### Executive Summary – Enforcement Matter – Case No. 62093 Kinder Morgan Tejas Pipeline LLC RN104198379 Docket No. 2022-0632-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: Kinder Morgan Tejas Pipeline Pipeline, Galveston, Galveston County **Type of Operation:** Natural gas pipeline **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: July 12, 2024 Comments Received: No

### **Penalty Information**

Total Penalty Assessed: \$47,063 Total Paid to General Revenue: \$47,063 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Satisfactory Site/RN - High 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: September 7, 2021 to September 22, 2021 Date(s) of NOE(s): January 19, 2022

### Executive Summary – Enforcement Matter – Case No. 62093 Kinder Morgan Tejas Pipeline LLC RN104198379 Docket No. 2022-0632-AIR-E

### **Violation Information**

1. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

2. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) 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 August 26, 2021, submitted the initial notification for Incident No. 365663; and

b. By September 21, 2021, revised the procedures to control emissions during future pigging activities in order to address the excessive emissions event that began on August 17, 2021 (Incident No. 365663).

### **Technical Requirements:**

N/A

# **Contact Information**

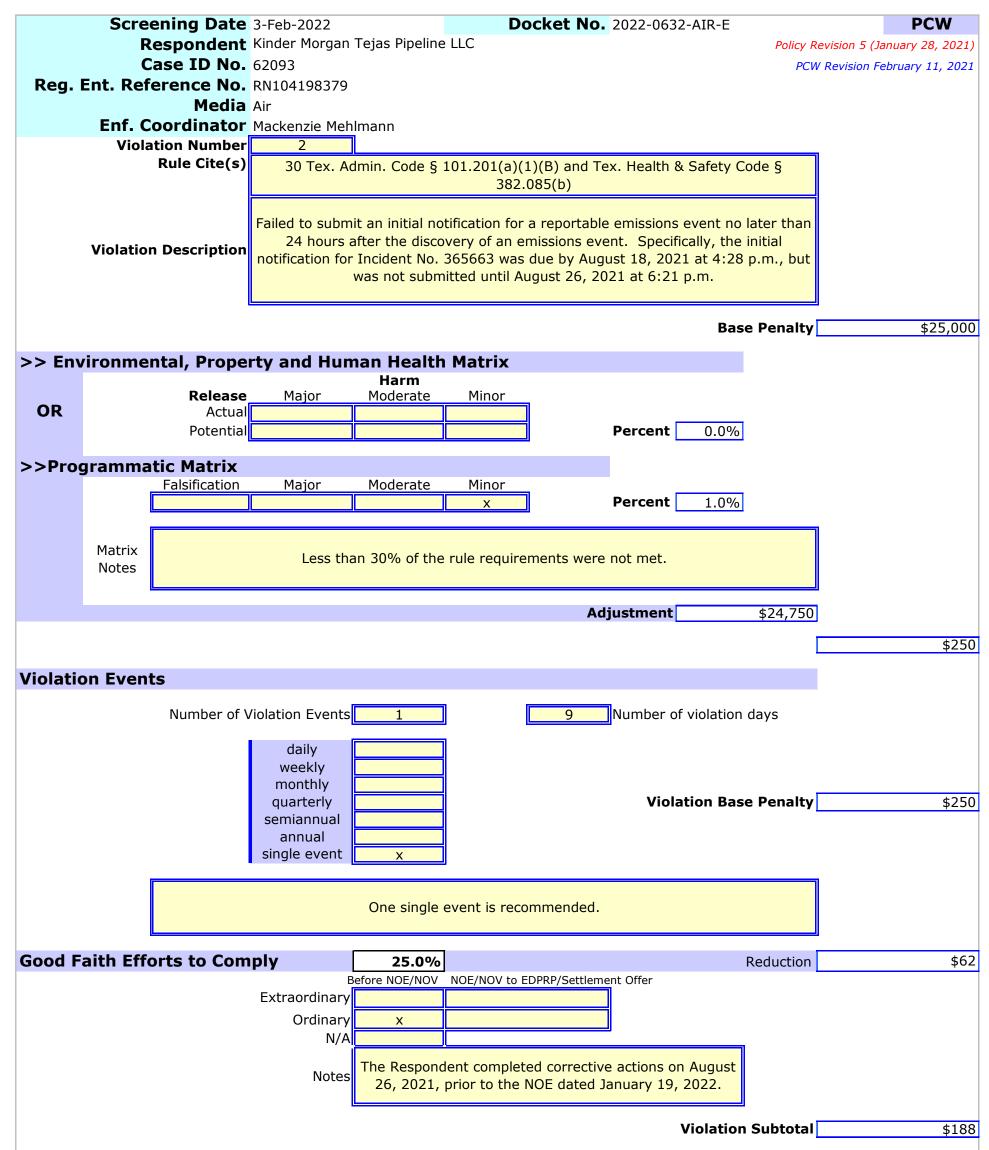
TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Kevin Brown, Operations Director, Kinder Morgan Tejas Pipeline LLC, 1001 Louisiana Street Products, Houston, Texas 77002 Respondent's Attorney: N/A

