

**Executive Summary – Enforcement Matter – Case No. 61369**  
**Enterprise Products Operating LLC**  
**RN102323268**  
**Docket No. 2021-1262-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

AIR

**Small Business:**

No

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

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

**Type of Operation:**

Liquid petroleum gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0346-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 28, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$96,250

**Total Paid to General Revenue:** \$48,125

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$48,125

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$22,500

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** February 25, 2021 through March 11, 2021, February 25, 2021 through April 16, 2021, and October 30, 2021

**Date(s) of NOE(s):** April 30, 2021, May 7, 2021, and November 19, 2021

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***Violation Information***

1. Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, NSR Permit Nos. 19930, PSDTX789M1, PSDTX790, and N174, SC No. 1, Federal Operating Permit ("FOP") No. O1641, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.4, 106.433, 106.452, and 122.143(4), FOP No. O1641, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

3. Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107523, PSDTX1336, and N174, SC No. 1, FOP No. O4004, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On December 31, 2021, implemented an approved corrective action plan to address the excessive emissions event that occurred on February 1, 2021 (Incident No. 349812);
- b. By April 21, 2022, modified the Railcar Inspection Form to prevent the operators from overtightening the railcar valve and modified the new employee training to include the modified Railcar Inspection Checklist in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 349875; and
- c. By August 15, 2022, replaced the fuel gas valves and fuel gas controllers, installed new wiring between the controllers and valves on both Regen Air Compressors ("RAC"), added vortex coolers for both RAC fuel controllers, repaired a damaged reactor air inlet valve, implemented periodic maintenance, and replaced a variable frequency drive

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in the motor control center in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333173.

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 422-8912; 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:** Carl R. Griffith & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Robert Moss, Senior Vice President, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	3-May-2021	<b>Screening</b>	25-Aug-2021	<b>EPA Due</b>	
	<b>PCW</b>	27-Feb-2023				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	61369	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-1262-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$62,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$62,500
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Notes

Enhancement for six NOVs with the same or similar violations, ten NOVs with dissimilar violations, six agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$6,250
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,604
Estimated Cost of Compliance	\$38,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$118,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$118,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$96,250
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

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

<b>PAYABLE PENALTY</b>	\$96,250
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Screening Date 25-Aug-2021

Docket No. 2021-1262-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61369

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102323268

Media Air

Enf. Coordinator Amanda Diaz

## Compliance History Worksheet

## &gt;&gt; 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> )	6	30%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	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) 240%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for six NOVs with the same or similar violations, ten NOVs with dissimilar violations, six agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 240%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

<b>Screening Date</b>	25-Aug-2021	<b>Docket No.</b>	2021-1262-AIR-E	<b>PCW</b>	
<b>Respondent</b>	Enterprise Products Operating LLC	Policy Revision 5 (January 28, 2021)			
<b>Case ID No.</b>	61369	PCW Revision February 11, 2021			
<b>Reg. Ent. Reference No.</b>	RN102323268				
<b>Media</b>	Air				
<b>Enf. Coordinator</b>	Amanda Diaz				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, NSR Permit Nos. 19930, PSDTX789M1, PSDTX790, and N174, SC No. 1, Federal Operating Permit ("FOP") No. O1641, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 26,365.54 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 349875) that began on February 1, 2021 and lasted nine hours and 56 minutes. The emissions event occurred when a valve failed on a railcar in the West Terminal, 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.				
		<b>Base Penalty</b>	\$25,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major      Moderate      Minor			
	Actual	x			
	Potential		<b>Percent</b>	50.0%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
					0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		<b>Adjustment</b>	\$12,500		
		\$12,500			
<b>Violation Events</b>					
Number of Violation Events		1	Number of violation days		
	daily				
	weekly	x			
	monthly				
	quarterly				
	semiannual				
	annual				
	single event				
		<b>Violation Base Penalty</b>	\$12,500		
		One weekly event is recommended.			
<b>Good Faith Efforts to Comply</b>		10.0%	Reduction	\$1,250	
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent completed the corrective measures by April 21, 2022, after the Notice of Enforcement ("NOE") dated April 30, 2021.				
		<b>Violation Subtotal</b>	\$11,250		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$182	<b>Violation Final Penalty Total</b>	\$23,750	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>			
		\$23,750			

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 61369  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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	\$1,500	1-Feb-2021	21-Apr-2022	1.22	\$91	n/a	\$91
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Feb-2021	21-Apr-2022	1.22	\$91	n/a	\$91
Notes for DELAYED costs	Estimated costs to modify the Railcar Inspection Form to prevent the operators from overtightening the railcar valve (\$1,500) and to modify the new employee training to include the modified Railcar Inspection Checklist (\$1,500) in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 349875. The Dates Required are the date the emissions event began and the Final Dates are the compliance date.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	\$3,000			<b>TOTAL</b>		\$182	

