

**Executive Summary – Enforcement Matter – Case No. 60607**  
**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2021-0460-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

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

**Type of Operation:**

Hydrocarbon refining and storage facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2022-1103-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 21, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$40,188

**Amount Deferred for Expedited Settlement:** \$1,637

**Total Paid to General Revenue:** \$19,276

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$19,275

Name of SEP: Texas City 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 and January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 20, 2020 through April 9, 2020, April 22, 2020 through May 11, 2020, May 13, 2021 through July 14, 2021, and June 9, 2021 through June 24, 2021

**Date(s) of NOE(s):** March 24, 2021, June 1, 2021, July 22, 2021, and August 27, 2021

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**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2021-0460-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 20,024.01 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 302821) that occurred on February 14, 2019 and lasted 16 minutes. The emissions event occurred when a three-quarter inch bleed valve that was located below a T-strainer had been left in the open position, resulting 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 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 93973, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,954.52 lbs of carbon monoxide ("CO"), 1,277.96 lbs of nitrogen oxides ("NOx"), and 1,954.82 lbs of VOC from the East Flare, Emissions Point Number ("EPN") FL-06, during an emissions event (Incident No. 319220) that began on August 19, 2019 and lasted 23 hours and 30 minutes. The emissions event occurred due to a thermal relief that caused Pressure Safety Valve PSV032 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), NSR Permit No. 93973, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 71.37 lbs of CO, 70.86 lbs of VOC, and 46.66 lbs of NOx from the East Flare, EPN FL-06, and released 334.93 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355046) that began on April 29, 2021 and lasted nine hours. The emissions event occurred when a stainless-steel flare hose failed that caused a leak during the process of de-pressuring process piping, 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 [30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 155109, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 90.18 lbs of CO, 88.44 lbs of VOC, and 58.96 lbs of NOx from the East Flare, EPN FL-06, and released 10,315.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 359199) that occurred on May 27, 2021 and lasted four hours. The

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**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2021-0460-AIR-E**

emissions event occurred when the inboard seal failed and the bearings failed that damaged the shaft, 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 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 93973, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By July 1, 2019, developed and distributed the lessons learned training document to the Enterprise Houston Region Operations to increase awareness for equipment to be secured during audio, visual, and olfactory inspections in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302821;
- b. On May 28, 2021, repaired the pump seal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359199;
- c. By July 14, 2021, replaced the stainless-steel flexible hose and had a contractor review all of the stainless-steel flexible hoses in the Splitter III Unit in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355046; and
- d. By October 1, 2021, installed flow meters on the Splitter III crossover headers to differentiate the flare flow between the East Storage and Splitter III process units in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 319220.

**Technical Requirements:**

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

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**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2021-0460-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; 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:** Texas City Independent School District, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Robert E. Moss, Senior Vice - President Houston Region Operations, Enterprise Products Operating LLC, 10910 Eagle Drive, Mont Belvieu, Texas 77523

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	30-Mar-2021			
	<b>PCW</b>	26-Feb-2023	<b>Screening</b>	7-Apr-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Enterprise Products Operating LLC
<b>Reg. Ent. Ref. No.</b>	RN102984911 (PCW No. 1 of 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60607	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0460-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	85.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$4,250
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Notes: Enhancement for seven NOVs with dissimilar violations and three orders without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,062
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,679  
 Estimated Cost of Compliance: \$26,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,188
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$8,188
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,188
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$1,637
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,551
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**Screening Date** 7-Apr-2021

**Docket No.** 2021-0460-AIR-E

**PCW**

**Respondent** Enterprise Products Operating LLC

**Case ID No.** 60607

*Policy Revision 4 (April 2014)*

**Reg. Ent. Reference No.** RN102984911 (PCW No. 1 of 2)

*PCW Revision March 26, 2014*

**Media** Air

**Enf. Coordinator** Danielle Porras

### 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	7	14%
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	3	75%
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)** 85%

#### >> 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 seven NOVs with dissimilar violations and three orders without 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)** 85%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 85%

**Screening Date** 7-Apr-2021  
**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 60607  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 1 of 2)  
**Media** Air

**Docket No.** 2021-0460-AIR-E

**PCW**

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

**Enf. Coordinator** Danielle Porras

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Permit No. 93973, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 20,024.01 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 302821) that occurred on February 14, 2019 and lasted 16 minutes. The emissions event occurred when a three-quarter inch bleed valve that was located below a T-strainer had been left in the open position, resulting 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** \$25,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which 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 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One monthly event is recommended.

