020

Executive Summary – Enforcement Matter – Case No. 59978
Enterprise Products Operating LLC
RN102984911
Docket No. 2020-1377-AIR-E

Violation Information

Failed to prevent unauthorized emissions. 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), New Source Review Permit No. 93973, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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. 289040; and
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division, Enforcement Team 5, MC R-04, (817) 588-5892; 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, 316 South Main Street, Mont Belvieu, Texas 77520-7703

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Oct-2020	Screening	19-Oct-2020	EPA Due	
	PCW	12-Feb-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102984911
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59978	No. of Violations	1
Docket No.	2020-1377-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 5
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	49.0%	Adjustment	Subtotals 2, 3, & 7	\$3,675
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Notes: Enhancement for one NOV with dissimilar violations and two orders without a denial of liability. Reduction for one notice 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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,637
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,175
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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	\$11,175
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,175
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$11,175
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Screening Date 19-Oct-2020

Docket No. 2020-1377-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 59978

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102984911

Media Air

Enf. Coordinator Margarita Dennis

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>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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>)	1	-1%
	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) 49%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and two orders without a denial of liability.
Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 49%

Screening Date 19-Oct-2020
Respondent Enterprise Products Operating LLC
Case ID No. 59978
Reg. Ent. Reference No. RN102984911
Media Air
Enf. Coordinator Margarita Dennis

Docket No. 2020-1377-AIR-E

PCW

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

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 93973, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 22.11 pounds ("lbs") of carbon monoxide ("CO"), 14.46 lbs of nitrogen oxides ("NOx"), and 21.87 lbs of volatile organic compounds ("VOC") from the East Flare, Emissions Point Number ("EPN") FL-06, released 23.45 lbs of CO, 14.10 lbs of NOx, and 23.00 lbs of VOC from the West Flare, EPN FL-08, and released 83.40 lbs of VOC and 16,603.60 lbs of highly reactive volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 289040) that began on July 25, 2018 and lasted 15 hours. The emissions event occurred due to the lack of metal-to-metal contact at the O-ring interface and to the application of room temperature vulcanizing silicone on the joint that prevented the O-ring from properly sealing that caused a leak in the pump, resulting in flaring and in the release to the atmosphere. 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.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 59978
Reg. Ent. Reference No. RN102984911
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				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	25-Jul-2018	1-Nov-2021	3.27	\$1,637	n/a	\$1,637

Notes for DELAYED costs

Estimated delayed 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. 289040. Date Required is the date the emissions event began. 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

\$1,637

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Compliance History Report

Compliance History Report for CN603211277, RN102984911, 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: RN102984911, Enterprise East **Classification:** SATISFACTORY **Rating:** 9.27

Complexity Points: 15 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 316 South Main Street, Mont Belvieu, Chambers County, Texas 77520-7703

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER C10006V	AIR OPERATING PERMITS PERMIT 4269
AIR NEW SOURCE PERMITS ACCOUNT NUMBER C10006V	AIR NEW SOURCE PERMITS AFS NUM 4807100017
AIR NEW SOURCE PERMITS REGISTRATION 83868	AIR NEW SOURCE PERMITS PERMIT 93973
AIR NEW SOURCE PERMITS REGISTRATION 139915	AIR NEW SOURCE PERMITS REGISTRATION 140448
AIR NEW SOURCE PERMITS REGISTRATION 109745	AIR NEW SOURCE PERMITS REGISTRATION 155109
AIR NEW SOURCE PERMITS REGISTRATION 154647	AIR NEW SOURCE PERMITS ACCOUNT NUMBER C10047H
AIR NEW SOURCE PERMITS REGISTRATION 81822	STORMWATER PERMIT TXR05DO13
WASTEWATER EPA ID TX0133175	WASTEWATER PERMIT WQ0004966000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER C10006V	POLLUTION PREVENTION PLANNING ID NUMBER P00174
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD987981560	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 39257
TAX RELIEF ID NUMBER 17627	

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

Date Compliance History Report Prepared: February 12, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 12, 2016 to February 12, 2021

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

Name: Margarita Dennis

Phone: (817) 588-5892

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: 05/04/2018 ADMINORDER 2016-1848-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
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: NSR Permit 93973, Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A(12)(i)(6) Violation)

- 2 Effective Date: 10/24/2018 ADMINORDER 2017-1227-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2A PERMIT
Special Term and Condition 10 OP
Special Term and Condition 1A OP

Description: Failed to maintain the minimum net heating value at or above 300 Btu/scf for steam-assisted or air-assisted flares, in violation of 30 TEX. ADMIN. CODE §§101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit ("FOP") No. O3369, Special Terms and Conditions ("STC") Nos. 1.A and 10, and New Source Review ("NSR") Permit

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2A PERMIT
Special Term and Condition 10 OP
Special Term and Condition 1A OP