<b>Screening Date</b>	25-Aug-2021	<b>Docket No.</b>	2021-1262-AIR-E	<b>PCW</b>
<b>Respondent</b>	Enterprise Products Operating LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	61369	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN102323268			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Amanda Diaz			
<b>Violation Number</b>	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>			
<b>Rule Cite(s)</b>	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 101.4, 106.433, 106.452, and 122.143(4), FOP No. O1641, GTC and STC No. 16, and Tex. Health &amp; Safety Code § 382.085(a) and (b)</div>			
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 2px;">Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,940.90 lbs of VOC, 10.50 lbs of cyanide, 1,689.60 lbs of hydrogen chloride, 9,126.90 lbs carbon monoxide ("CO"), 639.60 lbs of nitrogen oxides ("NOx"), 151.00 lbs of sulfur dioxide ("SO2"), and 25,393.20 lbs of particulate matter as fugitive emissions, during an emissions event (Incident No. 349812) that occurred on February 1, 2021 and lasted six hours and 49 minutes. The emissions event occurred due to a fire in the South Plant Warehouse, resulting in the release to the atmosphere. The emissions event was determined to be an excessive emissions event.</div>			
			<b>Base Penalty</b>	<div style="border: 1px solid black; padding: 2px; text-align: right;">\$25,000</div>

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

<b>OR</b>		<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<b>Percent</b>	<div style="border: 1px solid black; padding: 2px; text-align: center;">100.0%</div>
	Potential	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>		

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor		
	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<b>Percent</b>	<div style="border: 1px solid black; padding: 2px; text-align: center;">0.0%</div>

Matrix Notes	Human health or the environment has been exposed to pollutants which exceeded levels that are protective of human health or environmental receptors as a result of the violation.
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**Adjustment**

\$0

\$25,000

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	Number of violation days
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	daily	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>			
	weekly	<div style="border: 1px solid black; padding: 2px;"></div>			
	monthly	<div style="border: 1px solid black; padding: 2px;"></div>			
	quarterly	<div style="border: 1px solid black; padding: 2px;"></div>			
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>			
	annual	<div style="border: 1px solid black; padding: 2px;"></div>			
	single event	<div style="border: 1px solid black; padding: 2px;"></div>			

**Violation Base Penalty**

\$25,000

One daily event is recommended.

**Good Faith Efforts to Comply**

	<div style="border: 1px solid black; padding: 2px; text-align: center;">10.0%</div>				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>			
Ordinary	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>			
N/A	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>			

Notes	The Respondent completed the corrective measures by December 31, 2021, after the NOE dated May 7, 2021.
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**Violation Subtotal**

\$22,500

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<div style="border: 1px solid black; padding: 2px; text-align: right;">\$456</div>
	<b>Violation Final Penalty Total</b> <div style="border: 1px solid black; padding: 2px; text-align: right;">\$47,500</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <div style="border: 1px solid black; padding: 2px; text-align: right;">\$25,000</div>	

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 61369  
**Reg. Ent. Reference No.** RN102323268  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Feb-2021	31-Dec-2021	0.91	\$456	n/a	\$456
<b>Notes for DELAYED costs</b> Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on February 1, 2021 (Incident No. 349812). 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
<b>Notes for AVOIDED costs</b> 							

Approx. Cost of Compliance	\$10,000	<b>TOTAL</b>	\$456
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<b>Screening Date</b>	25-Aug-2021	<b>Docket No.</b>	2021-1262-AIR-E	<b>PCW</b>
<b>Respondent</b>	Enterprise Products Operating LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	61369	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN102323268			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Amanda Diaz			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107523, PSDTX1336, and N174, SC No. 1, FOP No. O4004, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 38,222.20 lbs of VOC, 4,950.40 lbs of NOx, 20,910.40 lbs of CO, and 111.30 lbs of SO2 from the Process Flare, Emission Point No. SK25.801, during an emissions event (Incident No. 333173) that began on April 1, 2020 and lasted 312 hours and 40 minutes. The emissions event occurred due to a primary fuel controller fault that caused the production unit to lose steam production, 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.			
			<b>Base Penalty</b>	\$25,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	x		
	Potential			<b>Percent</b> 50.0%
<b>&gt;&gt;Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0.0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
			<b>Adjustment</b>	\$12,500
				\$12,500
<b>Violation Events</b>				
Number of Violation Events		2	14	Number of violation days
	daily			
	weekly	x		
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
			<b>Violation Base Penalty</b>	\$25,000
Two weekly events are recommended.				
<b>Good Faith Efforts to Comply</b>		10.0%	Reduction	\$2,500
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary		x	
	N/A			
	<b>Notes</b>	The Respondent completed the corrective measures by August 15, 2022, after the NOE dated November 19, 2021.		
			<b>Violation Subtotal</b>	\$22,500
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$2,966	<b>Violation Final Penalty Total</b>	\$47,500	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$47,500	

## Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 61369  
**Reg. Ent. Reference No.** RN102323268  
**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)	\$25,000	1-Apr-2020	15-Aug-2022	2.37	\$2,966	n/a	\$2,966

#### Notes for DELAYED costs

Estimated cost to replace the fuel gas valves and fuel gas controllers, install new wiring between the controllers and valves on both Regen Air Compressors ("RAC"), add vortex coolers for both RAC fuel controllers, repair a damaged reactor air inlet valve, implement periodic maintenance, and replace a variable frequency drive in the motor control center in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333173. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$2,966



