

Executive Summary – Enforcement Matter – Case No. 61038
Enterprise Products Operating LLC
RN100210665
Docket No. 2021-0915-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Morgans Point Complex, 1200 North Broadway Street, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

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: \$57,850

Amount Deferred for Expedited Settlement: \$11,570

Total Paid to General Revenue: \$23,140

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$23,140

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 2, 2021 through April 12, 2021, August 13, 2021 through August 25, 2021, and November 18, 2021

Date(s) of NOE(s): June 28, 2021, November 12, 2021, and December 3, 2021

Executive Summary – Enforcement Matter – Case No. 61038
Enterprise Products Operating LLC
RN100210665
Docket No. 2021-0915-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 77.79 pounds ("lbs") of carbon monoxide ("CO"), 141.46 lbs of volatile organic compounds ("VOC"), and 38.96 lbs of nitrogen oxides ("NOx") from the Low Pressure Tank Flare, Emissions Point Number ("EPN") Flare-2, during an emissions event (Incident No. 353200) that occurred on March 23, 2021 and lasted four hours and nine minutes. The emissions event occurred when during recommissioning activities, ethylene was introduced into the pipeline and nitrogen became entrained with the ethylene that was sent from the pipeline through the Mixed Refrigerant System and into the ethylene storage tank, but the Mixed Refrigerant System was not capable of refrigerating the nitrogen, causing an increased pressure in the ethylene storage tank and 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 §§ 106.6(b) and 122.143(4), Permit by Rule ("PBR") Registration No. 152673, Federal Operating Permit ("FOP") No. O1339, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 41,200.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 363919) that occurred on July 31, 2021 and lasted 25 minutes. The emissions event occurred when the tank pressure controller was inadvertently set in manual mode during a pipeline transfer to the tank that caused pressure to build up in Sphere Tank 163 and two pressure safety valves to lift, 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) and 122.143(4), New Source Review Permit No. 20289, Special Conditions No. 1, FOP No. O1339, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 71.48 lbs of CO, 127.08 lbs of VOC, and 34.57 lbs of NOx from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339664) that began on July 27, 2020 and lasted four hours and 30 minutes. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE

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§§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. 01339, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 168.82 lbs of CO, 271.59 lbs of VOC, and 69.56 lbs of NO_x from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339977) that occurred on August 3, 2020 and lasted 14 hours. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. 01339, GTC and STC No. 13, 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 December 31, 2020, removed the two lube oil pumps from the single skid mounted compressor package, sent the two lube oil pumps for inspection and repair, reversed the suction and discharge piping on the skid, and installed the repaired lube oil pumps and new piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 339664 and 339977; and
- b. By February 9, 2023, implemented sampling for evaluation of the entrained nitrogen to minimize the impact that non-condensables have on the ethylene operations at the Plant during recommissioning of equipment in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353200.

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. 363919; and
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 61038
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RN100210665
Docket No. 2021-0915-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Texas City Independent School District, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Robert Moss, Senior Vice President, Enterprise Products Operating LLC, 1200 North Broadway Street, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Jul-2021	Screening	13-Jul-2021	EPA Due	
	PCW	26-Feb-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN100210665
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61038	No. of Violations	4
Docket No.	2021-0915-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$35,000
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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.

Compliance History	76.0% Adjustment	Subtotals 2, 3, & 7	\$26,600
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Notes: Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, two orders containing a denial of liability, and one order 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	-\$3,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,457
 Estimated Cost of Compliance: \$40,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$57,850
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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	\$57,850
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$57,850
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DEFERRAL	20.0% Reduction	Adjustment	-\$11,570
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$46,280
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Screening Date 13-Jul-2021

Docket No. 2021-0915-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61038

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100210665

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 76%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, two orders containing a denial of liability, and one order 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) 76%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 76%

Screening Date 13-Jul-2021
Respondent Enterprise Products Operating LLC
Case ID No. 61038
Reg. Ent. Reference No. RN100210665
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-0915-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(b) and 122.143(4), Permit by Rule ("PBR") Registration No. 152673, Federal Operating Permit ("FOP") No. O1339, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 77.79 pounds ("lbs") of carbon monoxide ("CO"), 141.46 lbs of volatile organic compounds ("VOC"), and 38.96 lbs of nitrogen oxides ("NOx") from the Low Pressure Tank Flare, Emissions Point Number ("EPN") FLARE-2, during an emissions event (Incident No. 353200) that occurred on March 23, 2021 and lasted four hours and nine minutes. The emissions event occurred when during recommissioning activities, ethylene was introduced into the pipeline and nitrogen became entrained with the ethylene that was sent from the pipeline through the Mixed Refrigerant System and into the ethylene storage tank, but the Mixed Refrigerant System was not capable of refrigerating the nitrogen, causing an increased pressure in the ethylene storage tank and 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	30.0%
	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 \$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