**Good Faith Efforts to Comply**

25.0%

**Reduction** \$937

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

**Notes** The Respondent completed the corrective measures by July 1, 2019, prior to the Notice of Enforcement ("NOE") dated March 24, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$28

**Violation Final Penalty Total** \$6,001

**This violation Final Assessed Penalty (adjusted for limits)** \$6,001

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 60607  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 1 of 2)  
**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)	\$1,500	14-Feb-2019	1-Jul-2019	0.38	\$28	n/a	\$28

#### Notes for DELAYED costs

Estimated cost to develop and distribute the lessons learned training document to the Enterprise Houston Region Operations to increase awareness for equipment to be secured during audio, visual, and olfactory inspections in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302821. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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

\$1,500

**TOTAL**

\$28



**Screening Date** 7-Apr-2021 **Docket No.** 2021-0460-AIR-E **PCW**  
**Respondent** Enterprise Products Operating LLC *Policy Revision 4 (April 2014)*  
**Case ID No.** 60607 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 1 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 93973, SC No. 1, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,954.52 lbs of carbon monoxide, 1,277.96 lbs of nitrogen oxides, and 1,954.82 lbs of VOC from the East Flare, Emissions Point Number FL-06, during an emissions event (Incident No. 319220) that began on August 19, 2019 and lasted 23 hours and 30 minutes. The emissions event occurred due to a thermal relief that caused Pressure Safety Valve PSV032 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.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$125

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

**Notes** The Respondent completed the corrective measures by October 1, 2021, after the NOE dated June 1, 2021.

**Violation Subtotal** \$1,125

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

**Estimated EB Amount** \$2,651 **Violation Final Penalty Total** \$2,188

**This violation Final Assessed Penalty (adjusted for limits)** \$2,188

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 60607  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 1 of 2)  
**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)	\$25,000	19-Aug-2019	1-Oct-2021	2.12	\$2,651	n/a	\$2,651

#### Notes for DELAYED costs

Estimated cost to install flow meters on the Splitter III crossover headers to differentiate the flare flow between the East Storage and Splitter III process units in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 319220. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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

\$25,000

**TOTAL**

\$2,651



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021	<b>Screening</b>	29-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	26-Feb-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Enterprise Products Operating LLC
<b>Reg. Ent. Ref. No.</b>	RN102984911 (PCW No. 2 of 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60607	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0460-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$20,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>85.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$17,000</b>
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Notes: Enhancement for seven NOVs with dissimilar violations and three orders without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$5,000</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$105  
 Estimated Cost of Compliance: \$20,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$32,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$32,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$32,000</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

<b>PAYABLE PENALTY</b>	<b>\$32,000</b>
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**Screening Date** 29-Jul-2021

**Docket No.** 2021-0460-AIR-E

**PCW**

**Respondent** Enterprise Products Operating LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60607

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102984911 (PCW No. 2 of 2)

**Media** Air

**Enf. Coordinator** Danielle Porras

### 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	7	14%
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	3	75%
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)** 85%

#### >> 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 seven NOVs with dissimilar violations and three orders without 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)** 85%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 85%

Screening Date 29-Jul-2021

Docket No. 2021-0460-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60607

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102984911 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), Permit by Rule Registration No. 155109, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 71.37 pounds ("lbs") of carbon monoxide ("CO"), 70.86 lbs of volatile organic compounds ("VOC"), and 46.66 lbs of nitrogen oxides ("NOx") from the East Flare, Emissions Point Number ("EPN") FL-06, and released 334.93 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355046) that began on April 29, 2021 and lasted nine hours. The emissions event occurred when a stainless-steel flare hose failed that caused a leak during the process of de-pressuring process piping, 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 \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 30.0%

>> 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent completed the corrective measures by July 14, 2021, prior to the Notice of Enforcement ("NOE") dated July 22, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$12,000

This violation Final Assessed Penalty (adjusted for limits) \$12,000

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 60607  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 2 of 2)  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	29-Apr-2021	14-Jul-2021	0.21	\$104	n/a	\$104