# Compliance History Report

Compliance History Report for CN603211277, RN102323268, 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:** RN102323268, ENTERPRISE MONT BELVIEU COMPLEX

**Classification:** SATISFACTORY

**Rating:** 18.70

**Complexity Points:** 37

**Repeat Violator:** NO

**CH Group:** 03 - Oil and Gas Extraction

**Location:** 10207 FM 1942 RD MONT BELVIEU, TX 77521-4580, CHAMBERS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER CI0008R  
**AIR OPERATING PERMITS** PERMIT 3557  
**AIR OPERATING PERMITS** PERMIT 4187  
**AIR OPERATING PERMITS** PERMIT 27613  
**AIR NEW SOURCE PERMITS** PERMIT 20698  
**AIR NEW SOURCE PERMITS** PERMIT 76070  
**AIR NEW SOURCE PERMITS** PERMIT 5581  
**AIR NEW SOURCE PERMITS** PERMIT 8418  
**AIR NEW SOURCE PERMITS** PERMIT 8707  
**AIR NEW SOURCE PERMITS** REGISTRATION 71649  
**AIR NEW SOURCE PERMITS** REGISTRATION 72757  
**AIR NEW SOURCE PERMITS** PERMIT 22114  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1057  
**AIR NEW SOURCE PERMITS** REGISTRATION 87477  
**AIR NEW SOURCE PERMITS** REGISTRATION 93268  
**AIR NEW SOURCE PERMITS** REGISTRATION 94067  
**AIR NEW SOURCE PERMITS** REGISTRATION 95777  
**AIR NEW SOURCE PERMITS** REGISTRATION 101478  
**AIR NEW SOURCE PERMITS** REGISTRATION 101481  
**AIR NEW SOURCE PERMITS** REGISTRATION 103076  
**AIR NEW SOURCE PERMITS** REGISTRATION 106767  
**AIR NEW SOURCE PERMITS** PERMIT 107523  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX33  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX813  
**AIR NEW SOURCE PERMITS** REGISTRATION 111147  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1336  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX824  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX789M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 150628  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX193M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 168042  
**AIR NEW SOURCE PERMITS** EPA PERMIT N272M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 169317  
**AIR NEW SOURCE PERMITS** REGISTRATION 168455  
**AIR NEW SOURCE PERMITS** REGISTRATION 141606  
**AIR NEW SOURCE PERMITS** PERMIT AMOC37  
**AIR NEW SOURCE PERMITS** PERMIT 156320  
**AIR NEW SOURCE PERMITS** REGISTRATION 153349

**AIR OPERATING PERMITS** PERMIT 1641  
**AIR OPERATING PERMITS** PERMIT 4035  
**AIR OPERATING PERMITS** PERMIT 4004  
**AIR NEW SOURCE PERMITS** AFS NUM 4807100007  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER CI0008R  
**AIR NEW SOURCE PERMITS** PERMIT 22105  
**AIR NEW SOURCE PERMITS** PERMIT 22113  
**AIR NEW SOURCE PERMITS** PERMIT 6798  
**AIR NEW SOURCE PERMITS** PERMIT 21945  
**AIR NEW SOURCE PERMITS** PERMIT 19930  
**AIR NEW SOURCE PERMITS** REGISTRATION 5581A  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 85477  
**AIR NEW SOURCE PERMITS** REGISTRATION 85755  
**AIR NEW SOURCE PERMITS** REGISTRATION 94065  
**AIR NEW SOURCE PERMITS** REGISTRATION 94133  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1286  
**AIR NEW SOURCE PERMITS** EPA PERMIT N154  
**AIR NEW SOURCE PERMITS** PERMIT 100091  
**AIR NEW SOURCE PERMITS** REGISTRATION 110727  
**AIR NEW SOURCE PERMITS** REGISTRATION 115013  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX797M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX823  
**AIR NEW SOURCE PERMITS** REGISTRATION 140705  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX6  
**AIR NEW SOURCE PERMITS** REGISTRATION 106844  
**AIR NEW SOURCE PERMITS** REGISTRATION 108247  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174  
**AIR NEW SOURCE PERMITS** REGISTRATION 154993  
**AIR NEW SOURCE PERMITS** REGISTRATION 152723  
**AIR NEW SOURCE PERMITS** PERMIT AMOC168  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1558M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 168848  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 150604  
**AIR NEW SOURCE PERMITS** PERMIT 144873  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 155894

**AIR NEW SOURCE PERMITS** REGISTRATION 162955  
**AIR NEW SOURCE PERMITS** REGISTRATION 154190  
**AIR NEW SOURCE PERMITS** REGISTRATION 158401  
**AIR NEW SOURCE PERMITS** REGISTRATION 156186  
**AIR NEW SOURCE PERMITS** REGISTRATION 154580  
**AIR NEW SOURCE PERMITS** EPA PERMIT N272  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX193  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M4  
**STORMWATER** PERMIT TXR05AV96  
**STORMWATER** PERMIT TXR1571EI  
**WASTEWATER** EPA ID TX0102326  
**WASTEWATER** PERMIT WQ0005014000  
**WASTEWATER** EPA ID TX0141020  
**WASTEWATER** PERMIT WQ0005304000  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00218  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 31038  
**TAX RELIEF** ID NUMBER 16725  
**TAX RELIEF** ID NUMBER 16684  
**TAX RELIEF** ID NUMBER 16721

