

**Executive Summary – Enforcement Matter – Case No. 62848**

**Explorer Pipeline Company**

**RN102333911**

**Docket No. 2022-1083-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Explorer Pipeline Greenville Station, 2856 County Road 2168, Caddo Mills, Hunt County

**Type of Operation:**

Refined petroleum products pipeline tankage station

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 18, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,550

**Amount Deferred for Expedited Settlement:** \$1,710

**Total Paid to General Revenue:** \$6,840

**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:** January 29, 2022

**Date(s) of NOE(s):** August 3, 2022

**Executive Summary – Enforcement Matter – Case No. 62848**  
**Explorer Pipeline Company**  
**RN102333911**  
**Docket No. 2022-1083-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for oil and grease and chemical oxygen demand [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002395000, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By November 30, 2022, the Respondent achieved three months of consecutive compliance with all permitted effluent limitations in TPDES Permit No. WQ0002395000 at the Facility.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Mark A Hurley, President, Explorer Pipeline Company, P.O. Box 2650, Tulsa, Oklahoma 74101

**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>	8-Aug-2022	<b>Screening</b>	1-Sep-2022	<b>EPA Due</b>	
	<b>PCW</b>	26-Feb-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Explorer Pipeline Company				
<b>Reg. Ent. Ref. No.</b>	RN102333911				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62848	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1083-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>	Samantha Smith
		<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>	<b>24.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$1,800
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<b>Notes</b>	Enhancement for five months of self-reported effluent violations. Reduction for one notice of intent to conduct an audit.			
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$750
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$750	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,550
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>				
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<b>Final Penalty Amount</b>	\$8,550
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,550
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$1,710
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$6,840
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<b>Screening Date</b>	1-Sep-2022	<b>Docket No.</b>	2022-1083-IWD-E	<b>PCW</b>
<b>Respondent</b>	Explorer Pipeline Company			
<b>Case ID No.</b>	62848			
<b>Reg. Ent. Reference No.</b>	RN102333911			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Samantha Smith			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

## 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> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 24%

### >> 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 five months of self-reported effluent violations. Reduction for one notice of intent to conduct an audit.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 24%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 24%

<b>Screening Date</b> 1-Sep-2022 <b>Respondent</b> Explorer Pipeline Company <b>Case ID No.</b> 62848 <b>Reg. Ent. Reference No.</b> RN102333911 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Samantha Smith	<b>Docket No.</b> 2022-1083-IWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002395000, Effluent Limitations and Monitoring Requirements No. 1		
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		
<b>Base Penalty</b>			\$25,000

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

<b>OR</b>		<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
					<b>Percent</b>	15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
					<b>Percent</b>	0.0%

Matrix Notes	Oil and grease and chemical oxygen demand were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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.	
<b>Adjustment</b>		\$21,250

\$3,750

**Violation Events**

Number of Violation Events	2	92	Number of violation days	
	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text" value="x"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<b>Violation Base Penalty</b>				\$7,500

Two quarterly events are recommended for the quarters containing the months of November 2021, and February and March of 2022.
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**Good Faith Efforts to Comply**

	<b>10.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input checked="" type="text" value="X"/>	
N/A	<input type="text"/>	<input type="text"/>	
Notes	The Respondent achieved compliance by November 30, 2022.		
<b>Violation Subtotal</b>			\$6,750

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

<b>Estimated EB Amount</b>	\$750	<b>Violation Final Penalty Total</b>	\$8,550
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$8,550

**Statutory Limit Test**

# Economic Benefit Worksheet

**Respondent** Explorer Pipeline Company  
**Case ID No.** 62848  
**Reg. Ent. Reference No.** RN102333911  
**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)	\$15,000	30-Nov-2021	30-Nov-2022	1.00	\$750	n/a	\$750

### 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

\$15,000

### TOTAL

\$750

<p>Explorer Pipeline Company</p> <p>Texas Pollutant Discharge Elimination System Permit No. WQ0002395000</p> <p>Case No. 62848</p> <p>Docket No. 2022-1083-IWD-E</p>		
Effluent Violation Table		
	Oil and Grease Daily Maximum Concentration	Chemical Oxygen Demand Daily Maximum Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 150 mg/L
November 2021	c	239
February 2022	c	189
March 2022	27.7	245

c = compliant    mg/L = milligrams per liter



# Compliance History Report

Compliance History Report for CN600424584, RN102333911, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600424584, Explorer Pipeline Company  
**Classification:** SATISFACTORY **Rating:** 0.39

**Regulated Entity:** RN102333911, EXPLORER PIPELINE GREENVILLE STATION  
**Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 12  
**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2856 County Road 2168, Caddo Mills, Hunt County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HV0013N	<b>AIR OPERATING PERMITS</b> PERMIT 2790
<b>AIR NEW SOURCE PERMITS</b> PERMIT 39281	<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HV0013N
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 117281	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4823100002
<b>WASTEWATER</b> PERMIT WQ0002395000	<b>WASTEWATER</b> EPA ID TX0084328
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HV0013N	<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P01836
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD055336069	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 31901

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** August 23, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 23, 2019 to August 23, 2024

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

**Name:** Samantha Smith **Phone:** (512) 239-2099

## 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:**  
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 1	September 03, 2019	(1607497)	Item 8	August 03, 2020	(1681441)
Item 2	October 03, 2019	(1614375)	Item 9	September 24, 2020	(1688018)
Item 3	December 05, 2019	(1627513)	Item 10	October 14, 2020	(1694374)
Item 4	January 03, 2020	(1635146)	Item 11	November 03, 2020	(1715730)
Item 5	March 04, 2020	(1648275)	Item 12	December 01, 2020	(1715731)
Item 6	April 13, 2020	(1654627)	Item 13	January 05, 2021	(1715732)
Item 7	July 08, 2020	(1674669)	Item 14	February 08, 2021	(1728806)





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXPLORER PIPELINE COMPANY  
RN102333911

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

## AGREED ORDER DOCKET NO. 2022-1083-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 Explorer Pipeline Company (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a refined petroleum products pipeline tankage station located at 2856 County Road 2168 near Caddo Mills, Hunt 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 \$8,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,840 of the penalty and \$1,710 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 by November 30, 2022, the Respondent achieved three months of consecutive compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002395000 at the Facility.

## II. ALLEGATIONS

During a record review for the Facility conducted on June 29, 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 TPDES Permit No. WQ0002395000, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

Effluent Violation Table		
	Oil and Grease Daily Maximum Concentration	Chemical Oxygen Demand Daily Maximum Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 150 mg/L
November 2021	c	239
February 2022	c	189
March 2022	27.7	245

c = compliant mg/L = milligrams per liter

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

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

violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Explorer Pipeline Company, Docket No. 2022-1083-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

-----  
For the Commission

-----  
Date

  
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For the Executive Director

11/4/2024  
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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.


  
-----  
Signature

9/19/24  
-----  
Date

MARK A. HURLEY  
-----  
Name (Printed or typed)  
Authorized Representative of  
Explorer Pipeline Company

President/CEO  
-----  
Title

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

Approved as to form  
Kenny Kincaid 

**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.