**Notes for DELAYED costs**

Estimated cost to replace the stainless-steel flexible hose and have a contractor review all of the stainless-steel flexible hoses in the Splitter III Unit in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355046. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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** \$104

**Screening Date** 29-Jul-2021 **Docket No.** 2021-0460-AIR-E **PCW**  
**Respondent** Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60607 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 2

**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 90.18 lbs of CO, 88.44 lbs of VOC, and 58.96 lbs of NOx from the East Flare, EPN FL-06, and released 10,315.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 359199) that occurred on May 27, 2021 and lasted four hours. The emissions event occurred when the inboard seal failed and the bearings failed that damaged the shaft, 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** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual		x	
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

One weekly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$3,125

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

**Notes**  
 The Respondent completed the corrective measures on May 28, 2021, prior to the NOE dated August 27, 2021.

**Violation Subtotal** \$9,375

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

**Estimated EB Amount** \$1 **Violation Final Penalty Total** \$20,000

**This violation Final Assessed Penalty (adjusted for limits)** \$20,000

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 60607  
**Reg. Ent. Reference No.** RN102984911 (PCW No. 2 of 2)  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	27-May-2021	28-May-2021	0.00	\$1	n/a	\$1

#### Notes for DELAYED costs

Estimated cost to repair the pump seal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359199. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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





# Compliance History Report

Compliance History Report for CN603211277, RN102984911, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN603211277, Enterprise Products Operating LLC  
**Classification:** SATISFACTORY **Rating:** 4.15

**Regulated Entity:** RN102984911, Enterprise East  
**Classification:** SATISFACTORY **Rating:** 6.84

**Complexity Points:** 14 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 316 South Main Street, Mont Belvieu, Chambers County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0006V	<b>AIR OPERATING PERMITS</b> PERMIT 4269
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER CI0006V	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4807100017
<b>AIR NEW SOURCE PERMITS</b> PERMIT 93973	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 140448
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 169320	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168410
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER CI0047H	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 81822
<b>STORMWATER</b> PERMIT TXR05DO13	<b>WASTEWATER</b> EPA ID TX0133175
<b>WASTEWATER</b> PERMIT WQ0004966000	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER CI0006V
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00174	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD987981560
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 39257	<b>TAX RELIEF</b> ID NUMBER 17627

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** December 21, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 21, 2017 to December 21, 2022

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

**Name:** Danielle Porras

**Phone:** (713) 767-3682

## 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.

3 Effective Date: 04/08/2022 ADMINORDER 2020-1377-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	January 19, 2018	(1476820)
Item 2	February 20, 2018	(1488949)
Item 3	March 14, 2018	(1492607)
Item 4	April 13, 2018	(1495915)
Item 5	May 18, 2018	(1502880)
Item 6	June 20, 2018	(1509975)
Item 7	July 18, 2018	(1516288)
Item 8	August 19, 2018	(1522338)
Item 9	September 17, 2018	(1529549)
Item 10	November 19, 2018	(1547412)
Item 11	November 21, 2018	(1531123)
Item 12	February 19, 2019	(1566456)
Item 13	April 18, 2019	(1574084)
Item 14	May 16, 2019	(1587719)
Item 15	June 18, 2019	(1587720)
Item 16	August 19, 2019	(1601707)
Item 17	September 20, 2019	(1608612)
Item 18	October 18, 2019	(1615490)
Item 19	November 18, 2019	(1621292)
Item 20	December 18, 2019	(1628628)

Item 21	January 15, 2020	(1636249)
Item 22	February 19, 2020	(1642868)
Item 23	March 17, 2020	(1649375)
Item 24	April 13, 2020	(1655738)
Item 25	April 14, 2020	(1638485)
Item 26	May 20, 2020	(1662281)
Item 27	June 19, 2020	(1668827)
Item 28	August 20, 2020	(1682567)
Item 29	September 16, 2020	(1689114)
Item 30	October 16, 2020	(1695478)
Item 31	November 17, 2020	(1719029)
Item 32	December 15, 2020	(1719030)
Item 33	January 18, 2021	(1719031)
Item 34	February 18, 2021	(1732097)
Item 35	March 19, 2021	(1732098)
Item 36	April 19, 2021	(1732099)
Item 37	May 17, 2021	(1743336)
Item 38	August 20, 2021	(1750546)
Item 39	September 16, 2021	(1768622)
Item 40	October 19, 2021	(1779371)
Item 41	November 17, 2021	(1690636)
Item 42	December 03, 2021	(1447994)
Item 43	March 17, 2022	(1815562)
Item 44	May 02, 2022	(1811373)
Item 45	May 17, 2022	(1831025)
Item 46	October 18, 2022	(1864742)