**AIR NEW SOURCE PERMITS** REGISTRATION 154473  
**AIR NEW SOURCE PERMITS** REGISTRATION 159045  
**AIR NEW SOURCE PERMITS** REGISTRATION 158252  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1558  
**AIR NEW SOURCE PERMITS** REGISTRATION 158421  
**AIR NEW SOURCE PERMITS** REGISTRATION 160377  
**AIR NEW SOURCE PERMITS** REGISTRATION 160647  
**AIR NEW SOURCE PERMITS** REGISTRATION 170757  
**STORMWATER** PERMIT TXR05CE50  
**WASTEWATER** PERMIT WQ0002940000  
**WASTEWATER** EPA ID TX0134465  
**WASTEWATER** PERMIT WQ0005311000  
**WASTEWATER** EPA ID TX0140783  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER CI0008R  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXT490013455  
**TAX RELIEF** ID NUMBER 16722  
**TAX RELIEF** ID NUMBER 16724  
**TAX RELIEF** ID NUMBER 16720  
**TAX RELIEF** ID NUMBER 16198

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

**Date Compliance History Report Prepared:** December 27, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 27, 2017 to December 27, 2022

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

**Name:** Amanda Diaz

**Phone:** (713) 422-8912

### **Site and Owner/Operator History:**

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

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

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

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

Special Term & Condition 19 OP

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

Classification: Minor

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

Rqmt Prov: Special Condition 18 PERMIT  
Special Term & Condition 19 OP

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

Classification: Minor

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

Rqmt Prov: General Terms & Conditions OP

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

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

Classification: Major

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

Classification: Major

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

Rqmt Prov: GTC OP  
NSR Permi No. 6798 PERMIT  
STC No. 19 OP

Description: Failed to prevent unauthorized emissions.

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

Classification: Moderate

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

Rqmt Prov: Special Condition 3 PERMIT  
Special Terms & Conditions 19 OP

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

Classification: Moderate

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

Rqmt Prov: Special Condition 3 PERMIT  
Special Terms & Conditions 19 OP

Description: Failed to comply with the concentration limits and the MAERs for EPN 42, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC Nos. 1 and 3. Specifically, for 161 days

from July 14, 2012 through June 28, 2013, the Respondent exceeded the NOx MAER of 4.86 pounds per hour ("lbs/hr") by an average of 3.25 lbs/hr for 107 hours; the CO concen

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditions 19 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditions 19 OP

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, General Terms and Conditions OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

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

116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 1.04 lbs/hr by an average of 5.14 lbs/hr for 5,733 hours from February 29, 2016 to December 31, 2016 for the RED Heater, EPN HR15.616, resulting in the estimated unauthorized

Classification: Moderate

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

Rqmt Prov: GTC & STC No. 6 OP  
NSR Special Condition 1 PA

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the CO MAER of 3.8 pounds per hour ("lbs/hr") by an average of 0.97 lb/hr for 208 hours on 36 days from August 16, 2017 to February 8, 2018 for the Regenerant Heater, EPN HR15002A, resulting in 201.76 lbs of unauthorized CO emissions.

5 Effective Date: 02/01/2021 ADMINORDER 2020-0777-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: GTC and STC No. 19 OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 155.73 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 276754) that began on January 19, 2018 and lasted 26 hours. The emissions event occurred due to accumulated water in the heat exchanger tubes that froze and expanded during freezing weather conditions and caused the tubes to leak at the Splitter I Junior Sub Cooler, resulting in the release to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the best known cause of the emissions event at the time of reporting on the final record for Incident No. 276754.

6 Effective Date: 07/14/2021 ADMINORDER 2020-0878-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: GTC and STC No. 19 OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden 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.

7 Effective Date: 11/29/2021 ADMINORDER 2019-1644-AIR-E (Findings Order-Agreed Order Without 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 Term & Condition 19 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER") for EPN FL-2.

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 Term & Condition 19 OP

Description: Failed to comply with the MAER for EPN 45.

Classification: Minor

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

Rqmt Prov: General Terms and Conditions OP  
Special Term & Condition 1A OP

Description: Failed to record at least 98% of the required daily flare observations in the flare operation log.

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.

8 Effective Date: 11/29/2021 ADMINORDER 2020-1542-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 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report all instances of deviations. The deviation report for the January 1, 2019 through June 30, 2019 reporting period did not include the deviations for failing to comply with the carbon monoxide ("CO") and nitrogen oxides ("NOx") hourly maximum allowable emissions rates ("MAERs") for the North Storage Flare and for failing to maintain records for the daily flare observations for the South Plant (Main) Flare.