No COMMISSION COMMISSION	Policy Revi	Pe ision 5 (January 28, 20		alculatio	n Worksh	neet (PC		vision February 11, 2021
DATES		25-Jan-2022	<b>C</b> i	2 5-6 2022			1	
		24-May-2024		3-Feb-2022	EPA Due			
RESPO		TY INFORMATIC Kinder Morgan Te						
	g. Ent. Ref. No.	RN104198379			/-			
Facili	ty/Site Region	12-Houston			Major/M	linor Source	Minor	
	NFORMATION	62002			No. a	f Violationa	า	
En	f./Case ID No. Docket No.	2022-0632-AIR-E			NO. C	of Violations Order Type		
Mec	lia Program(s)	Air			Government	/Non-Profit	No	
	Multi-Media				Enf.		Mackenzie Mel Enforcement T	
Adı	min. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000			
			Penal	ty Calcula	tion Section	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation	base penal	ties)		Subtotal 1	\$62,750
ADJU	STMENTS (+)	/-) TO SUBTO	TAL 1					
	Subtotals 2-7 are of Compliance His	tained by multiplying	the Total Base	Penalty (Subtotal 1 0.0%	) by the indicated p Adjustment		tals 2, 3, & 7	\$0
	compliance in				-	Subto		ΨŪ
	Notes		No adjustme	ents for Complia	ince History.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	spondent doe	es not meet the	culpability crite	eria.		
	Good Faith Effe	ort to Comply To	otal Adjustr	nents			Subtotal 5	-\$15,687
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	Estimated	Cost of Compliance	\$1,750					
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$47,063
		S JUSTICE M			0.0%		Adjustment	\$0
Reduces of	or enhances the Final	Subtotal by the indica	ated percentage	2.			1	
	Notes							
						Final Per	alty Amount	\$47,063
STATU	JTORY LIMIT	ADJUSTMEN	т			Final Asse	ssed Penalty	\$47,063
DEFE	RRAL				0.0%	Reduction	Adjustment	\$0
		nalty by the indicated	percentage.					I -
	Notes	No d	eferral is rec	commended for	Findings Orders	5		
PAYA	BLE PENALT	1						\$47,063
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Reg	Res Cas J. Ent. Refer	Ing Date3-Feb-2022Docket No.2022-0632-AIR-ESpondentKinder Morgan TejasPipeline LLCSe ID No.62093ence No.RN104198379MediaAirordinatorMackenzie Mehlmann		<b>PCW</b> 5 (January 28, 2021) ion February 11, 2021
>> Co	mpliance Hist	Compliance History Worksheet ory Site Enhancement (Subtotal 2)		
	Component	Number of	Number	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Orders	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%
	Judgments and Consent	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%
	Decrees	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%
	Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	other	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 Percer	ntage (Subi	total 2) 0%
>> Re	peat Violator			
	No	Adjustment Percer	itage (Subt	otal 3) 0%
>> Co		ory Person Classification (Subtotal 7)	tago (Sub)	
>> C-	Satisfactory		itaye (Subl	total 7) 0%
>> Co	mpliance Histe Compliance History Notes	No adjustments for Compliance History.		
	Compliance	Total Compliance History Adjustment Percentage (Sub	ototals 2, 3	<b>3, &amp; 7)</b> 0%
>> rina		History Adjustment Final Adjustment Percentage	e *capped a	<b>t 100%</b> 0%