Description: Failed to maintain the minimum net heating value at or above 300 Btu/scf for steam-assisted or air-assisted flares, in violation of 30 TEX. ADMIN. CODE §§101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O3369, STC Nos. 1.A and 10, and NSR Permit No. 93973, SC No. 2.A.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 17, 2016	(1327268)
Item 2	March 17, 2016	(1334056)
Item 4	April 19, 2016	(1341184)
Item 5	May 19, 2016	(1347985)
Item 6	June 10, 2016	(1337404)
Item 7	June 20, 2016	(1354418)
Item 8	August 17, 2016	(1367814)
Item 9	September 20, 2016	(1374570)
Item 10	November 17, 2016	(1386663)
Item 11	December 16, 2016	(1392785)
Item 12	January 19, 2017	(1399402)
Item 13	February 28, 2017	(1382484)
Item 14	March 17, 2017	(1413423)
Item 15	March 22, 2017	(1389815)
Item 16	April 20, 2017	(1419875)
Item 17	June 20, 2017	(1433533)
Item 18	July 19, 2017	(1442089)
Item 19	September 20, 2017	(1452363)
Item 20	November 17, 2017	(1463656)
Item 21	January 19, 2018	(1476820)
Item 22	February 20, 2018	(1488949)
Item 23	March 14, 2018	(1492607)
Item 24	April 13, 2018	(1495915)
Item 25	May 18, 2018	(1502880)

Item 26	June 20, 2018	(1509975)
Item 27	July 18, 2018	(1516288)
Item 28	August 19, 2018	(1522338)
Item 29	September 17, 2018	(1529549)
Item 30	November 19, 2018	(1547412)
Item 31	November 21, 2018	(1531123)
Item 32	February 19, 2019	(1566456)
Item 33	April 18, 2019	(1574084)
Item 34	May 16, 2019	(1587719)
Item 35	June 18, 2019	(1587720)
Item 36	August 19, 2019	(1601707)
Item 37	September 20, 2019	(1608612)
Item 38	October 18, 2019	(1615490)
Item 39	November 18, 2019	(1621292)
Item 40	December 18, 2019	(1628628)
Item 41	January 15, 2020	(1636249)
Item 42	February 19, 2020	(1642868)
Item 43	March 17, 2020	(1649375)
Item 44	April 13, 2020	(1655738)
Item 45	April 14, 2020	(1638485)
Item 46	May 20, 2020	(1662281)
Item 47	June 19, 2020	(1668827)
Item 48	August 20, 2020	(1682567)
Item 49	September 16, 2020	(1689114)
Item 50	October 16, 2020	(1695478)

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: 06/30/2020 (1675774)
 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: 11/06/2018 (1527089)
 Disclosure Date: 07/01/2019
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)
 Description: Failed to maintain records of the weekly audio, visual, and olfactory checks of the connectors and flanges in the facility files.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.261
 Description: Failed to submit a PBR Registration to update fugitive emissions and component counts for the site based on present component counts. Specifically, the LDAR valve and flange/connector counts represented in the PBR 81822 permit application dated July 19, 2007, differs from a present master component list.
 Disclosure Date: 07/09/2019
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Condition 12.C
 Description: Failed to validate that the VOC concentrations inside equipment, when vented to atmosphere during MSS activities, were below 10,000 ppmv or 10% of the LEL.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Condition 13.C(2)
 Description: Failed to ensure that the functionality test being performed on the LEL monitors is capable of showing that the monitors are reading no lower than 90% of the calibration gas certified value.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11
 30 TAC Chapter 319, SubChapter A 319.12
 Rqmt Prov: PERMIT M/R RQ No. 2

PERMIT M/R RQ No. 5

Description: Failed to ensure that chlorine residual calibration standard of 0.24+/-0.03 and/or 0.93+/-0.10 is in range. Specifically, from January thru March and May thru December 2016; January, June and October through December 2017; January through October 2018 the calibration standard was out of range.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT EFF LIM/ MON RQ No. 1

Description: Failed to analyze for chlorine weekly. Specifically, the following periods were not monitored weekly:
3/3-3/15/16, 3/30-4/5/16, 5/30-5/31/16, 10/26/16, 1/11-1/14/17, 3/1-3/7/17, 4/15-4/18/17,
5/28-5/30/17, 6/12-6/13/17, 9/11-9/12/17, 9/29-10/3/17, 10/28-10/31/17, 11/13-11/14/17, 1/9/18,
2/15-2/27/18, 3/22-4/2/18, 4/15-4/19/18, 5/11-5/29/18, and 7/11-7/31/18.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT EFF LIM/MON REQ No. 2

Description: Failed to monitor pH daily for 3/22/16, 3/23/16, 7/3-7/9/17, 2/1/18.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 002.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 005 for the weeks of 1/2/16, 3/5/16,
6/25/16, 7/23/16, 12/17/16, 2/18/17.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.354(a)