9 Effective Date: 01/19/2022 ADMINORDER 2020-1161-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 29th, 2020, TCEQ/STEERS Incident No. 332968. Category A12(i)6.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1641, GTC and STC No. 19 OP  
Standard Permit Registration No. 95777 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 20, 2018, STEERS Incident No. 279079. (A12(i)(6)).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	January 19, 2018	(1476879)
Item 2	February 20, 2018	(1489008)
Item 3	April 17, 2018	(1495974)
Item 4	May 18, 2018	(1502939)
Item 5	May 31, 2018	(1395607)
Item 6	June 13, 2018	(1447385)
Item 7	June 20, 2018	(1510032)
Item 8	July 13, 2018	(1496750)
Item 9	July 16, 2018	(1496749)
Item 10	August 16, 2018	(1506962)

Item 11	August 19, 2018	(1521531)
Item 12	September 07, 2018	(1507245)
Item 13	October 17, 2018	(1517554)
Item 14	November 19, 2018	(1511312)
Item 15	December 19, 2018	(1546640)
Item 16	January 31, 2019	(1527109)
Item 17	February 22, 2019	(1513422)
Item 18	March 19, 2019	(1566631)
Item 19	April 23, 2019	(1554746)
Item 20	June 05, 2019	(1556633)
Item 21	July 17, 2019	(1569191)
Item 22	August 19, 2019	(1601770)
Item 23	September 09, 2019	(1579412)
Item 24	September 17, 2019	(1608670)
Item 25	October 16, 2019	(1615549)
Item 26	October 28, 2019	(1597006)
Item 27	November 18, 2019	(1604906)
Item 28	December 18, 2019	(1628687)
Item 29	January 16, 2020	(1622480)
Item 30	February 12, 2020	(1512794)
Item 31	February 14, 2020	(1626053)
Item 32	February 18, 2020	(1618502)
Item 33	February 19, 2020	(1642924)
Item 34	March 17, 2020	(1648597)
Item 35	March 20, 2020	(1649430)
Item 36	April 15, 2020	(1631913)
Item 37	April 16, 2020	(1654950)
Item 38	April 20, 2020	(1655795)
Item 39	April 28, 2020	(1645429)
Item 40	May 05, 2020	(1632182)
Item 41	May 20, 2020	(1661511)
Item 42	June 15, 2020	(1668882)
Item 43	June 18, 2020	(1668044)
Item 44	June 23, 2020	(1632214)
Item 45	August 04, 2020	(1665907)
Item 46	August 05, 2020	(1632161)
Item 47	September 14, 2020	(1689169)
Item 48	September 17, 2020	(1506302)
Item 49	September 22, 2020	(1630339)
Item 50	October 19, 2020	(1695533)
Item 51	November 11, 2020	(1719194)
Item 52	November 30, 2020	(1690629)
Item 53	December 15, 2020	(1719195)
Item 54	December 21, 2020	(1697468)
Item 55	February 08, 2021	(1701966)
Item 56	February 18, 2021	(1732266)
Item 57	February 23, 2021	(1692387)
Item 58	February 26, 2021	(1703433)
Item 59	March 01, 2021	(1703440)
Item 60	March 31, 2021	(1703683)
Item 61	April 12, 2021	(1698069)
Item 62	April 30, 2021	(1701311)
Item 63	May 12, 2021	(1743418)
Item 64	May 13, 2021	(1638202)
Item 65	May 18, 2021	(1711810)
Item 66	May 19, 2021	(1742176)
Item 67	June 08, 2021	(1724940)
Item 68	June 16, 2021	(1723342)
Item 69	June 17, 2021	(1703746)
Item 70	July 16, 2021	(1739690)
Item 71	August 03, 2021	(1749252)

Item 72	August 12, 2021	(1744905)
Item 73	August 30, 2021	(1755050)
Item 74	September 03, 2021	(1756158)
Item 75	September 15, 2021	(1638248)
Item 76	September 20, 2021	(1690869)
Item 77	September 23, 2021	(1763224)
Item 78	September 29, 2021	(1638259)
Item 79	October 13, 2021	(1690637)
Item 80	October 14, 2021	(1638226)
Item 81	October 18, 2021	(1638219)
Item 82	October 19, 2021	(1638263)
Item 83	November 11, 2021	(1686627)
Item 84	November 16, 2021	(1686168)
Item 85	November 17, 2021	(1686741)
Item 86	November 18, 2021	(1785935)
Item 87	December 02, 2021	(1761681)
Item 88	December 03, 2021	(1459314)
Item 89	December 20, 2021	(1781746)
Item 90	January 19, 2022	(1800747)
Item 91	February 15, 2022	(1807746)
Item 92	February 22, 2022	(1788513)
Item 93	February 24, 2022	(1788411)
Item 94	February 28, 2022	(1795714)
Item 95	March 01, 2022	(1795483)
Item 96	March 10, 2022	(1797433)
Item 97	March 17, 2022	(1814788)
Item 98	April 19, 2022	(1821358)
Item 99	May 17, 2022	(1830255)
Item 100	May 27, 2022	(1812194)
Item 101	June 17, 2022	(1837353)
Item 102	July 08, 2022	(1775733)
Item 103	July 15, 2022	(1824364)
Item 104	July 19, 2022	(1844780)
Item 105	July 28, 2022	(1824510)
Item 106	August 18, 2022	(1849852)
Item 107	August 25, 2022	(1816921)
Item 108	September 19, 2022	(1858483)
Item 109	October 12, 2022	(1846202)
Item 110	October 18, 2022	(1864820)
Item 111	October 19, 2022	(1863975)
Item 112	December 19, 2022	(1861701)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |                 |          |
|---|--|-----------------|----------|
| 1 | Date: 12/31/2021 (1799913)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 2 | Date: 02/28/2022 (1815666)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 3 | Date: 02/28/2022 (1815899)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |

Date: 04/15/2022 (1705455)

Self Report? NO

Classification: Minor

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 3A PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to maintain the net heating value above the permitted limit for the North Plant Flare (EPN: 45) (Category C4).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 30 TAC Chapter 116, SubChapter F 116.620(a)(12)  
 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 Term and Condition 1A OP

Description: Failure to maintain the net heating value above the permitted limit for the North Fracs Flare (EPN: FL-4) (Category C4).

Self Report? NO

Classification: Minor

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

Description: Failure to maintain the net heating value above the permitted limit for the North Storage Degasser Flare (EPN: FL1) (Category C4).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3C PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent visible emissions for the North Storage Flare (EPN: FL-2) (Category C4).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3C PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent visible emissions for the South Plant Flare (EPN: FL-1) (Category C4).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to maintain the British thermal unit (BTU) analyzer for the North Storage Degasser Flare (EPN: FL1) (Category B18(g)(1)).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to continuously operate the flow meter for the Splitter IV Cooling Tower (EPN: CT-06) (Category B18(g)(1)).

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 9 PERMIT  
 Special Term and Condition 16 OP

Description: Failure to prevent an exceedance of the total dissolved solid (TDS) permitted limit

for the West Texas Fractionator Unit Cooling Tower (EPN: F3A) (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 14C PERMIT  
Special Term and Condition 16 OP  
Description: Failure to prevent an exceedance of the total dissolved solid (TDS) permitted limit for the Splitter II Unit Cooling Tower (EPN: C69) (Category C4).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 18 OP  
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Frac VI Regen Heater (EPN: HR17.002) (Category B13).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term and Condition 16 OP  
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the 1300 DIB Turbines and Fired-HRU (EPN: 27) (Category B13).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2E PERMIT  
Special Condition 5E PERMIT  
Special Condition 6E PERMIT  
Special Condition 7E PERMIT  
Special Condition 9E PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP  
Description: Failure to prevent open-ended lines in fugitive areas (multiple EPNs) (Category C10).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to maintain a valid leak test for a tank truck (Category C3).  
Self Report? NO Classification: Minor  
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 3A PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP  
Description: Failure to maintain the net heating value above the permitted limit for the South Plant Flare (EPN: FL-1) (Category C4).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to continuously operate the flow meter for the BEF Cooling Tower (EPN: 46) (Category B18(g)(1)).  
Self Report? NO 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)  
General Terms and Conditions OP  
Description: Failure to report all deviations (Category B3).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to report all deviations (Category B3).

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Date: 08/26/2022 (1796795)

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)  
 FOP, Special Term & Condition 12 OP  
 FOP, Special Term & Condition 1A OP  
 NSR, Special Condition 8(A) PERMIT

Description: Failure to maintain net heating values for Flare (Unit ID: SK25.901). (CATEGORY B17 Violation)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 NSR, Special Condition 6(D) PERMIT

Description: Failure to maintain ammonia (NH3) concentration within permitted limit for Heater (Unit ID: HR15.301). (CATEGORY B17 Violation)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 FOP, Special Term & Condition 1A OP  
 NSR Special Condition 13(F) PERMIT

Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 Violation)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 NSR, Special Condition 1 PERMIT

Description: Failure to maintain hourly emission within permitted limit for the Flare (Unit ID: SK25.901). (CATEGORY B13 Violation)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 FOP, Special Term & Condition 1A OP  
 NSR, Special Condition 8(C) PERMIT

Description: Failure to prevent visible emission from the Flare (Unit ID: SK25.901). (CATEGORY B13 Violation)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 NSR Special Condition 9(D) PERMIT

Description: Failure to conduct annual calibration for the Scrubber (Unit ID: PV17.805).