0.0%

Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$942

Violation Final Penalty Total \$13,200

This violation Final Assessed Penalty (adjusted for limits) \$13,200

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 61038
Reg. Ent. Reference No. RN100210665
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	23-Mar-2021	9-Feb-2023	1.88	\$942	n/a	\$942

Notes for DELAYED costs

Estimated cost to implement sampling for evaluation of the entrained nitrogen to minimize the impact that non-condensables have on the ethylene operations at the Plant during recommissioning of equipment in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353200. 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 \$942

Screening Date 13-Jul-2021 **Docket No.** 2021-0915-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61038 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100210665
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20289, Special Conditions No. 1, FOP No. O1339, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 41,200.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 363919) that occurred on July 31, 2021 and lasted 25 minutes. The emissions event occurred when the tank pressure controller was inadvertently set in manual mode during a pipeline transfer to the tank that caused pressure to build up in Sphere Tank 163 and two pressure safety valves to lift, 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		50.0%
	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 \$12,500

\$12,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One weekly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$12,500

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

Estimated EB Amount \$1,085 **Violation Final Penalty Total** \$22,000

This violation Final Assessed Penalty (adjusted for limits) \$22,000

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 61038
Reg. Ent. Reference No. RN100210665
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jul-2021	1-Oct-2023	2.17	\$1,085	n/a	\$1,085

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363919. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$1,085

Screening Date 13-Jul-2021 **Docket No.** 2021-0915-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61038 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100210665
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. O1339, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 71.48 lbs of CO, 127.08 lbs of VOC, and 34.57 lbs of NOx from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339664) that began on July 27, 2020 and lasted four hours and 30 minutes. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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 December 31, 2020, prior to the NOE dated December 3, 2021.

Violation Subtotal \$5,625

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

Estimated EB Amount \$430 **Violation Final Penalty Total** \$11,325

This violation Final Assessed Penalty (adjusted for limits) \$11,325

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 61038
Reg. Ent. Reference No. RN100210665
Media Air
Violation No. 3

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)	\$20,000	27-Jul-2020	31-Dec-2020	0.43	\$430	n/a	\$430

Notes for DELAYED costs

Estimated cost to remove the two lube oil pumps from the single skid mounted compressor package, send the two lube oil pumps for inspection and repair, reverse the suction and discharge piping on the skid, and install the repaired lube oil pumps and new piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 339664 and 339977. The Date Required is the date the first 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 \$20,000

TOTAL \$430

Screening Date 13-Jul-2021 **Docket No.** 2021-0915-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61038 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100210665
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. 01339, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 168.82 lbs of CO, 271.59 lbs of VOC, and 69.56 lbs of NOx from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339977) that occurred on August 3, 2020 and lasted 14 hours. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

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 December 31, 2020, prior to the NOE dated December 3, 2021.

Violation Subtotal \$5,625

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

Estimated EB Amount \$0

Violation Final Penalty Total \$11,325

This violation Final Assessed Penalty (adjusted for limits) \$11,325

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 61038
Reg. Ent. Reference No. RN100210665
Media Air
Violation No. 4

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 3.

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 \$0

TOTAL \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN603211277, RN100210665, 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: RN100210665, MORGANS POINT COMPLEX **Classification:** SATISFACTORY **Rating:** 5.29
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 1200 N BROADWAY ST, LA PORTE, HARRIS COUNTY, TX
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0714Q	AIR OPERATING PERMITS PERMIT 1339
AIR NEW SOURCE PERMITS REGISTRATION 4819	AIR NEW SOURCE PERMITS REGISTRATION 7999
AIR NEW SOURCE PERMITS REGISTRATION 8711	AIR NEW SOURCE PERMITS REGISTRATION 12142
AIR NEW SOURCE PERMITS REGISTRATION 13977	AIR NEW SOURCE PERMITS PERMIT 20289
AIR NEW SOURCE PERMITS REGISTRATION 28990	AIR NEW SOURCE PERMITS REGISTRATION 42407
AIR NEW SOURCE PERMITS REGISTRATION 14239	AIR NEW SOURCE PERMITS REGISTRATION 45044
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0714Q	AIR NEW SOURCE PERMITS AFS NUM 4820100051
AIR NEW SOURCE PERMITS REGISTRATION 77166	AIR NEW SOURCE PERMITS REGISTRATION 78575
AIR NEW SOURCE PERMITS REGISTRATION 78580	AIR NEW SOURCE PERMITS REGISTRATION 115233
AIR NEW SOURCE PERMITS REGISTRATION 111735	AIR NEW SOURCE PERMITS REGISTRATION 169627
AIR NEW SOURCE PERMITS REGISTRATION 164611	AIR NEW SOURCE PERMITS REGISTRATION 160370
AIR NEW SOURCE PERMITS REGISTRATION 152673	AIR NEW SOURCE PERMITS REGISTRATION 154999
STORMWATER PERMIT TXR05DN26	WASTEWATER PERMIT WQ0000440000
WASTEWATER EPA ID TX0106721	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0714Q
POLLUTION PREVENTION PLANNING ID NUMBER P00196	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008084238
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30282	TAX RELIEF ID NUMBER 17680
TAX RELIEF ID NUMBER 20903	

