

Executive Summary – Enforcement Matter – Case No. 61229
Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing &
Terminals L.P.
RN100214626
Docket No. 2021-1122-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Energy Transfer Nederland Terminal, 2300 North City Highway, located approximately one mile north of Nederland and just north of the intersection of State Highway 347 and Farm-to-Market Road 366, Jefferson County

Type of Operation:

Marine petroleum handling facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0879-AIR-E and 2022-0899-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 21, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,400

Amount Deferred for Expedited Settlement: \$5,880

Total Paid to General Revenue: \$23,520

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

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: July 29, 2021

Date(s) of NOE(s): August 17, 2021

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RN100214626
Docket No. 2021-1122-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for oil and grease and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001151000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Michael Birkett, Senior Director, Energy Transfer Marketing & Terminals L.P., P.O. Box 758, Nederland, Texas 77627

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Aug-2021	Screening	24-Aug-2021	EPA Due	
	PCW	23-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P.
Reg. Ent. Ref. No.	RN100214626
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61229	No. of Violations	1
Docket No.	2021-1122-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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	96.0% Adjustment	Subtotals 2, 3, & 7	\$14,400
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Notes: Enhancement for three NOVs with dissimilar violations, two orders containing a denial of liability, and two orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,908
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,400
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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	\$29,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,400
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,880
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,520
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Screening Date 24-Aug-2021

Docket No. 2021-1122-IWD-E

PCW

Respondent Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners

Case ID No. 61229

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214626

Media Water Quality

Enf. Coordinator Harley Hobson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	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>)	0	0%
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) 96%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with dissimilar violations, two orders containing a denial of liability, and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 96%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 96%

Screening Date 24-Aug-2021

Docket No. 2021-1122-IWD-E

PCW

Respondent Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners

Policy Revision 5 (January 28, 2021)

Case ID No. 61229

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214626

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

211 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,908

Violation Final Penalty Total \$29,400

This violation Final Assessed Penalty (adjusted for limits) \$29,400

Economic Benefit Worksheet

Respondent Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P.
Case ID No. 61229
Reg. Ent. Reference No. RN100214626
Media Violation No. Water Quality
 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)	\$25,000	30-Jun-2020	27-Oct-2022	2.33	\$2,908	n/a	\$2,908

Notes for DELAYED costs
 Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$2,908

Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P.
Docket No. 2021-1122-IWD-E
TPDES Permit No. WQ0001151000
Case No. 61229

Effluent Violation Table

	Oil and Grease Daily Maximum Concentration	Total Suspended Solids Daily Average Concentration	Total Suspended Solids Daily Maximum Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 20 mg/L	Limit = 35 mg/L
June 2020	c	c	39
November 2020	18.2	c	c
December 2020	c	c	41
January 2021	c	20.45	37
February 2021	c	28.95	48
March 2021	c	21.56	c
April 2021	c	23.4	c

c = compliant

mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN601403199, RN100214626, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN601403199, Energy Transfer Marketing & Terminals L.P. **Classification:** SATISFACTORY **Rating:** 0.24

Regulated Entity: RN100214626, ENERGY TRANSFER NEDERLAND TERMINAL **Classification:** SATISFACTORY **Rating:** 0.40

Complexity Points: 26 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2300 North Twin City Highway, approximately one mile north of the City of Nederland and just north of the intersection of State Highway 347 and Farm-to-Market Road 366 in Jefferson County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0091L	AIR OPERATING PERMITS PERMIT 1573
AIR NEW SOURCE PERMITS AFS NUM 4824500057	AIR NEW SOURCE PERMITS AFS NUM 4824500750
AIR NEW SOURCE PERMITS REGISTRATION 4338	AIR NEW SOURCE PERMITS PERMIT 7394
AIR NEW SOURCE PERMITS REGISTRATION 10476	AIR NEW SOURCE PERMITS REGISTRATION 10644
AIR NEW SOURCE PERMITS REGISTRATION 11669	AIR NEW SOURCE PERMITS REGISTRATION 12268
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0091L	AIR NEW SOURCE PERMITS PERMIT 56508
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1444	AIR NEW SOURCE PERMITS REGISTRATION 118730
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1472	AIR NEW SOURCE PERMITS REGISTRATION 107665
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1472M1	AIR NEW SOURCE PERMITS REGISTRATION 167885
AIR NEW SOURCE PERMITS PERMIT AMOC102	AIR NEW SOURCE PERMITS REGISTRATION 157107
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSPTX191	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1444M1
STORMWATER PERMIT TXR05EF53	WASTEWATER EPA ID TX0005746
WASTEWATER PERMIT WQ0001151000	AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0091L
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JEA041N	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD045196565
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 32500	TAX RELIEF ID NUMBER 19717
TAX RELIEF ID NUMBER 17240	TAX RELIEF ID NUMBER 17851
TAX RELIEF ID NUMBER 17244	TAX RELIEF ID NUMBER 20274
TAX RELIEF ID NUMBER 21008	TAX RELIEF ID NUMBER 22359