(CATEGORY B1 Violation)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 12 OP  
 NSR Special Condition 9(A) PERMIT

Description: Failure to maintain pH within permitted limit for the Scrubber (Unit ID: PV17.805). (CATEGORY C4 Violation)

Date: 08/31/2022 (1781229)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 Requirement F(3) PERMIT

	Special Condition 15(C) PERMIT Special Term and Condition 11 OP Special Term and Condition 19 OP Special Term and Condition 1A OP		
Description:	Failure to prevent visible emissions from the flare (EPN SK25.801)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(iii) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failure to prevent flare exit velocity from exceeding calculated v <sub>max</sub> .		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term and Condition 11 OP		
Description:	Failure to prevent hourly emissions from the reactor charge heater (EPN HR15.101) from exceeding the maximum allowable emission rate.		
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 10 PERMIT Special Term and Condition 11 OP		
Description:	Failure to prevent exceedances of allowable concentrations of pollutants from the reactor charge heater (EPN HR15.101).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 22E PERMIT Special Condition 23E PERMIT Special Term and Condition 11 OP Special Term and Condition 1A OP		
Description:	Failure to properly cap or plug open-ended lines (OELs).		
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 Conditions OP		
Description:	Failure to report all instances of deviations.		
14	Date: 08/31/2022 (1857621)		
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		
15	Date: 08/31/2022 (1858735)		
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		
16	Date: 11/23/2022 (1841026)		
Self Report?	NO	Classification:	Minor
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 3A PERMIT Special Terms and Conditions 1A and 16 OP		
Description:	Failure to maintain the net heating value above the permitted limit for the South Plant Flare (EPN: FL-1). (Category C4)		

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 3A PERMIT Special Terms and Conditions 1A and 16 OP		
Description:	Failure to maintain the net heating value above the permitted limit for the North Plant Flare (EPN: 45). (Category B17)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.620(a)(12) 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 (e)(11)(A) PERMIT Special Terms and Conditions 1A and 16 OP		
Description:	Failure to maintain the net heating value above the permitted limit for the North Fracs Flare (EPN: FL-4). (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 9 PERMIT Special Term and Condition 16 OP		
Description:	Failure to conduct daily sampling of conductivity for Splitter 1 Cooling Tower (EPN: CO1). (Category B17)		
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 9 PERMIT Special Term and Condition 16 ORDER		
Description:	Failure to maintain records for weekly sampling of Total Dissolved Solids (TDS) from DeC3 Cooling Tower (EPN: CT-2). (Category C3)		
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 9 PERMIT Special Term and Condition 16 OP		
Description:	Failure to maintain records for weekly sampling of Total Dissolved Solids (TDS) from Isobutane Cooling Tower (EPN CT-1). (Category C3)		
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 9 PERMIT Special Term and Condition 16 OP		
Description:	Failure to maintain records for weekly sampling of Total Dissolved Solids (TDS) from Splitter I Cooling Tower (EPN: CO1). (Category C3)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.764(b)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 17 OP		
Description:	Failure to collect daily samples to determine total strippable HRVOC from Cooling Tower (EPN: CT-3). (Category B1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term and Condition 16 OP		
Description:	Failure to maintain carbon monoxide (CO) emissions within permit limit for BDF Oleflex Heater (EPN: 44). (Category B13)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term and Condition 16 OP		

Description: Failure to maintain emissions within permit limits from Seminole Unit turbines and Fired-HRU (EPN: 10). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition (a)(3) PERMIT  
Special Term and Condition 16 OP

Description: Failure to maintain carbon monoxide (CO) emissions within permit limit from South Plant Hot Oil Heater (EPN: SHOH). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7A PERMIT  
Special Term and Condition 16 OP

Description: Failure to operate Reactor Heater (EPN: 44) with fuel type within permit limits. (Category B17)

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 6 PERMIT  
Special Term and Condition 16 OP

Description: Failure to maintain records of fuel flow to COGEN III turbines (EPN: 61). (Category B17)

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 13 PERMIT  
Special Term and Condition 16 OP

Description: Failure to maintain records of fuel flow Splitter IV turbines (EPNs: 64 and 64A). (Category B17)

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 4 PERMIT  
Special Term and Condition 16 OP

Description: Failure to maintain records of fuel flow Splitter II (EPN: 69A and 69B). (Category B17)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
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 3D PERMIT  
Special Terms and Conditions 1A and 16 OP

Description: Failure to maintain records of visible emission observations for North (BEF) Plant Flare (EPN: 45). (Category C3)

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 Conditions 10B and 10C PERMIT  
Special Term and Condition 16 OP

Description: Failure to maintain records of audio, visual, olfactory (AVO) checks for chlorine leaks within Continuous Catalyst Regeneration (CCR) operating area (ID: FUG-01201). (Category B17)

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(f)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 3B PERMIT  
Special Terms and Conditions 1A and 16 OP

Description: Failure to monitor the presence of the flare pilot flame using a thermocouple. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)  
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 Term and Condition 17 OP

Description: Failure to maintain VOC emissions within permit limits from surface coating operations. (Category B13)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11E PERMIT  
 Special Condition 2E PERMIT  
 Special Condition 3E PERMIT  
 Special Condition 5E and 9E PERMIT  
 Special Condition 5E PERMIT  
 Special Condition 6E PERMIT  
 Special Condition 7E PERMIT  
 Special Condition 8E PERMIT  
 Special Condition 9E PERMIT  
 Special Condition e(6)(B) PERMIT  
 Special Terms and Conditions 1A, 14, 16 OP

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain CO concentration within permit limit for Reactor Effluent Driers (Red) Heater (EPN: HR15.616). (Category B17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 17 OP

Description: Failure to collect twice weekly samples to determine total strippable HRVOC from Cooling Tower (EPN: CT-3). (Category B1)

## F. Environmental audits:

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

Disclosure Date: 07/27/2018

Viol. Classification: Moderate

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

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

PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

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

PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

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

PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

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

PERMIT Part III, Section D.5.