Respondent Kinder Manar Tejas Pipeline LLC Respondent Kinder Manar Tejas Pipeline LLC Respondent Kinder Manar Recis TD No. 5003 Reg. Ent. Reference No. RN104199379 Media Ar Enf. Coordinator Mackenet Mehmann Note Cites Tex. Health & Safety Code § 322.085(a) and (b) Failed to prevent uneuthorized emissions. Specifically, the Respondent released 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an volation Description Based Compety and Human Health Matrix Paul Release Major Moderate Minor Percent 50.0% >> Programmatic Matrix Paul Release Major Moderate Minor Percent 50.0% >> Programmatic Matrix Paul Release Major Moderate Minor Percent 50.0% >> Programmatic Matrix Release With exceed levels that are protective of human health or environmental receptors as a result of the volation. Solution Events Number of Violation Events 5 5 Vumber of violation days Violation Events Number of Violation Events 5 5 Vumber of violation days Violation Base Penalty 642,500 Violation Statutory Link 72 Educed Status 5,255 Notes Textending 2, 2021, prior to the Violation May 5,252 Violation Statutory Link 72 Educed Status 72 Violation Base Penalty 642,575 Economic Benefit (EB) for this violation 10 Fercence 10 File Respondent completed the corrective measures by Segmender 21, 2027, prior to the Violation 2, 2022. Violation Base Penalty 9, 2022. Violation Educed Ed Amount 92 Violation File Penalty Total 9, 2022. Violation		Scre	ening Date	3-Feb-2022		Docket No	2022-0632-AIR-E		PCW
Reg. Ent. Reference No. RN100193379 Media Ar Enf. Coordinator Meckenge Meltimem Violation Number 1 Rule Cite(s)       Tex. Health & Safety Code § 382.085(a) and (b)         Failed to prevent unauthorized emissions. Specifically, the Respondent released 43,779.00 pounds of violation ergenic compounds as fugitive emission, during and excessive emission sevent Anagust 17, 2021 and lasted 97 hours and 25 minutes. The emissions event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 and lasted 97 hours and 25 minutes. The emission event Nagust 17, 2021 Number of Violation Events Number of Violation Events 5 Number of Violation Events Number of Violation Events 5 Number of Violation			•	-	ejas Pipeline LLC			Policy Re	evision 5 (January 28, 2021)
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Violation Description       43,779.00 pounds of volatile organic compounds as fugitive emissions, current (Incident five, SS6563) that began or August 72, 2021 and lasted 97 hours and 25 minutes. The emissions event was determined to be an excessive emissions event was determined to the environment and excessive emissions event was event to event the environment and excessive emissions event was event to the violation.         OR       Release       Major       Moderate       Minor         Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was provided by the Respondent, human health or the environment arceptors as a result of the violation.       S12,500         Violation Events       S12,500       S12,500 <t< th=""><th></th><th></th><th></th><th></th><th></th><th></th><th></th></t<>									
Violation Description       emissions event (Incident No. 365663) that began on August 17, 2021 and lasted 97 hours and 25 minutes. The emissions event was determined to be an excessive emissions event.         Base Penalty       \$25,000         >> Environmental, Property and Human Health Matrix       Harm         OR       Release Major       Moderate         Potential       Percent       50.0%         >> Programmatic Matrix       Percent       0.0%         Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was provided by the Respondent, human health or environmental receptors as a result of the violation       \$12,500         Violation Events       \$12,500       \$12,500         Violation Base Penalty       \$62,500       \$15,625         Marking annual       \$15,625       \$16,070         Violation Base Penalty       \$15,625       \$16,070									
97 hours and 25 minutes. The emissions event was determined to be an excessive emissions event.  Base Penalty \$25,000  >> Environmental, Property and Human Health Matrix term OR Actual Potential Potentia Potential Potential Potential Potential Po		Violatio	n Description		-	•	-	-	
See Penalty       \$25,000         S> Environmental, Property and Human Health Matrix       Mam         OR       Actual       Main         Actual       Main       Percent       \$0,0%         >>Programmatic Matrix       Falsification       Major       Mederate       Minor         Falsification       Major       Mederate       Minor       Percent       0.0%         Natrix       Falsification       Major       Mederate       Minor       Percent       0.0%         Matrix       provided by the Respondent, human health or the environment has been exposed to politarits provided by the Respondent, human health or environmental receptors as a result of the violation.       \$12,500         Violation Events       \$12,500       \$12,500         Violation Events       \$12,500       \$12,500         Five daily events are recommended.         Good Faith Efforts to Comply       25,09%         Reduction       \$15,625         Extraordinary Kellovy to EDREFiguatement Offer         Violation Base Penalty       \$25,025         Provide data for the physical         Actual       \$15,625         Extraordinary Kellovy to EDREFiguatement Offer         Violation			-		25 minutes. The	e emissions ever	nt was determined to b		
