

**Executive Summary – Enforcement Matter – Case No. 62138**  
**ONEOK Hydrocarbon Southwest, LLC**  
**RN100209949**  
**Docket No. 2022-0372-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

Yes

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

Mont Belvieu Fractionator, 9900 Farm-to-Market 1942, Mont Belvieu, Chambers County

**Type of Operation:**

Oil and gas facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 12, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,800

**Amount Deferred for Expedited Settlement:** \$2,160

**Total Paid to General Revenue:** \$8,640

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** January 25, 2022

**Date(s) of NOE(s):** March 24, 2022

**Executive Summary – Enforcement Matter – Case No. 62138  
ONEOK Hydrocarbon Southwest, LLC  
RN100209949  
Docket No. 2022-0372-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and National Pollutant Discharge Elimination System Permit No. TX0005886 (TCEQ Permit No. WQ0005353000), Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented corrective actions on May 4, 2021 and July 20, 2021, and achieved compliance with the permitted effluent limitations by August 31, 2021.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-4, (817) 588-5865; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Terry K. Spencer, President, ONEOK Hydrocarbon Southwest, LLC, 1301 South Mopac Expressway, Suite 400, Austin, Texas 78746

Shane Sanders, Director of Operations, ONEOK Hydrocarbon Southwest, LLC, 1301 South Mopac Expressway, Suite 400, Austin, Texas 78746

**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>	28-Mar-2022		
	<b>PCW</b>	29-Mar-2022	<b>Screening</b>	28-Mar-2022
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	ONEOK Hydrocarbon Southwest, LLC
<b>Reg. Ent. Ref. No.</b>	RN100209949
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62138	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0372-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 1
<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>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	69.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$5,175
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Notes: Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, and three agreed orders with a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,875
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$84  
 Estimated Cost of Compliance \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,800
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$10,800
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,800
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,160
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,640
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Screening Date 28-Mar-2022

Docket No. 2022-0372-IWD-E

PCW

Respondent ONEOK Hydrocarbon Southwest, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62138

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100209949

Media Water Quality

Enf. Coordinator Steven Van Lanningham

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 69%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, and three agreed orders with a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 69%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 69%

Screening Date 28-Mar-2022

Docket No. 2022-0372-IWD-E

PCW

Respondent ONEOK Hydrocarbon Southwest, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62138

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100209949

Media Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and National Pollutant Discharge Elimination System ("NPDES") Permit No. TX0005886 (TCEQ Permit No. WQ0005353000), Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the quarters containing the months of April and July 2021.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Notes The Respondent achieved compliance on August 31, 2021, prior to the Notice of Enforcement dated March 24, 2022.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,800

# Economic Benefit Worksheet

**Respondent** ONEOK Hydrocarbon Southwest, LLC  
**Case ID No.** 62138  
**Reg. Ent. Reference No.** RN100209949  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Apr-2021	31-Aug-2021	0.34	\$84	n/a	\$84

**Notes for DELAYED costs**

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

\$5,000

**TOTAL**

\$84

ONEOK Hydrocarbon Southwest, LLC  
 NPDES Permit No. TX0005886 (TCEQ Permit No. WQ0005353000)  
 Docket No. 2022-0372-IWD-E  
 Case No. 62138

Effluent Violation Table				
Monitoring Period	Total Suspended Solids			
	Monthly Average Concentration Limit = 30 mg/L	Daily Maximum Concentration Limit = 45 mg/L	Monthly Average Loading Limit = 61.59 lbs/day	Daily Maximum Loading Limit = 92.38 lbs/day
April 2021	104	200	145.40	281.19
July 2021	90.50	170	86.83	165.47

mg/L = milligrams per liter

lbs/day = pounds per day

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



# Compliance History Report

Compliance History Report for CN601669849, RN100209949, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN601669849, ONEOK Hydrocarbon Southwest, LLC **Classification:** SATISFACTORY **Rating:** 4.12  
**Regulated Entity:** RN100209949, MONT BELVIEU FRACTIONATOR **Classification:** SATISFACTORY **Rating:** 4.12  
**Complexity Points:** 16 **Repeat Violator:** NO  
**CH Group:** 03 - Oil and Gas Extraction  
**Location:** 9900 Farm-to-Market Road 1942, Mont Belvieu, Chambers County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0005A	<b>AIR OPERATING PERMITS</b> PERMIT 107
<b>AIR NEW SOURCE PERMITS</b> PERMIT 3956B	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11843A
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER CI0005A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168391
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 86353	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 139615
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 151111	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164500
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 167121	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 146168
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 151704	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 146169
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 151110	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156152
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 161565	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 160725
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156151	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156555
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 159829	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 159123
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4807100004	<b>WASTEWATER</b> PERMIT WQ0005353000
<b>WASTEWATER</b> EPA ID TX0005886	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER CI0005A
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00446	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD054458773
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30305	