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

Date Compliance History Report Prepared: December 20, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 20, 2017 to December 20, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 02/14/2018 ADMINORDER 2017-0174-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC #10(A) PERMIT

STC #1A, 14 OP

Description: Failure to operate flare to meet the minimum net heating value of 300 Btu/scf (CATEGORY B13).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC #13(B) PERMIT

STC #14 OP

Description: Failure to record an oxygen 6-minute average stack concentration for the Marine Vapor Combustor (MVC) (CATEGORY A12(i)(6)).

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failure to report deviation in deviation report (CATEGORY B3).

2 Effective Date: 01/16/2021 ADMINORDER 2020-0752-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(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)

Rqmt Prov: GTC and STC No. 13 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period

3 Effective Date: 03/19/2021 ADMINORDER 2020-0458-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze pH samples for the monthly monitoring period ending October 31, 2019.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: WQ0000440000 PERMIT

Description: Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the quarterly DMR for biochemical oxygen demand (5-day) for the monitoring period ending September 30, 2019 was not submitted by the 20th day of the following month.

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 20, 2018 (1488269)

Item 2 March 14, 2018 (1491937)

Item 3	March 21, 2018	(1478145)
Item 4	April 17, 2018	(1495231)
Item 5	June 20, 2018	(1509273)
Item 6	July 18, 2018	(1515579)
Item 7	August 29, 2018	(1503811)
Item 8	September 17, 2018	(1528817)
Item 9	November 19, 2018	(1542995)
Item 10	December 19, 2018	(1546733)
Item 11	January 19, 2019	(1564315)
Item 12	May 15, 2019	(1586339)
Item 13	June 18, 2019	(1586340)
Item 14	July 15, 2019	(1594713)
Item 15	September 24, 2019	(1597067)
Item 16	December 19, 2019	(1627933)
Item 17	March 17, 2020	(1648689)
Item 18	April 16, 2020	(1655043)
Item 19	May 20, 2020	(1661602)
Item 20	July 16, 2020	(1675085)
Item 21	November 17, 2020	(1716954)
Item 22	December 15, 2020	(1716955)
Item 23	February 11, 2021	(1692364)
Item 24	February 19, 2021	(1730036)
Item 25	March 01, 2021	(1703874)
Item 26	March 19, 2021	(1730037)
Item 27	April 19, 2021	(1730038)
Item 28	April 23, 2021	(1710121)
Item 29	May 19, 2021	(1742305)
Item 30	June 18, 2021	(1748357)
Item 31	July 23, 2021	(1745383)
Item 32	August 18, 2021	(1758593)
Item 33	October 19, 2021	(1778452)
Item 34	December 14, 2021	(1756851)
Item 35	January 18, 2022	(1800003)
Item 36	March 17, 2022	(1814878)
Item 37	April 19, 2022	(1821447)
Item 38	June 17, 2022	(1836594)
Item 39	July 19, 2022	(1843779)
Item 40	August 17, 2022	(1849940)
Item 41	September 19, 2022	(1857711)
Item 42	October 18, 2022	(1864064)

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: 01/31/2022 (1807835)
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: 02/10/2022 (1775671)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 2A(1) PERMIT
Special Condition 9A PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP
Description: Failure to maintain the NHV above the minimum permitted limit for the Process Flare (EPN: FLARE-1) (Category C4).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7B PERMIT
 Special Term and Condition 13 OP
 Description: Failure to prevent an exceedance of the daily TDS concentration limit for the Wet Surface Air Cooler (EPN: WSAC-2) (Category C4).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2A PERMIT
 Special Condition 9B PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP
 Description: Failure to continuously monitor the pilot flame on the NGST Flare (EPN: NGST-FLARE) (Category C1).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2A PERMIT
 Special Term and Condition 13 OP
 Description: Failure to submit the initial startup notification within 15 days of startup for the Ethylene Storage Tank (EPN: LPTK-ETH) (Category B3).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)
 30 TAC Chapter 115, SubChapter H 115.726(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(b)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 2A PERMIT
 Special Condition 9B PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP
 Description: Failure to maintain thermocouple monitoring data for the Process Flare (EPN: FLARE-1) (Category C3).