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OR       Actual x       Percent 50.0%         >>Programmatic Matrix       Percent 0.0%         Based on the Air Quality Analysis Audit performed on the air dispersion modaling that was provided by the Respondent, human health or environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.         Adjustment       \$12,500         Violation Events       \$12,500         Violation Events       \$12,500         File daily       x         weekly       \$12,500         Violation Events       \$12,500         File daily events       \$12,500         Violation Events       \$12,500         File daily events are recommended.       \$12,500         File daily events are recommended.       \$62,500         Good Faith Efforts to Comply       25,0%       Reduction       \$15,625         Before NCHROW NOE/NOV to EDREP/Settlement Offer       \$15,625       Yolation Subtotal       \$15,625         Violation Subtotal       \$46,875       \$10,201, prior to the Notice of Enforcement ('NOE') dated January 19, 2022.       \$46,875         Economic Benefit (EB) for this violation       \$12,021, prior to the Notice of Enforcement ('NOE') dated January 19, 2022.       \$46,875         Economic Benefit (EB) for this violation       \$12,875       \$10,875			Release	Major		nor			
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Faisification       Major       Moderate       Minor       Percent       0.0%         Matrix       Devided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.       \$12,500         Violation Events         Violation Events         Number of Violation Events       5       5       Number of violation days         daily       x       462,500         guarterity       Single event       \$62,500         Five daily events are recommended.         Good Faith Efforts to Comply       25.0%         Before NOC/NOV       NOE/NOV to EDPRP/Settlement Offer       \$15,625         Extraordinary         Notes       September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       \$10 atoin Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test         Violation Final Penalty Total       \$46,875			Potential				<b>Percent</b> 50.0%		
Faisification       Major       Moderate       Minor       Percent       0.0%         Matrix       Devided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.       Adjustment       \$12,500         Violation Events         Violation Events         Number of Violation Events       5       5       Number of violation days         daily       x       yeekly       yeekly       yeekly         guarterly       section Base Penalty       \$62,500         Before NOC/NOV       No EDRRYSettlement Offer       \$15,625         Before NOC/NOV       NOE/NOV to EDRRYSettlement Offer       \$15,625         Extraordinary       x       Notes       \$15,625         Before NOC/NOV       NOE/NOV to EDRRYSettlement Offer       \$15,625         Extraordinary       x       Notes       \$15,625         Before NOC/NOV       NOE/NOV to EDRRYSettlement Offer       \$15,625         Extraordinary       x       Notes       \$15,625         Extraordinary       x       Notes       \$15,625         Extraordinary       x       Statutory Limit Test       \$46,875         Economic Benefit (EB) for this	>>Proc	aramma	tic Matrix						
Matrix Notes       Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was provided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.         Adjustment       \$12,500         Violation Events       \$12,500         Number of Violation Events       \$5         Matrix       \$12,500         Violation Events       \$5         Number of Violation Events       \$5         Violation Base Penalty       \$62,500         annual single event       Five daily events are recommended.         Good Faith Efforts to Comply       25.0%         Extraordinary       X         N/A       The Respondent completed the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875	22110	granna		Major	Moderate Mir	nor			
Matrix Notes       provided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.         Adjustment       \$12,500         Violation Events       \$12,500         Number of Violation Events       \$         Violation Events       \$         Violation Base Penalty       \$62,500         Five daily events are recommended.       \$62,500         Good Faith Efforts to Comply       25.0%         Event NOC/NOV to EDPR/Settlement Offer       \$15,625         Violation Subtotal       \$46,875         Notes       The Respondent completed the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal       \$46,875							Percent 0.0%		
Matrix Notes       provided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.         Adjustment       \$12,500         Violation Events       \$12,500         Number of Violation Events       \$         Violation Events       \$         Violation Base Penalty       \$62,500         Five daily events are recommended.       \$62,500         Good Faith Efforts to Comply       25.0%         Event NOC/NOV to EDPR/Settlement Offer       \$15,625         Violation Subtotal       \$46,875         Notes       The Respondent completed the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal       \$46,875									
Notes       which exceed levels that are protective of human health or environmental receptors as a result of the violation.         Adjustment       \$12,500         Violation Events       \$12,500         Number of Violation Events       \$         Violation Base Penalty       \$62,500         guarterly       semiannual         single event       \$         Five daily events are recommended.       \$         Good Faith Efforts to Comply       25.0%         Reduction       \$15,625         Defore NOE/NOV.       NOE/NOV to EDPRP/Settement Offer         Extraordinary       X         Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       \$         \$21       Yiolation Final Penalty Total				- /	<i>'</i>				