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

**Date Compliance History Report Prepared:** March 28, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 28, 2017, to March 27, 2022

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

**Name:** Alyssa Loveday

**Phone:** (512) 239-5504

## 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: 07/10/2018 ADMINORDER 2017-1254-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: NSR Permit No. 3956B PERMIT

Description: Failure to limit sulfur content of gas fired by Heaters H-1 and H-2 to not more than 2.0 grain per 100 standard cubic feet (Category A12.i.(6)).



2 Effective Date: 02/11/2020 ADMINORDER 2019-1030-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: Special Condition No. 1 PERMIT  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Category A12.i.(6)]

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 25, 2017	(1776646)	Item 13	October 23, 2019	(1776683)
Item 2	July 27, 2017	(1776661)	Item 14	April 21, 2020	(1776649)
Item 3	October 20, 2017	(1776676)	Item 15	April 24, 2020	(1639347)
Item 4	January 04, 2018	(1454196)	Item 16	July 21, 2020	(1776664)
Item 5	January 25, 2018	(1776692)	Item 17	January 14, 2021	(1776695)
Item 6	April 27, 2018	(1776647)	Item 18	April 27, 2021	(1776650)
Item 7	July 27, 2018	(1776667)	Item 19	July 21, 2021	(1776670)
Item 8	October 25, 2018	(1776677)	Item 20	August 23, 2021	(1686631)
Item 9	January 28, 2019	(1776693)	Item 21	August 31, 2021	(1756629)
Item 10	May 20, 2019	(1569344)	Item 22	October 27, 2021	(1776685)
Item 11	July 22, 2019	(1776673)	Item 23	January 24, 2022	(1790639)
Item 12	August 14, 2019	(1582427)			

**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: 04/30/2021 (1776665)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 07/31/2021 (1776680)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
  
- 3 Date: 10/01/2021 (1724399)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term & Condition 13 OP  
 Description: Failure to maintain stripping gas flow rate within permitted limit for Unit ID:  
 ETEG-1. (CATEGORY C4 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)  
 Special Condition 1 PERMIT  
 Special Term & Condition 13 OP  
 Description: Failure to operate within the CO and NOx emission limits for the Emergency  
 Engine (Unit ID: EG-3). (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)  
 Special Condition 1 PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to operate within the CO and NOx emission limits for the Emergency Engine (Unit ID: EG-4). (CATEGORY B13 Violation)  
**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 14 PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to conduct quarterly visible emissions observations for Unit IDs: T-2; T-4; and T-8; OILVT-5; and GRPTURB2. (CATEGORY C1 Violation)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Term & Condition 13 OP  
 Special Term & Condition 1A OP  
**Description:** Failure to operate within the permitted CO and NOx emissions for Heater (Unit ID: H-2). (CATEGORY B13 Violation)  
**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 29C PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to maintain daily vacuum truck records for Unit ID: MSS-FUG. (CATEGORY C3 Violation)  
**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 19E2 PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to conduct weekly total dissolved solid (TDS) and conductivity sampling for Cooling Towers (Unit IDs: CT-1; CT-2; and CT-3). (CATEGORY C1 Violation)  
**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 12 PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to maintain maximum fill rate within permitted limit for Tank (Unit ID: SV-1). (CATEGORY C4 Violation)  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(2)  
 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 20H PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to repair component (Unit ID: PLANT-FUG) within the required timeframe. (CATEGORY C1 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 VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 20E PERMIT  
 Special Term & Condition 13 OP  
 Special Term & Condition 1A OP  
**Description:** Failure to prevent open-ended lines (OEL) for Unit ID: PLANT-FUG. (CATEGORY C10 Violation)  
**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 26C PERMIT  
 Special Term & Condition 13 OP  
**Description:** Failure to cover or transfer liquid drained from Heaters (Unit IDs: H-1 and H-2) to

a covered vessel within the required timeframe. (CATEGORY C4 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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 15A PERMIT  
Special Term & Condition 13 OP  
Special Term & Condition 1A OP

