

Executive Summary – Enforcement Matter – Case No. 62639
Enterprise Products Operating LLC
RN102580834
Docket No. 2022-0895-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Eplop Houston Ship Channel Marine Loading Facility, 15602 Jacintoport Boulevard,
Houston, Harris County

Type of Operation:

Marine loading and natural gas transmission and distribution plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 16, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,000

Amount Deferred for Expedited Settlement: \$3,000

Total Paid to General Revenue: \$6,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$6,000

Name of SEP: Texas City Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 1, 2022 through May 6, 2022

Date(s) of NOE(s): May 25, 2022

Executive Summary – Enforcement Matter – Case No. 62639
Enterprise Products Operating LLC
RN102580834
Docket No. 2022-0895-AIR-E

Violation Information

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the combined carbon monoxide MAER of 27.62 tons per year based on a 12-month rolling period for the 12-month periods ending from December 2020 through March 2021 for Flare 2, Emissions Point Numbers ("EPNs") FLARE2, and Flare 3, EPN FLARE3, resulting in 0.30 ton of unauthorized carbon monoxide emissions [30 TEX. ADMIN. CODE §§ 106.261, 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit No. 97022, Special Conditions No. 1, Federal Operating Permit No. O3835, General Terms and Conditions and Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On March 10, 2021, the Respondent obtained a permit amendment for NSR Permit No. 97022 that increased the annual combined carbon monoxide MAER for EPNs FLARE2 and FLARE3.

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: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Nicole Jurisch, Regional Operations Manager, Enterprise Products Operating LLC, 15602 Jacintoport Boulevard, Houston, Texas 77015

Bradley Cooley, Senior Director, Enterprise Products Operating LLC, 15602 Jacintoport Boulevard, Houston, Texas 77015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-May-2022	Screening	23-Jun-2022	EPA Due	21-Nov-2022
	PCW	9-Oct-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC				
Reg. Ent. Ref. No.	RN102580834				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	62639	No. of Violations	1
Docket No.	2022-0895-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Caleb Martin
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes: Enhancement for four NOVs with dissimilar violations and one order containing a denial of liability. Reduction for one disclosure of violations and one notice of intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$12
Estimated Cost of Compliance	\$900

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,000
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Screening Date	23-Jun-2022	Docket No.	2022-0895-AIR-E	PCW
Respondent	Enterprise Products Operating LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62639			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102580834			
Media	Air			
Enf. Coordinator	Caleb Martin			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 25%

>> 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 four NOVs with dissimilar violations and one order containing a denial of liability.
Reduction for one disclosure of violations and one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	23-Jun-2022	Docket No.	2022-0895-AIR-E	PCW	
Respondent	Enterprise Products Operating LLC	<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No.	62639	<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No.	RN102580834				
Media	Air				
Enf. Coordinator	Caleb Martin				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 106.261, 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review Permit ("NSR") No. 97022, Special Conditions No. 1, Federal Operating Permit No. O3835, General Terms and Conditions and Special Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the combined carbon monoxide ("CO") MAER of 27.62 tons per year based on a 12-month rolling period for the 12-month periods ending from December 2020 through March 2021 for Flare 2, Emissions Point Number ("EPN") FLARE2, and Flare 3, EPN FLARE3, resulting in 0.30 ton of unauthorized CO emissions.				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	x			
Potential			Percent	30.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		Adjustment	\$17,500		
			\$7,500		
Violation Events					
Number of Violation Events		2	99	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		Violation Base Penalty	\$15,000
	semiannual				
	annual				
	single event				
Two quarterly events are recommended for the period of non-compliance from December 1, 2020 to March 10, 2021.					
Good Faith Efforts to Comply		25.0%	Reduction		\$3,750
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent completed corrective action on March 10, 2021, prior to the Notice of Enforcement dated May 25, 2022.				
		Violation Subtotal	\$11,250		
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$12	Violation Final Penalty Total	\$15,000	
This violation Final Assessed Penalty (adjusted for limits)			\$15,000		

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 62639
Reg. Ent. Reference No. RN102580834
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$900	1-Dec-2020	10-Mar-2021	0.27	\$12	n/a	\$12
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain a permit amendment for NSR Permit No. 97022 that increased the annual combined CO MAER for EPNs FLARE2 and FLARE3. The Date Required is the first date of non-compliance 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

\$900

TOTAL

\$12



Compliance History Report

Compliance History Report for CN603211277, RN102580834, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603211277, Enterprise Products Operating LLC	Classification:	SATISFACTORY	Rating:	5.46
Regulated Entity:	RN102580834, EPOLP HOUSTON SHIP CHANNEL MARINE LOADING FACILITY	Classification:	SATISFACTORY	Rating:	6.76
Complexity Points:	10	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	15602 Jacintoport Boulevard, Houston, Harris County, Texas				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s):					
AIR OPERATING PERMITS	PERMIT 3835	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER HX1182G		
AIR NEW SOURCE PERMITS	PERMIT 97022	AIR NEW SOURCE PERMITS	REGISTRATION 114519		
AIR NEW SOURCE PERMITS	REGISTRATION 155001	AIR NEW SOURCE PERMITS	REGISTRATION 157343		
AIR NEW SOURCE PERMITS	REGISTRATION 175659	AIR NEW SOURCE PERMITS	REGISTRATION 175844		
AIR NEW SOURCE PERMITS	REGISTRATION 174885	AIR NEW SOURCE PERMITS	AFS NUM 4820101778		
WASTEWATER	EPA ID TX0133353	WASTEWATER	PERMIT WQ0004976000		
WASTEWATER	PERMIT TXG670442	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER HX1182G		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	August 28, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 28, 2019 to August 28, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Caleb Martin	Phone:	(512) 239-2091		

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: 11/28/2022 ADMINORDER 2021-0935-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Condition OP

Special Terms and Condition 2F OP

Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 307040 was due by April 23, 2019 at 2:30 p.m., but was not submitted until April 23, 2019 at 4:24 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Condition OP

Special Terms and Condition 2F OP

Description: Failure to submit a final report in a timely manner. Specifically, the final record for Incident No. 307040 was due by May 6, 2019, but was not submitted until May 7, 2019.