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: July 21, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 21, 2017 to July 21, 2022

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 01/31/2018 ADMINORDER 2016-0356-MLM-E (Findings Order-Agreed Order Without Denial)
 Classification: Major
 Citation: 2B TWC Chapter 11, SubChapter A 11.081
 2B TWC Chapter 11, SubChapter A 11.121
 30 TAC Chapter 297, SubChapter B 297.11
 Description: Failed to obtain authorization prior to impounding, diverting, storing or using state water, in violation of TEX.

WATER CODE §§ 11.081 and 11.121 and 30 TEX. ADMIN. CODE § 297.11.

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: Failed to comply with permitted effluent limits, in violation of in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001.

2 Effective Date: 08/15/2018 ADMINORDER 2017-1251-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 10 OP

Description: Failed to comply with the permitted annual MAER. Specifically, the VOC MAER of 24.50 tpy was exceeded for the 12-month periods ending from July 2015 through August 2015 and the VOC MAER of 14.76 tpy was exceeded for the 12-month periods ending from September 2015 through August 2016 for the Flare and Marine Vapor Combustion Unit 2 Emissions Cap, EPN COMBUSTCAP, resulting in the unauthorized release of 23.79 tons of VOC.

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: Failed to report all instances of deviations. Specifically, the deviation reports for the February 26, 2015 through August 25, 2015 and August 26, 2015 through February 25, 2016 reporting periods did not include deviations for failing to comply with the permitted VOC annual MAER for EPN COMBUSTCAP.

3 Effective Date: 01/21/2020 ADMINORDER 2018-1184-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 12(H) PERMIT
Special Condition 12(I) PERMIT
Special Term & Condition 10 OP
Special Terms & Conditions 11 OP

Description: Failed to perform a first repair attempt within five days after discovering a leaking component and to either repair the component or place it on the delay of repair ("DOR") list if a unit shutdown is required within 15 days after discovery.

Classification: Minor

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

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Representations OP

Special Term & Condition 10 OP

Special Term & Condition 11 OP

Description: Failed to comply with all representations with regard to construction plans, operating procedures, and

maximum emissions rates in any certified registration. Specifically, the Respondent released 0.32 ton of VOC during calendar year 2017 from the Cooling Tower, EPN COOLTWR, but no VOC emissions were certified in the registration for Permit by Rule Registration No. 111204.

Classification: Minor

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

Rqmt Prov: General Terms & Conditions OP
Special Term & Condition 3(A)(iv)(1) OP

Description: Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct visible emissions observations of the WEG Fire Tube B Heater, EPN H-601B, during the second quarter of 2017, but the heater was operated from April 1, 2017 through April 24, 2017 and from June 13, 2017 through June 30, 2017, and visible emissions observations were therefore required.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(f)(6)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain records for hours of operation for emergency engines. Specifically, the Respondent provided the total hours of operation for the generators at the Plant, but the purpose of the engine operation, type of emergency situation, and start and end times and dates of the emergency situation were not recorded.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a revision application for an FOP for those activities at a site which change, add, or remove one or more permit terms or conditions. Specifically, the Respondent did not submit a revision application for FOP No. O1573 to include the applicable requirements of 30 Tex. Admin. Code ch. 117 for the emergency engines.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 106, SubChapter V 106.492(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Term & Condition 10 OP
Special Term & Condition 11 OP

Description: Failed to maintain the net heating value of the gas stream to be burned by a flare above 200 British thermal units per standard cubic foot ("Btu/scf"). Specifically, the gas stream to the LPG Flare, EPN LPGFLARE, was below 200 Btu/scf intermittently from April 24, 2017 at 1500 hours to June 27, 2017 at 0930 hours with a net heating value that ranged from 0.0 to 194.6 Btu/scf.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 106, SubChapter A 106.8(c)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Term & Condition 10 OP
Special Term & Condition 11 OP