of the violation.         Adjustment \$12,500         \$12,500         Violation Events         Number of Violation Events         Number of Violation Events         Violation Events         Quarterly weekly working weekly working weekly working worki									
\$12,500         Violation Events         Number of Violation Events         5       5         Violation Base Penalty         \$62,500         annual         annual         single event         Five daily events are recommended.         Good Faith Efforts to Comply         25.0%         Before NOE/NOV         Violation Subtotal         \$15,625         Extraordinary         NA         Notes         September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7		Hotes		· · · · · · · · · · · · · · · · · · ·					
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Number of Violation Events       5       Number of violation days         daily       x       violation Base Penalty       \$62,500         monthly       annual       annual       \$62,500         annual       annual       annual       \$62,500         Five daily events are recommended.       Five daily events are recommended.       \$15,625         Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer       \$15,625         Ordinary       x       x       \$15,625         N/A       The Respondent completed the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test       \$46,875         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875								Ľ	\$12,500
Number of Violation Events       5       Number of violation days         daily       x       violation Base Penalty       \$62,500         monthly       annual       annual       \$62,500         annual       annual       annual       \$62,500         Five daily events are recommended.       Five daily events are recommended.       \$15,625         Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer       \$15,625         Ordinary       x       x       \$15,625         N/A       The Respondent completed the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test       \$46,875         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875	Violatio	on Even	te						
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weekly monthly quarterly semiannual annual single event       Violation Base Penalty       \$62,500         Five daily events are recommended.       Five daily events are recommended.         Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NDE/NOV       NDE/NOV to EDPRP/Settlement Offer       \$15,625         Extraordinary			Number of V	/iolation Events	5	5	Number of violation	days	
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quarterly semiannual annual single event       Violation Base Penalty       \$62,500         Five daily events are recommended.       Five daily events are recommended.         Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer         Extraordinary       Ordinary       X         N/A       Notes       September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total									
semiannual annual single event       Five daily events are recommended.         Good Faith Efforts to Comply       25.0%       Reduction         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer         Extraordinary       Ordinary       X         N/A       N/A       N/A         The Respondent completed the corrective measures by Notes       September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total							Violation Base	Develop	+62 500
annual single event       Five daily events are recommended.         Good Faith Efforts to Comply       25.0%       Reduction         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer         Extraordinary							violation Base	Penalty	\$62,500
Five daily events are recommended.         Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer         Extraordinary									
Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer       Extraordinary       Image: Complete the corrective measures by N/A       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Ferrorement (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875				single event					
Good Faith Efforts to Comply       25.0%       Reduction       \$15,625         Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer       Extraordinary       Image: Complete the corrective measures by N/A       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       Violation Subtotal       \$46,875         Economic Benefit (EB) for this violation       Statutory Limit Test       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.       Image: Complete the corrective measures by September 21, 2021, prior to the Notice of Enforcement ("NOE") dated January 19, 2022.         Ferrorement (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875									
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Before NOE/NOV       NOE/NOV to EDPRP/Settlement Offer         Extraordinary	Good F	aith Eff	orts to Com	ply	25.0%		F	Reduction	\$15.625
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Enforcement ("NOE") dated January 19, 2022.         Violation Subtotal \$46,875         Economic Benefit (EB) for this violation         Statutory Limit Test         Estimated EB Amount       \$7       Violation Final Penalty Total       \$46,875									
Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7         Violation Final Penalty Total       \$46,875				notes	•				
Economic Benefit (EB) for this violation       Statutory Limit Test         Estimated EB Amount       \$7         Violation Final Penalty Total       \$46,875				<u> </u>				C	+ 40 075
Estimated EB Amount \$7 Violation Final Penalty Total \$46,875									\$46,875
		nic Bene	efit (EB) for	this violation			Statutory Limit	Test	
This violation Final Assessed Penalty (adjusted for limits) \$46.875	ECONON						-		
	ECONON		Estimate			\$7		lty Total	\$46,875