**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: 12/31/2021 (1800682)  
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: 01/31/2022 (1808512)  
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: 03/31/2022 (1822123)  
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: 05/31/2022 (1837273)  
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: 06/30/2022 (1844459)  
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: 07/31/2022 (1850669)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Failure to meet the limit for one or more permit parameter

7 Date: 08/31/2022 (1858400)  
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.

Notice of Intent Date: 03/16/2022 (1805115)

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  
RN102984911

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-0460-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 hydrocarbon refining and storage facility 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. 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 \$40,188 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,276 of the penalty and \$1,637 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 contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions of this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$19,275 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 implemented the following corrective measures at the Plant:
  - a. By July 1, 2019, developed and distributed the lessons learned training document to the Enterprise Houston Region Operations to increase awareness for equipment to be secured during audio, visual, and olfactory inspections in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302821;
  - b. On May 28, 2021, repaired the pump seal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359199;
  - c. By July 14, 2021, replaced the stainless-steel flexible hose and had a contractor review all of the stainless-steel flexible hoses in the Splitter III Unit in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355046; and
  - d. By October 1, 2021, installed flow meters on the Splitter III crossover headers to differentiate the flare flow between the East Storage and Splitter III process units in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 319220.

## II. ALLEGATIONS

1. During a record review for the Plant conducted from March 20, 2020 through April 9, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 93973, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 20,024.01 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident

- No. 302821) that occurred on February 14, 2019 and lasted 16 minutes. The emissions event occurred when a three-quarter inch bleed valve that was located below a T-strainer had been left in the open position, resulting 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.
2. During a record review for the Plant conducted from April 22, 2020 through May 11, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 93973, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,954.52 lbs of carbon monoxide ("CO"), 1,277.96 lbs of nitrogen oxides ("NOx"), and 1,954.82 lbs of VOC from the East Flare, Emissions Point Number ("EPN") FL-06, during an emissions event (Incident No. 319220) that began on August 19, 2019 and lasted 23 hours and 30 minutes. The emissions event occurred due to a thermal relief that caused Pressure Safety Valve PSV032 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.
  3. During a record review for the Plant conducted from May 13, 2021 through July 14, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 155109, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 71.37 lbs of CO, 70.86 lbs of VOC, and 46.66 lbs of NOx from the East Flare, EPN FL-06, and released 334.93 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355046) that began on April 29, 2021 and lasted nine hours. The emissions event occurred when a stainless-steel flare hose failed that caused a leak during the process of de-pressuring process piping, 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.
  4. During a record review for the Plant conducted from June 9, 2021 through June 24, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 93973, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 90.18 lbs of CO, 88.44 lbs of VOC, and 58.96 lbs of NOx from the East Flare, EPN FL-06, and released 10,315.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 359199) that occurred on May 27, 2021 and lasted four hours. The emissions event occurred when the inboard seal failed and the bearings failed that damaged the shaft, 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.



### 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. 2021-0460-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

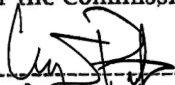
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$19,275 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.

8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

----- For the Commission	----- Date
 ----- For the Executive Director	----- 5/15/2023 ----- Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

 ----- Signature	----- 3/21/2023 ----- Date
Robert E. Moss ----- Name (Printed or typed) Authorized Representative of Enterprise Products Operating LLC	----- SVP, Houston Region Operations ----- Title

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

**Attachment A**  
**Docket Number: 2021-0460-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$38,551</b>
<b>SEP Offset Amount:</b>	<b>\$19,275</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas City Independent School District</b>
<b>Project Name:</b>	<b><i>TCISD Alternative Fuel School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216: Houston-Galveston</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* 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 lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency’s 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

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 **Texas City Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas City Independent School District SEP  
Attention: John Johnson, Consultant  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

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

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

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

#### 5. Publicity

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

#### 6. Recognition

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

#### 7. Other SEPs by TCEQ or Other Agencies

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