3 Date: 04/30/2022 (1830344)
 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: 11/23/2022 (1841024)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9(A) PERMIT
 Special Term and Condition 1(A) OP
 Special Term and Condition 13 OP
 Description: Failure to maintain the minimum net heating value for the Process Flare (EPN: FLARE-1)(Category C4).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 23(C)(1) PERMIT
 Special Term and Condition 13 OP
 Description: Failure to conduct a 30-day calibration prior to use of a Lower Explosive Limit (LEL) meter during a Maintenance, Startup, Shutdown (MSS) activity (Category B1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 23(C)(2) PERMIT
 Special Term and Condition 13 OP

Description: Failure to conduct a 24-hour calibration prior to the use of a Lower Explosive Limit (LEL) meter during a Maintenance, Startup, Shutdown (MSS) activity (Category B1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(3)(C)
 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)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9(B) PERMIT
 Special Term and Condition 1(A) OP
 Special Term and Condition 13 OP

Description: Failure to maintain a constant pilot flame for the Natural Gasoline Storage Flare (EPN: NGST-FLARE)(Category C4).

F. Environmental audits:

Notice of Intent Date: 11/25/2019 (1616555)
 Disclosure Date: 12/13/2019
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 7.A

Description: Failed to conduct an annual inspection and maintain injection records of the drift eliminator of the West Surface Air Cooler (WSAC) Nos. 1 and 2 Units (EPN Nos. WSAC1 and WSAC2).
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 7.C(2)

Description: Failed to conduct weekly TDS monitoring for the WSACs, EPN Nos. WSAC1 and WSAC2.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 7.E

Description: Failed to maintain emission records monthly for emission rates of PM, PM10, and PM2.5 for WSAC1 and WSAC2.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 13.E

Description: Failed to document weekly visual, audible, and/or olfactory (AVO) inspections for EPN 023 and demonstrate compliance with recordkeeping requirements.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 15.E

Description: Failed to document weekly AVO inspections for EPNs FUG-1 and FUG-2 and demonstrate compliance with recordkeeping requirements.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions 9.D

Description: Failed to conduct annual calibration on the monitors for the FLARE-1 for flow, temperature, and pressure and demonstrate recordkeeping requirements for EPN FLARE-1.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 4

Description: Failed to conduct quarterly visible emissions observations on the two stationary heater vents, EPNs HTR1 and HTR2.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 23

Description: Failed to verify that all affected tank trucks have passed a leak-tight test within the previous 12 months.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 21

Description: Failed to comply with the natural gasoline annual throughput limit on the truck transfer operations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 23

Description: Failed to adequately complete documentation for inspections of lines and connectors for any defects prior to hookup and document that visual inspections were completed.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 28.C(1)

Description: Failed to maintain monthly records of calibration date/time and calibration result (pass/fail) for the LEL meters used under the MSS permit conditions.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 28.C(2)

Description: Failed to maintain daily functionality test records with calibration date/time and calibration test results for the LEL meters used under the MSS permit conditions.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviations on the Semiannual Deviation Report for violations disclosed.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations on the Permit Compliance Certification for disclosed violations.
Disclosure Date: 12/15/2020

Viol. Classification: Minor
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(6)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to accurately calculate in accordance with the equation in 40 CFR § 60.18(f)(6), the flare (EPN-FLARE-1), maximum permitted velocity (VMAX) for the air assisted flare.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)(2)
30 TAC Chapter 115, SubChapter H 115.725(d)(7)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to meet the 40 CFR § 60.18 specification of maximum tip velocity under normal, upset, and maintenance flow conditions for 67 hours due to errors in the data acquisition system for the flare system (EPN-FLARE-1).

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 7.D.2

Description: Failed to maintain associated calibration records annually for the WSAC-1 and WSAC-2 conductivity meters (EPN WSAC-1, WSAC-2).