	E	conomic	Benefit	Wo	rksheet		
Respondent	Kinder Morgar	n Tejas Pipeline LL	.C				
Case ID No.	62093						
<b>Reg. Ent. Reference No.</b>	RN104198379	)					
Media	Air					Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	<u> </u>		21.0 2021	0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-Aug-2021	21-Sep-2021	0.10	\$7	n/a	\$7
	Estimated of	cost to revise the r	procedures to co	ontrol e	missions during fut	ture pigging activition	as in order to
Notes for DELAYED costs		•			-	(Incident No. 3656	
Notes for DELATED Costs				-	-	e is the date of com	-
	Requi		ernissions even	t began	and the Final Dat		ipliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en	terina	item (except for	one-time avoide	d 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							
Notes for Avoided costs							
Approx. Cost of Compliance		\$1,500			TOTAL		\$7
	μ	+=,000				<b>J</b>	<u> </u>



Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$0 Violation Final Penalty Total \$188
	This violation Final Assessed Penalty (adjusted for limits)         \$188

	E	conomic	Benefit	Wo	rksheet		
Respondent	Kinder Morgar	Tejas Pipeline LL	С				
Case ID No.							
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
Violation No.	-					5.0	15
							-
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	l						
Delayed Costs							
- Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		<u>  </u>		0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System		<u>  </u>		0.00	<u>\$0</u> \$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a n/a	\$0 \$0
Permit Costs		<u> </u>		0.00	\$0	n/a	\$0
Other (as needed)	\$250	18-Aug-2021	26-Aug-2021	0.00	\$0	n/a	\$0
Notes for DELAYED costs	Notes for DELAYED costs Estimated cost to submit the initial notification for Incident No. 365663. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.						
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		<u> </u> [		0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance		ļ		0.00	\$0	\$0	\$0
ONE-TIME avoided costs		<u> </u>		0.00	\$0	\$0	\$0
Other (as needed)		الــــــــــــــــــــــــــــــــــــ		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$250			TOTAL		\$0