Description: Failed to maintain records containing sufficient information to demonstrate compliance with applicable PBR conditions. Specifically, records for exit velocities for the LPG Flare, EPN LPGFLARE, for calendar year 2017 were requested on May 21, 2018 and June 6, 2018, but were not provided.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Term & Condition 10 OP
Special Term & Condition 11 OP

Description: Failed to comply with the certified emissions rates. Specifically, the Respondent exceeded the VOC emissions rate of 0.84 pound per hour ("lb/hr") for the LPG Flare, EPN LPGFLARE, by approximately 1,572.9 lbs/hr for one hour on June 6, 2018 when the gas stream did not combust, resulting in 1,572.9 lbs of unauthorized VOC.

Classification: Minor

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

Rqmt Prov: General Condition 7 PERMIT
General Terms & Conditions OP
Special Condition 8(D)(4) PERMIT

Special Term & Condition 10 OP

Description: Failed to maintain records of inspections during marine loading operations. Specifically, the Respondent did not maintain records of the date and time of each inspection conducted during marine loading operations that included all repairs and replacements made due to leaks for calendar year 2017.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 106, SubChapter V 106.492(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Terms & Conditions 10 OP
Special Terms & Conditions 11 OP

Description: Failed to maintain records containing sufficient information to demonstrate compliance with all applicable PBR conditions.

4 Effective Date: 07/14/2021 ADMINORDER 2020-0975-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Term and Condition OP
Special Term and Condition 15 OP

Description: Failure to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failure to submit a PCC within 30 days of any certification period.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Term and Condition OP
Special Term and Condition 15 OP

Description: Failure to include a signed certification of accuracy and completeness with the PCC.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Term and Condition 12 OP

Description: Failure to comply with the MAER.

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 Term and Condition OP

Description: Failure to report all instances of deviations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 21, 2017	(1443509)	Item 9	May 18, 2018	(1500579)
Item 2	October 18, 2017	(1455956)	Item 10	June 20, 2018	(1507696)
Item 3	October 23, 2017	(1446861)	Item 11	July 19, 2018	(1514013)
Item 4	October 24, 2017	(1446459)	Item 12	August 13, 2018	(1465437)
Item 5	November 17, 2017	(1461437)	Item 13	August 17, 2018	(1520075)
Item 6	December 19, 2017	(1467816)	Item 14	August 30, 2018	(1511311)
Item 7	January 19, 2018	(1474521)	Item 15	September 17, 2018	(1527240)
Item 8	April 20, 2018	(1493661)	Item 16	October 19, 2018	(1533598)

Item 17	November 16, 2018	(1541433)	Item 41	June 16, 2020	(1666597)
Item 18	December 17, 2018	(1545217)	Item 42	July 28, 2020	(1665124)
Item 19	December 27, 2018	(1537276)	Item 43	July 30, 2020	(1659076)
Item 20	January 15, 2019	(1559626)	Item 44	August 12, 2020	(1680329)
Item 21	February 08, 2019	(1559624)	Item 45	September 10, 2020	(1686898)
Item 22	March 12, 2019	(1559625)	Item 46	October 16, 2020	(1693245)
Item 23	April 12, 2019	(1571814)	Item 47	November 13, 2020	(1712425)
Item 24	May 10, 2019	(1583237)	Item 48	April 27, 2021	(1707426)
Item 25	June 11, 2019	(1583238)	Item 49	May 03, 2021	(1706293)
Item 26	July 12, 2019	(1593127)	Item 50	June 11, 2021	(1724752)
Item 27	August 14, 2019	(1599473)	Item 51	June 25, 2021	(1736753)
Item 28	August 27, 2019	(1590852)	Item 52	August 19, 2021	(1757158)
Item 29	September 13, 2019	(1606378)	Item 53	September 17, 2021	(1766238)
Item 30	October 11, 2019	(1613224)	Item 54	October 12, 2021	(1776641)
Item 31	November 18, 2019	(1619038)	Item 55	November 10, 2021	(1783610)
Item 32	December 16, 2019	(1626390)	Item 56	December 16, 2021	(1790634)
Item 33	January 13, 2020	(1634031)	Item 57	January 05, 2022	(1782039)
Item 34	January 29, 2020	(1622589)	Item 58	January 11, 2022	(1798429)
Item 35	February 06, 2020	(1625017)	Item 59	February 15, 2022	(1806304)
Item 36	February 12, 2020	(1640650)	Item 60	February 24, 2022	(1795215)
Item 37	March 12, 2020	(1647170)	Item 61	March 16, 2022	(1813369)
Item 38	April 13, 2020	(1653506)	Item 62	April 18, 2022	(1819941)
Item 39	April 28, 2020	(1640070)	Item 63	May 09, 2022	(1812084)
Item 40	May 11, 2020	(1660092)	Item 64	May 18, 2022	(1828781)