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: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 8 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 7,007.70 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 307040) that occurred on April 22, 2019 and lasted one hour. The emissions event occurred when a bull plug was removed prior to fully closing the manual bleed valve in the Butane Unit, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting req

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 17, 2019	(1608623)
Item 2	October 18, 2019	(1615501)
Item 3	November 14, 2019	(1621303)
Item 4	December 17, 2019	(1628743)
Item 5	January 09, 2020	(1636260)
Item 6	January 10, 2020	(1636359)
Item 7	March 16, 2020	(1649385)
Item 8	April 13, 2020	(1655751)
Item 9	May 14, 2020	(1662292)
Item 10	June 15, 2020	(1668838)
Item 11	July 16, 2020	(1675785)
Item 12	August 10, 2020	(1682578)
Item 13	September 14, 2020	(1689125)
Item 14	October 14, 2020	(1695489)
Item 15	November 12, 2020	(1719062)
Item 16	December 10, 2020	(1719063)
Item 17	January 18, 2021	(1719064)
Item 18	February 18, 2021	(1732130)
Item 19	March 16, 2021	(1732131)
Item 20	April 12, 2021	(1732132)
Item 21	May 12, 2021	(1743351)
Item 22	June 03, 2021	(1711818)
Item 23	June 15, 2021	(1743352)
Item 24	July 09, 2021	(1753991)
Item 25	August 11, 2021	(1759344)
Item 26	August 31, 2021	(1760404)
Item 27	September 09, 2021	(1768634)
Item 28	October 12, 2021	(1779933)
Item 29	November 08, 2021	(1785809)
Item 30	December 09, 2021	(1792858)
Item 31	January 10, 2022	(1800693)
Item 32	February 09, 2022	(1808618)
Item 33	March 17, 2022	(1815573)
Item 34	April 12, 2022	(1822134)
Item 35	May 17, 2022	(1831036)
Item 36	June 13, 2022	(1837284)
Item 37	July 13, 2022	(1844470)
Item 38	August 09, 2022	(1850680)
Item 39	September 13, 2022	(1858410)
Item 40	October 11, 2022	(1864753)
Item 41	November 15, 2022	(1871663)
Item 42	December 08, 2022	(1877643)
Item 43	December 20, 2022	(1866908)
Item 44	January 10, 2023	(1884328)
Item 45	February 09, 2023	(1892142)

Item 46	March 13, 2023	(1900716)
Item 47	April 12, 2023	(1907512)
Item 48	May 11, 2023	(1914661)
Item 49	May 18, 2023	(1881219)
Item 50	June 12, 2023	(1921274)
Item 51	August 14, 2023	(1935191)
Item 52	September 11, 2023	(1941411)
Item 53	October 17, 2023	(1948171)
Item 54	December 06, 2023	(1963648)
Item 55	January 17, 2024	(1970220)
Item 56	February 16, 2024	(1979302)
Item 57	March 07, 2024	(1985860)
Item 58	May 23, 2024	(1966640)

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: 10/31/2023 (1953859) | | |
| | 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: 03/31/2024 (1992399) | | |
| | 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: 04/30/2024 (1998842) | | |
| | Self Report? YES | Classification: | Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 05/31/2024 (2005797) | | |
| | 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 | | |

F. Environmental audits:

Notice of Intent Date: 12/01/2022 (1866883)
 Disclosure Date: 04/13/2023
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT SC1
 OP STC8
 Description: Failed to comply with applicable hourly VOC and PM short-term emission limitations for heaters HTR1, HTR2, and HTR3 during intermittent periods of operating time.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)
 Description: Failed to report HTR1, HTR2, and HTR3 deviations on the semiannual deviation report and failed to certify all instances of deviations in the Annual Compliance Certification.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS OPERATING
LLC
RN102580834

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

AGREED ORDER DOCKET NO. 2022-0895-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a marine loading and natural gas transmission and distribution plant located at 15602 Jacintoport Boulevard in Houston, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,000 of the penalty and \$3,000 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.

Pursuant to TEX. WATER CODE § 7.067, \$6,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on March 10, 2021, the Respondent obtained a permit amendment for New Source Review ("NSR") Permit No. 97022 that increased the annual combined carbon monoxide ("CO") maximum allowable emissions rate ("MAER") for Emissions Point Numbers ("EPNs") FLARE2 and FLARE3, by March 10, 2021.

II. ALLEGATIONS

During a record review for the Plant conducted from March 1, 2022 through May 6, 2022, an investigator documented that the Respondent failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 106.261, 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit No. 97022, Special Conditions No. 1, Federal Operating Permit No. O3835, General Terms and Conditions and Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the combined CO MAER of 27.62 tons per year based on a 12-month rolling period for the 12-month periods ending from December 2020 through March 2021 for Flare 2, EPN FLARE2, and Flare 3, EPN FLARE3, resulting in 0.30 ton of unauthorized CO emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

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

and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2022-0895-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$6,000 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 Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.

8. 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

Krista Mello-Jurack

For the Executive Director

Date

06/20/2025

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

Bradley J. Cooley

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

04/14/2025

Date

Senior Director

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.

Attachment A
Docket Number: 2022-0895-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$12,000
SEP Offset Amount:	\$6,000
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency’s 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas City Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas City Independent School District SEP
Attention: John Johnson, Consultant
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.