# Compliance History Report

Compliance History Report for CN603437849, RN104198379, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603437849, Kinder Morgan Tejas Pipeline LLC	<b>Classification:</b> SATISFACTOR	Y Rating: 1.90
<b>Regulated Entity:</b> RN104198379, Kinder Morgan Tejas Pipeline Pipeline Galveston County		Classification: HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	1	Repeat Violator: NO	
CH Group:	13 - Pipeline Transportation of Natural Ga	as, Refined Petroleum, and All Other	Products
Location:	Galveston County Pipeline Segments in G	alveston County, Texas	
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
AIR QUALITY NON PERMIT R12104198379	ITED ID NUMBER		
<b>Compliance History Peri</b>	od: September 01, 2018 to August 31, 2	023 Rating Year: 2023 I	Rating Date: 09/01/2023
Date Compliance Histor	y Report Prepared: April 03, 2024		
Agency Decision Requir	ing Compliance History: Enforceme	ent	
<b>Component Period Sele</b>	cted: April 03, 2019 to April 03, 2024		
TCEQ Staff Member to C	ontact for Additional Information	<b>Regarding This Compliance H</b>	istory.
Name: Mackenzie Meh	lmann	<b>Phone:</b> (512) 239-2572	<u>)</u>
Site and Owner/Oper	<u>ator History:</u>		

1) Has the site been in existence and/or operation for the full five year compliance period?NO2) 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: \$N/A\$
- B. Criminal convictions: N/A
- C. Chronic excessive emissions events: \$N/A\$
- D. The approval dates of investigations (CCEDS Inv. Track. No.): Item 2 August 11, 2022 (1804824)
- 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. N/A
- F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): N/A
- H. Voluntary on-site compliance assessment dates:

N/A

- I. Participation in a voluntary pollution reduction program: N/A
- J. Early compliance: N/A

Sites Outside of Texas: N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING KINDER MORGAN TEJAS PIPELINE LLC RN104198379 **BEFORE THE** 

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2022-0632-AIR-E

On \_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kinder Morgan Tejas Pipeline 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 natural gas pipeline located in Galveston County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 2. During a record review at the Site conducted from September 7, 2021 to September 22, 2021, an investigator documented that:
  - a. The Respondent released 43,779.00 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 365663) that began on August 17, 2021 and lasted 97 hours and 25 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.
  - b. The initial notification for Incident No. 365663 was due by August 18, 2021 at 4:28 p.m., but was not submitted until August 26, 2021 at 6:21 p.m.
- 3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:

- a. On August 26, 2021, submitted the initial notification for Incident No. 365663; and
- b. By September 21, 2021, revised the procedures to control emissions during future pigging activities in order to address the excessive emissions event that began on August 17, 2021 (Incident No. 365663).

### 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.a, the Respondent failed to prevent unauthorized emissions, in violation of Tex. HEALTH & SAFETY CODE § 382.085(a) and (b). The emissions event was determined to be an excessive emissions event.
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 Tex. ADMIN. CODE § 101.201(a)(1)(B) and Tex. HEALTH & SAFETY CODE § 382.085(b).
- 4. 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.
- 5. An administrative penalty in the amount of \$47,063 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 the \$47,063 penalty.

### **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. 5 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: Kinder Morgan Tejas Pipeline LLC, Docket No. 2022-0632-AIR-E" to:

Kinder Morgan Tejas Pipeline LLC DOCKET NO. 2022-0632-AIR-E Page 3

> Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality 12100 Park 35 Circle Austin, Texas 78753

- 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 Site 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. 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.
- 6. 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.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

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### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
$\wedge$
$(\cdot, \leftarrow +)$
For the Executive Director
J N

Date

\_\_\_\_\_7/8/2024\_\_\_\_\_ Date

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

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

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

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

Signature

Kevin Brown

Name (Printed or typed) Authorized Representative of Kinder Morgan Tejas Pipeline LLC

6/5/2024 Date

Operations Director Title

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