Description: Failed to have a NOx Final Control Plan.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 003.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 2/12/2016 and 2/12/2021

- 1 Date: 06/30/2016 (1361397) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/16/2016 (1295769) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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)
5C THSC Chapter 382 382.085(b)
Special Condition 2A PERMIT
Special Term and Condition 10 OP
Special Term and Condition 1A OP
- Description: Failure to maintain Flare above minimum net heating value. (Category C4)
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- 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 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
5C THSC Chapter 382 382.085(b)
Special Condition 8(E) PERMIT
Special Term and Conditions 10 OP
Special Term and Conditions 1A OP
- Description: Failure to keep plugged or otherwise sealed 108 open-ended lines. (Category C10)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.617(d)(1)(C)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 10 OP
Special Term and Condition 7H OP
- Description: Failure to submit a notification for the replacement of a flare tip. (Category C3)
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions (ST&C) 1A OP
- Description: Loading a truck tank with an expired leak test. (Category C4)
- 3 Date: 09/30/2016 (1380703) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- 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: 01/31/2017 (1406318) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

- 5 Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2017 (1427526) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 07/31/2017 (1445757) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 08/10/2017 (1417152) Classification: Moderate
Self Report? NO For Informational Purposes Only
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)(1)
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)
Special Condition 8E PERMIT
Special Condition 9E PERMIT
Special Term and Condition 10 OP
Special Term and Condition 1A OP
Description: Failure to seal open ended lines or valves (OELs). (Category C10)
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain operational hours of the diesel firewater engine No. 1 (EPN:
FW-1) below the rolling 12 month limit. (Category C4)
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to certify the Permit Compliance Certification (PCC). (Category B3)
- 8 Date: 09/30/2017 (1458223) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 11/30/2017 (1470106) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 08/20/2018 (1482225)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 10 OP
FOP Special Term & Condition 1A OP
NSR Special Condition 2A PERMIT

Description: Failure to maintain required flare net heating value for the East flare (EPN: FL-06). [Category C4]

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 10 OP
FOP Special Term & Condition 1A OP
NSR Special Condition 2A PERMIT

Description: Failure to maintain required flare net heating value for the West flare (EPN: FL-08). [Category C4]

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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)(1)
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 & Condition (ST&C) 1A OP
FOP ST&C 10 OP
NSR Special Condition 8E PERMIT
NSR Special Condition 9E PERMIT

Description: Failure to equip open-ended lines or valves (OELs) with a cap, plug, flange, or second valve. [Category C10]

11 Date: 09/30/2018 (1535843)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

12 Date: 10/31/2018 (1543717)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

13 Date: 12/31/2018 (1566458)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

14 Date: 02/28/2019 (1566457)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

15 Date: 06/30/2019 (1595466) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

16* Date: 06/30/2020 (1675774) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B

All Investigations Conducted During Component Period February 12, 2016 and February 12, 2021

- Item 1* February 17, 2016** (1327268) For Informational Purposes Only
- Item 2 March 01, 2016** (1306522) For Informational Purposes Only
- Item 3* March 17, 2016** (1334056) For Informational Purposes Only
- Item 4* April 18, 2016** (1288461) For Informational Purposes Only
- Item 5* April 19, 2016** (1341184) For Informational Purposes Only
- Item 6* May 19, 2016** (1347985) For Informational Purposes Only
- Item 7* June 10, 2016** (1337404) For Informational Purposes Only
- Item 8* June 20, 2016** (1354418) For Informational Purposes Only
- Item 9 July 20, 2016** (1361397) For Informational Purposes Only
- Item 10 August 16, 2016** (1295769) For Informational Purposes Only
- Item 11* August 17, 2016** (1367814) For Informational Purposes Only
- Item 12* September 20, 2016** (1374570) For Informational Purposes Only
- Item 13 October 07, 2016** (1335034) For Informational Purposes Only
- Item 14 November 17, 2016** (1380703) For Informational Purposes Only
- (1392785)