Description: Failure to prevent visible emissions from Flare (Unit ID: FL-1). (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to conduct quarterly cylinder gas audit (CGA) for Heater (Unit ID: H-1). (CATEGORY B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to conduct quarterly cylinder gas audit (CGA) for Heater (Unit ID: H-2). (CATEGORY B1 Violation)

Self Report? NO 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)  
Special Term & Condition 1A OP

Description: Failure to maintain daily observation records for Flare (Unit ID: FL-1). (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 11 OP

Description: Failure to conduct monthly NOx sampling for Unit IDs S-T13 and S-T14. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to conducted daily continuous emissions monitoring system (CEMS) auto calibration for Heater (Unit ID: H-1). (CATEGORY C1 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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 15A PERMIT  
Special Term & Condition 13 OP  
Special Term & Condition 1A OP

Description: Failure to maintain exit velocity with permitted limit for Flare (Unit ID: FL-1). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 20F PERMIT  
Special Term & Condition 13 OP  
Special Term & Condition 1A OP

Description: Failure to monitor a valve in volatile organic compound (VOC) service. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to monitor connectors in volatile organic compound (VOC) service. (CATEGORY C1 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)  
 Special Condition 19C PERMIT  
 Special Term & Condition 13 OP  
 Description: Failure to conduct annual drift eliminator inspection for Cooling Towers (Unit IDs: CT-1; CT-2; and CT-3). (CATEGORY B1 Violation)

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 Terms and Conditions OP  
 Description: Failure to report all instances of deviations in the deviation report (DR) dated January 31, 2020. (CATEGORY B3 Violation)

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 Terms and Conditions OP  
 Description: Failure to report all instances of deviations in the deviation report (DR) dated July 26, 2019. (CATEGORY B3 Violation)

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 Terms and Conditions OP  
 Description: Failure to report all instances of deviations in the deviation report (DR) dated July 28, 2020. (CATEGORY B3 Violation)

**F. Environmental audits:**

Notice of Intent Date: 01/19/2018 (1467122)

Disclosure Date: 01/31/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 115, SubChapter D 115.356(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)

Rqmt Prov: PERMIT SC 20E  
 PERMIT SC 20F

Description: Certain components were not included in the Leak Detection and Repair ("LOAR") monitoring program and periodic monitoring was not completed in accordance with the required monthly and quarterly schedules.

**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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** ONEOK HYDROCARBON SOUTHWEST, LL

**Reg Entity Add:** 9900 FM 1942

**Reg Entity City:** MONT BELVIEU

**Reg Entity No:** RN100209949

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**EPA Case No:** 06-2019-1771

**Order Issue Date (yyyymmdd):** 20190531

**Case Result:** Final Order No Penalty

**Statute:** CWA      **Sect of Statute:** 301/402

**Classification:** Minor

**Program:** NPDES - Base Program      **Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ONEOK HYDROCARBON SOUTHWEST,  
LLC  
RN100209949

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2022-0372-IWD-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ONEOK Hydrocarbon Southwest, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an oil and gas facility located at 9900 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,800 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,640 of the penalty and \$2,160 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented corrective actions at the Facility on May 4, 2021 and July 20, 2021, and achieved compliance with the permitted effluent limitations by August 31, 2021.

## II. ALLEGATIONS

During a record review conducted on January 25, 2022, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and National Pollutant Discharge Elimination System Permit No. TX0005886 (TCEQ Permit No. WQ0005353000), Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table				
Monitoring Period	Total Suspended Solids			
	Monthly Average Concentration Limit = 30 mg/L	Daily Maximum Concentration Limit = 45 mg/L	Monthly Average Loading Limit = 61.59 lbs/day	Daily Maximum Loading Limit = 92.38 lbs/day
April 2021	104	200	145.40	281.19
July 2021	90.50	170	86.83	165.47

mg/L = milligrams per liter                      lbs/day = pounds per day

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ"

and shall be sent with the notation "Re: ONEOK Hydrocarbon Southwest, LLC, Docket No. 2022-0372-IWD-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. 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.
5. 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.
6. 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.
7. 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

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For the Commission

-----  
Date

  
-----  
For the Executive Director

4/17/2023

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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

3/10/2023  
-----  
Date

SHAWN SANDERKUR  
-----  
Name (Printed or typed)  
Authorized Representative of  
ONEOK Hydrocarbon Southwest, LLC

DIRECTOR OF OPERATIONS  
-----  
Title

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

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