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

PERMIT Part III, C.1.(e)

PERMIT Part III, Section C.1.(a)

PERMIT Part III, Section C.1.(b)

PERMIT Part III, Section D.5.

PERMIT Part III.C.1.(d)

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

Viol. Classification: Moderate

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

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

PERMIT Part III, Section D.5.

Description: Failed to conduct annual compliance evaluations.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section B.1.a.

PERMIT Part III, Section B.1.b.

PERMIT Part III, Section B.1.c.

PERMIT Part III, Section B.1.d.

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

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III, Section A.5.(3)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7530(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(e)

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.788(a)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(2)

30 TAC Chapter 115, SubChapter H 115.764(b)(3)

30 TAC Chapter 115, SubChapter H 115.764(b)(4)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(5)

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 15.C.

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

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

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

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

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

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

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

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.150(c)(3)

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

Notice of Intent Date: 11/12/2019 (1612845)  
No DOV Associated

Notice of Intent Date: 06/29/2022 (1832162)  
No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2021-1262-AIR-E

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

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

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

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a liquid petroleum gas processing plant located at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted from February 25, 2021 through March 11, 2021, an investigator documented that the Respondent released 26,365.54 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 349875) that began on February 1, 2021 and lasted nine hours and 56 minutes. The emissions event occurred when a valve failed on a railcar in the West Terminal, resulting in the release to the atmosphere. TCEQ staff determined that the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.

3. During a record review for the Plant conducted from February 25, 2021 through April 16, 2021, an investigator documented that the Respondent released 4,940.90 lbs of VOC, 10.50 lbs of cyanide, 1,689.60 lbs of hydrogen chloride, 9,126.90 lbs carbon monoxide ("CO"), 639.60 lbs of nitrogen oxides ("NOx"), 151.00 lbs of sulfur dioxide ("SO2"), and 25,393.20 lbs of particulate matter as fugitive emissions, during an emissions event (Incident No. 349812) that occurred on February 1, 2021 and lasted six hours and 49 minutes. The emissions event occurred due to a fire in the South Plant Warehouse, resulting in the release to the atmosphere. TCEQ staff determined that the emissions event was an excessive emissions event.
4. During a record review for the Plant conducted on October 30, 2021, an investigator documented that the Respondent released 38,222.20 lbs of VOC, 4,950.40 lbs of NOx, 20,910.40 lbs of CO, and 111.30 lbs of SO2 from the Process Flare, Emissions Point No. SK25.801, during an emissions event (Incident No. 333173) that began on April 1, 2020 and lasted 312 hours and 40 minutes. The emissions event occurred due to a primary fuel controller fault that caused the production unit to lose steam production, resulting in flaring. TCEQ staff determined that the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On December 31, 2021, implemented an approved corrective action plan to address the excessive emissions event that occurred on February 1, 2021 (Incident No. 349812);
  - b. By April 21, 2022, modified the Railcar Inspection Form to prevent the operators from overtightening the railcar valve and modified the new employee training to include the modified Railcar Inspection Checklist in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 349875;
  - c. By August 15, 2022, replaced the fuel gas valves and fuel gas controllers, installed new wiring between the controllers and valves on both Regen Air Compressors ("RAC"), added vortex coolers for both RAC fuel controllers, repaired a damaged reactor air inlet valve, implemented periodic maintenance, and replaced a variable frequency drive in the motor control center in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333173.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 76070 and PSDTX1057, Special Conditions ("SC") No. 1, NSR Permit Nos. 19930, PSDTX789M1, PSDTX790, and N174, SC No. 1, Federal Operating Permit ("FOP") No. O1641, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Finding of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.4, 106.433, 106.452, and 122.143(4), FOP No. O1641, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). The emissions event was determined to be an excessive emissions event.
4. As evidenced by Finding of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107523, PSDTX1336, and N174, SC No. 1, FOP No. O4004, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$96,250 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$48,125 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$48,125 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2021-1262-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 II, Conclusion of Law No. 6. The amount of \$48,125 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. 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.
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. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission



-----  
For the Executive Director

-----  
Date

5/26/2023

-----  
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.



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Signature

3/9/2023

-----  
Date

ROBERT E. MOSS

-----  
Name (Printed or typed)

SVP

-----  
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: 2021-1262-AIRE**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$96,250</b>
<b>SEP Offset Amount:</b>	<b>\$48,125</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Barbers Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Alternative Fuel School Bus Replacement</i></b>
<b>Total Project Budget:</b>	<b>\$1,590,000</b>
<b>Location of SEP:</b>	<b>Chambers County</b>

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

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO<sub>x</sub>”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ. 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 able to be 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 it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

**B. Environmental Benefit**

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO<sub>x</sub> may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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 **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant  
Carl R. Griffith & Associates, Inc.  
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 Division 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 or email 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  
[SEPReports@tceq.texas.gov](mailto:SEPReports@tceq.texas.gov)

**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 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  
Office of Legal Services Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP 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 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.