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:	08/17/2021	(1685311)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.165(a)(8) 30 TAC Chapter 122, SubChapter B 122.165(b) 5C THSC Chapter 382 382.085(b) General Term and Condition OP Special Term and Condition 15 OP			
	Description:	Failure to have a signed certification of accuracy and completeness for the first and second Permit Compliance Certifications.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Term and Condition OP			
	Description:	Failure to report deviations.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(2) 5C THSC Chapter 382 382.085(b) General Term and Condition OP Special Condition 3 PERMIT Special Term and Condition 13 OP			
	Description:	Failure to maintain tank inspection records for Internal Floating Roof (IFR) Tank 1557.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Term and Condition OP Special Condition 14.A. PERMIT Special Condition 14.B. PERMIT Special Term and Condition 13 OP			
	Description:	Failure to maintain temperature records for Marine Vapor Combustor Unit 6 (MVCU6).			

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4211(f)(2)
 5C THSC Chapter 382 382.085(b)
 General Term and Condition OP
 Special Term and Condition 1.A. OP
 Description: Failure to operate emergency use engines under the maximum hour limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(D)
 30 TAC Chapter 115, SubChapter B 115.146(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Term and Condition OP
 Special Term and Condition 22 OP
 Description: Failure to maintain Volatile Organic Compound (VOC) concentration monitoring records.

2 Date: 01/27/2022 (1782070)
 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 60.7(a)(3)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(1)
 5C THSC Chapter 382 382.085(b)
 General Term and Condition OP
 Special Condition 4.D. PERMIT
 Special Term and Condition 1.A. OP
 Special Term and Condition 13 OP
 Special Term and Condition 7.A. OP
 Description: Failure to provide notification within 15-days after the initial startup for External Floating Roof (EFR) Tank 1596.

3 Date: 06/17/2022 (1817093)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(e)(4)
 5C THSC Chapter 382 382.085(b)
 General Term and Condition OP
 Special Condition 5.B. PERMIT
 Special Term and Condition 13 OP
 Description: Failure to submit 40 CFR 63 Subpart Y 2021 report in a timely manner.

F. Environmental audits:

N/A

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
ENERGY TRANSFER MARKETING &
TERMINALS L.P. FKA SUNOCO
PARTNERS MARKETING &
TERMINALS L.P.
RN100214626

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2021-1122-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a marine petroleum handling facility located at 2300 North City Highway, approximately one mile north of the City of Nederland and just north of the intersection of State Highway 347 and Farm-to-Market Road 366 in Jefferson County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$29,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,520 of the penalty and \$5,880 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount 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 or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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.

II. ALLEGATIONS

During a record review for the Facility conducted on July 29, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation below:

Effluent Violation Table			
	Oil and Grease Daily Maximum Concentration	Total Suspended Solids Daily Average Concentration	Total Suspended Solids Daily Maximum Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 20 mg/L	Limit = 35 mg/L
June 2020	c	c	39
November 2020	18.2	c	c
December 2020	c	c	41
January 2021	c	20.45	37
February 2021	c	28.95	48
March 2021	c	21.56	c
April 2021	c	23.4	c

c = compliant

mg/L = milligrams per liter

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: Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P., Docket No. 2021-1122-IWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001151000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.

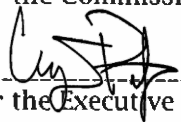
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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

3/30/2023

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

2-22-2023

Date

Michael E. Birkett

Senior Director - Operations

Name (Printed or typed)

Title

Authorized Representative of
Energy Transfer Marketing & Terminals L.P.
fka Sunoco Partners Marketing & Terminals L.P.

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.