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

Description: Failed to ensure flare observations are at least 98% for the Flare-1 and HGST-Flare. Specifically, daily notations on the flare observation logs for 2018 and 2019 recorded observations less than the required 98% for the Flare-1 and HGST-Flare.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to properly report a start time minimum net heating value excursion on a Title V Deviation report dated December 12, 2018. Specifically, FLARE-1 operated below the minimum net heating value of 300 Btu/scf for three occurrences totaling three hours starting on July 31, 2018 as 12:00 and the December 18, 2018 deviation report included two occurrences totaling two hours with a start time of 1600.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(d)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

Rqmt Prov: PERMIT Special Conditions No. 9.B

Description: Failed to monitor and record data in regards to the presence of a pilot flame for EPN NGST-FLARE.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 9.D

Description: Failed to install a continuous flow monitor that provides a record of the vent stream flow to the flare (NGST-FLARE) in which readings should have been taken at least once every 15 minutes and the average hourly value of the flow recorded for each hour.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviation (Disclosed Violations Nos. 15 through 22 on letter dated December 15, 2020) on the Semiannual Deviation Report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations (Disclosed Violation Nos. 15 through 22 on the letter dated December 15, 2020) on the Annual Permit Compliance Certification.

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
RN100210665

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0915-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 chemical manufacturing plant located at 1200 North Broadway Street in La Porte, Harris 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 \$57,850 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,140 of the penalty and \$11,570 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$23,140 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 December 31, 2020, removed the two lube oil pumps from the single skid mounted compressor package, sent the two lube oil pumps for inspection and repair, reversed the suction and discharge piping on the skid, and installed the repaired lube oil pumps and new piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 339664 and 339977; and
 - b. By February 9, 2023, implemented sampling for evaluation of the entrained nitrogen to minimize the impact that non-condensables have on the ethylene operations at the Plant during recommissioning of equipment in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353200.

II. ALLEGATIONS

1. During a record review for the Plant conducted on April 2, 2021 through April 12, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), Permit by Rule ("PBR") Registration No. 152673, Federal Operating Permit ("FOP") No. O1339, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 77.79 pounds ("lbs") of carbon monoxide ("CO"), 141.46 lbs of volatile organic compounds ("VOC"), and 38.96 lbs of nitrogen oxides ("NOx") from the Low Pressure Tank Flare, Emissions Point Number ("EPN") Flare-2, during an emissions event (Incident No. 353200) that occurred on March 23, 2021 and lasted four hours and nine minutes. The emissions event occurred when during recommissioning activities, ethylene was introduced into the pipeline and nitrogen became entrained with the ethylene that was

sent from the pipeline through the Mixed Refrigerant System and into the ethylene storage tank, but the Mixed Refrigerant System was not capable of refrigerating the nitrogen, causing an increased pressure in the ethylene storage tank and resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During a record review for the Plant conducted from August 13, 2021 through August 25, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20289, Special Conditions No. 1, FOP No. O1339, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 41,200.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 363919) that occurred on July 31, 2021 and lasted 25 minutes. The emissions event occurred when the tank pressure controller was inadvertently set in manual mode during a pipeline transfer to the tank that caused pressure to build up in Sphere Tank 163 and two pressure safety valves to lift, 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.
3. During a record review for the Plant conducted on November 18, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. O1339, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 71.48 lbs of CO, 127.08 lbs of VOC, and 34.57 lbs of NO_x from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339664) that began on July 27, 2020 and lasted four hours and 30 minutes. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During a record review for the Plant conducted on November 18, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), PBR Registration No. 152673, FOP No. O1339, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 168.82 lbs of CO, 271.59 lbs of VOC, and 69.56 lbs of NO_x from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339977) that occurred on August 3, 2020 and lasted 14 hours. The emissions event occurred due to malfunctioning lube oil pumps that prevented the compressors from removing or condensing the vapors from the ethylene load drum and caused the pressure safety valves to lift, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and

maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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. 2021-0915-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 \$23,140 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 at the Plant:
 - 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. 363919.
 - 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:

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 Enforcement Division at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized

by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY


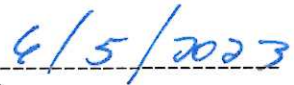
----- For the Commission	----- Date
	7/5/2023
----- For the Executive Director	----- Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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	----- Date
<u>ROBERT E. MOSS</u>	<u>SR. VICE PRESIDENT</u>
----- Name (Printed or typed)	----- Title
Authorized Representative of Enterprise Products Operating LLC	

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: 2021-0915-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$46,280
SEP Offset Amount:	\$23,140
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</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 **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.