Item 15*	December 16, 2016**	For Informational Purposes Only (1399402)
Item 16*	January 19, 2017**	For Informational Purposes Only (1406318)
Item 17	February 17, 2017**	For Informational Purposes Only (1382484)
Item 18*	February 28, 2017**	For Informational Purposes Only (1413423)
Item 19*	March 17, 2017**	For Informational Purposes Only (1389815)
Item 20*	March 22, 2017**	For Informational Purposes Only (1419875)
Item 21*	April 20, 2017**	For Informational Purposes Only (1427526)
Item 22	May 18, 2017**	For Informational Purposes Only (1433533)
Item 23*	June 20, 2017**	For Informational Purposes Only (1442089)
Item 24*	July 19, 2017**	For Informational Purposes Only (1417152)
Item 25	August 10, 2017**	For Informational Purposes Only (1445757)
Item 26	August 18, 2017**	For Informational Purposes Only (1452363)
Item 27*	September 20, 2017**	For Informational Purposes Only (1458223)
Item 28	October 20, 2017**	For Informational Purposes Only (1463656)
Item 29*	November 17, 2017**	For Informational Purposes Only (1470106)
Item 30	December 15, 2017**	For Informational Purposes Only (1476820)
Item 31*	January 19, 2018**	For Informational Purposes Only (1488949)
Item 32*	February 20, 2018**	For Informational Purposes Only (1492607)
Item 33*	March 14, 2018**	For Informational Purposes Only (1495915)
Item 34*	April 13, 2018**	For Informational Purposes Only (1502880)
Item 35*	May 18, 2018**	For Informational Purposes Only (1509975)
Item 36*	June 20, 2018**	For Informational Purposes Only

		(1516288)
Item 37*	July 18, 2018**	For Informational Purposes Only
		(1522338)
Item 38*	August 19, 2018**	For Informational Purposes Only
		(1482225)
Item 39	August 20, 2018**	For Informational Purposes Only
		(1529549)
Item 40*	September 17, 2018**	For Informational Purposes Only
		(1535843)
Item 41	October 18, 2018**	For Informational Purposes Only
		(1543717)
Item 42	November 19, 2018**	For Informational Purposes Only
		(1531123)
Item 43*	November 21, 2018**	For Informational Purposes Only
		(1566458)
Item 44	January 19, 2019**	For Informational Purposes Only
		(1566456)
Item 45*	February 19, 2019**	For Informational Purposes Only
		(1566457)
Item 46	March 19, 2019**	For Informational Purposes Only
		(1574084)
Item 47*	April 18, 2019**	For Informational Purposes Only
		(1587719)
Item 48*	May 16, 2019**	For Informational Purposes Only
		(1587720)
Item 49*	June 18, 2019**	For Informational Purposes Only
		(1595466)
Item 50	July 15, 2019**	For Informational Purposes Only
		(1601707)
Item 51*	August 19, 2019**	For Informational Purposes Only
		(1608612)
Item 52*	September 20, 2019**	For Informational Purposes Only
		(1615490)
Item 53*	October 18, 2019**	For Informational Purposes Only
		(1621292)
Item 54*	November 18, 2019**	For Informational Purposes Only
		(1628628)
Item 55*	December 18, 2019**	For Informational Purposes Only
		(1636249)
Item 56*	January 15, 2020**	For Informational Purposes Only
		(1642868)
Item 57*	February 19, 2020**	For Informational Purposes Only

Item 58*	March 17, 2020**	(1649375) For Informational Purposes Only
Item 59*	April 13, 2020**	(1655738) For Informational Purposes Only
Item 60*	April 14, 2020**	(1638485) For Informational Purposes Only
Item 61*	May 20, 2020**	(1662281) For Informational Purposes Only
Item 62*	June 19, 2020**	(1668827) For Informational Purposes Only
Item 63	July 14, 2020**	(1675774) For Informational Purposes Only
Item 64*	August 20, 2020**	(1682567) For Informational Purposes Only
Item 65*	September 16, 2020	(1689114) For Informational Purposes Only
Item 66	October 09, 2020	(1625462) For Informational Purposes Only
Item 67*	October 16, 2020	(1695478) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102984911**

**§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1377-AIR-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 316 South Main Street in Mont Belvieu, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted from January 31, 2020 through February 21, 2020, an investigator documented that the Respondent released 22.11 pounds ("lbs") of carbon monoxide ("CO"), 14.46 lbs of nitrogen oxides ("NOx"), and 21.87 lbs of volatile organic compounds ("VOC") from the East Flare, Emissions Point Number ("EPN") FL-06, released 23.45 lbs of CO, 14.10 lbs of NOx, and 23.00 lbs of VOC from the West Flare, EPN FL-08, and released 83.40 lbs of VOC and 16,603.60 lbs of highly reactive volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 289040) that began on July 25, 2018 and lasted 15 hours. The emissions event occurred

due to the lack of metal-to-metal contact at the O-ring interface and to the application of room temperature vulcanizing silicone on the joint that prevented the O-ring from properly sealing that caused a leak in the pump, resulting in flaring and in the release to the atmosphere. TCEQ staff determined that 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.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 93973, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). 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.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$11,175 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$5,588 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$5,587 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be

constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2020-1377-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 \$5,587 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. 289040.
 - 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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. 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.
10. 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.
11. 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.

12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

2/11/2022

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

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

Date

SVP
Title

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

Attachment A
Docket Number: 2020-1377-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$11,175
SEP Offset Amount:	\$5,587
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.