

Executive Summary – Enforcement Matter – Case No. 62845
Enterprise Products Operating LLC
RN102984911
Docket No. 2022-1103-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise East, 316 South Main Street, approximately 0.15 miles east of the intersection of Highway 146 and Sun Oil Road, City of Mont Belvieu, Chambers County

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0811-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,975

Amount Deferred for Expedited Settlement: \$3,195

Total Paid to General Revenue: \$6,390

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$6,390

Name of SEP: City of Baytown (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 30, 2022

Date(s) of NOE(s): May 11, 2022

**Executive Summary – Enforcement Matter – Case No. 62845
Enterprise Products Operating LLC
RN102984911
Docket No. 2022-1103-IWD-E**

Violation Information

Failed to comply with permitted effluent limitations for total copper, free chlorine, chemical oxygen demand, and pH [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004966000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004966000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2099; 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: Director of Public Works, P.O. Box 424, Baytown, Texas 77522-79005

Respondent: W. Randall Fowler, Director, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210-4018

Bradley J. Cooley, Senior Director, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210-4018

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-May-2022	Screening	24-May-2022	EPA Due	
	PCW	22-Sep-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102984911
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62845	No. of Violations	1
Docket No.	2022-1103-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samantha Smith
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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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	42.0%	Adjustment	Subtotals 2, 3, & 7	\$4,725
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Notes: Enhancement for one order containing a denial of liability, one order without a denial of liability, and one NOV with dissimilar violations. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,749	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,975
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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	\$15,975
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,975
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,195
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,780
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Screening Date 24-May-2022

Docket No. 2022-1103-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62845

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102984911

Media Water Quality

Enf. Coordinator Samantha Smith

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	1	2%
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	1	25%
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>)	2	-4%
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) 42%

>> 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 one order containing a denial of liability, one order without a denial of liability, and one NOV with dissimilar violations. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 42%

Screening Date 24-May-2022 **Docket No.** 2022-1103-IWD-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62845 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102984911
Media Water Quality
Enf. Coordinator Samantha Smith

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004966000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

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

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	X	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

A simplified model was used to evaluate total copper to determine whether the discharged amount of pollutants exceeded protective levels. Free available chlorine, chemical oxygen demand, and pH were also considered. 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

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	X
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended for the quarters containing the months of of May, June, July, October, November, and December of 2021.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	<input type="text"/>

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 62845
Reg. Ent. Reference No. RN102984911
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	31-May-2021	28-Jan-2025	3.67	\$2,749	n/a	\$2,749

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 estimated 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

\$2,749

Enterprise Products Operating LLC			
Docket No. 2022-1103-IWD-E			
Case No. 62845			
TPDES Permit No. WQ0004966000			
	pH Maximum	Total Copper Daily Average Concentration	Total Copper Daily Maximum Concentration
Monitoring Period	Limit = 9.0 SU	Limit = 0.0259 mg/L	Limit = 0.0548 mg/L
May 2021	c	c	c
June 2021	c	c	c
July 2021	c	c	c
October 2021	9.2	c	0.0759
November 2021	9.9	c	c
December 2021	c	0.094	0.32

	Free Chlorine Daily Average Concentration	Free Chlorine Daily Maximum Concentration	Chemical Oxygen Demand Daily Average Concentration	Chemical Oxygen Demand Daily Maximum Concentration
Monitoring Period	Limit = 0.20 mg/L	Limit = 0.50 mg/L	Limit = 150 mg/L	Limit = 200 mg/L
May 2021	c	c	217.5	438
June 2021	0.34	2.2	c	262
July 2021	c	c	c	225
October 2021	c	c	c	254
November 2021	0.5	0.7	c	c
December 2021	0.28	c	c	c

SU = standard units c = compliant mg/L = milligrams per liter

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Compliance History Report

Compliance History Report for CN603211277, RN102984911, 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: RN102984911, ENTERPRISE EAST
Classification: SATISFACTORY **Rating:** 11.30

Complexity Points: 14 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 316 South Main Street, approximately 0.15 miles east of the intersection of Highway 146 and Sun Oil Road, City of Mont Belvieu, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CI0006V	AIR OPERATING PERMITS PERMIT 4269
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0006V	AIR NEW SOURCE PERMITS AFS NUM 4807100017
AIR NEW SOURCE PERMITS PERMIT 93973	AIR NEW SOURCE PERMITS REGISTRATION 140448
AIR NEW SOURCE PERMITS REGISTRATION 169320	AIR NEW SOURCE PERMITS REGISTRATION 172898
AIR NEW SOURCE PERMITS REGISTRATION 168410	AIR NEW SOURCE PERMITS REGISTRATION 172230
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0047H	AIR NEW SOURCE PERMITS REGISTRATION 81822
STORMWATER PERMIT TXR05DO13	WASTEWATER EPA ID TX0133175
WASTEWATER PERMIT WQ0004966000	AIR EMISSIONS INVENTORY ACCOUNT NUMBER CI0006V
POLLUTION PREVENTION PLANNING ID NUMBER P00174	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD987981560
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 39257	TAX RELIEF ID NUMBER 17627

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

Date Compliance History Report Prepared: June 07, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 07, 2019 to June 07, 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:

- 1 Effective Date: 04/08/2022 ADMINORDER 2020-1377-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC No. 1 PERMIT
 Description: Failure to prevent unauthorized emissions.
- 2 Effective Date: 07/07/2023 ADMINORDER 2021-0460-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 20,024.01 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 302821) that occurred on February 14, 2019 and lasted 16 minutes. The emissions event occurred due to a three-quarter inch bleed valve that was located below a T-strainer being left in the open position, resulting in the release to the atmosphere.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,954.52 lbs of carbon monoxide ("CO"), 1,277.96 lbs of nitrogen oxides ("NOx"), and 1,954.82 lbs of VOC the from East Flare, Emissions Point Number ("EPN") FL-06, during an emissions event (Incident No. 319220) that began on August 19, 2019 and lasted 23 hours and 30 minutes. The emissions event occurred due to a thermal relief of Pressure Safety Valve PSV032 on an eight-inch Liquid Propane Gas Prover line that ca

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 155109 REG

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 71.37 lbs of CO, 70.86 lbs of VOC, and 46.66 lbs of NOx from the East Flare, EPN FL-06, and released 334.93 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355046) that began on April 29, 2021 and lasted nine hours. The emissions event occurred due to a leak in the stainless steel flexible hose that connected a bleeder valve and the flare header, resulting in flaring and the release to the

Classification: Moderate

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

Rqmt Prov: Special condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 90.18 lbs of CO, 88.44 lbs of VOC, and 58.96 lbs of NOx from the East Flare, EPN FL-06, and released 10,315.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 359199) that occurred on May 27, 2021 and lasted four hours. The emissions event occurred due to a seal leak on a pipeline pump and a loose bearing that became dislodged, causing damage to the shaft and the pipeline pump to be isolate

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 18, 2019	(1587720)	Item 21	March 19, 2021	(1732098)
Item 2	August 19, 2019	(1601707)	Item 22	April 19, 2021	(1732099)
Item 3	September 20, 2019	(1608612)	Item 23	May 17, 2021	(1743336)
Item 4	October 18, 2019	(1615490)	Item 24	August 20, 2021	(1750546)
Item 5	November 18, 2019	(1621292)	Item 25	September 16, 2021	(1768622)
Item 6	December 18, 2019	(1628628)	Item 26	October 19, 2021	(1779371)
Item 7	January 15, 2020	(1636249)	Item 27	November 17, 2021	(1690636)
Item 8	February 19, 2020	(1642868)	Item 28	December 03, 2021	(1447994)
Item 9	March 17, 2020	(1649375)	Item 29	March 17, 2022	(1815562)
Item 10	April 13, 2020	(1655738)	Item 30	May 02, 2022	(1811373)
Item 11	April 14, 2020	(1638485)	Item 31	May 17, 2022	(1831025)
Item 12	May 20, 2020	(1662281)	Item 32	October 18, 2022	(1864742)
Item 13	June 19, 2020	(1668827)	Item 33	November 17, 2022	(1871651)
Item 14	August 20, 2020	(1682567)	Item 34	December 20, 2022	(1877512)
Item 15	September 16, 2020	(1689114)	Item 35	January 19, 2023	(1884318)
Item 16	October 16, 2020	(1695478)	Item 36	February 09, 2023	(1872835)
Item 17	November 17, 2020	(1719029)	Item 37	February 15, 2023	(1892130)
Item 18	December 15, 2020	(1719030)	Item 38	March 17, 2023	(1900705)
Item 19	January 18, 2021	(1719031)	Item 39	March 28, 2023	(1893940)
Item 20	February 18, 2021	(1732097)	Item 40	April 18, 2023	(1907501)

Item 41	May 15, 2023	(1840682)	Item 50	October 17, 2023	(1948160)
Item 42	May 17, 2023	(1914650)	Item 51	November 20, 2023	(1929725)
Item 43	June 15, 2023	(1921263)	Item 52	December 15, 2023	(1963637)
Item 44	June 23, 2023	(1888392)	Item 53	January 18, 2024	(1970209)
Item 45	July 19, 2023	(1928245)	Item 54	February 20, 2024	(1979291)
Item 46	July 27, 2023	(1917269)	Item 55	March 18, 2024	(1985848)
Item 47	August 17, 2023	(1935180)	Item 56	March 25, 2024	(1981198)
Item 48	September 19, 2023	(1941400)	Item 57	May 15, 2024	(1987551)
Item 49	September 20, 2023	(1916984)	Item 58	May 17, 2024	(1896778)

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: 11/09/2023 (1925954)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 5A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 9 OP
- Description: Failure to maintain the net heating value for the East Flare (EPN: FL-06) (Category C4).
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)
Special Condition 5A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 9 OP
- Description: Failure to maintain the net heating value for the West Flare (EPN: FL-08) (Category B18(g)(1)).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 9 OP
- Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Cold Flare (EPN: FL-COLD) (Category B13).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9F PERMIT
Special Term and Condition 9 OP
- Description: Failure to prevent an exceedance of the total dissolved solid (TDS) limit for the Splitter III Cooling Tower (EPN: CWT-1) (Category C4).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 9 OP
- Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Splitter III Regen Heater (EPN: REGEN-1) (Category B13).
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
- Description: Failure to maintain valid leak test for tank truck (Category C1).
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Failure to conduct daily flare observations for the West Flare (EPN: FL-08)
 (Category C1).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 9 OP

Description: Failure to prevent open-ended lines (Category C10).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5F PERMIT
 Special Term and Condition 9 OP

Description: Failure to conduct annual flow meter calibration for the West Flare (EPN:
 FL-08) (Category B1).

F. Environmental audits:

Notice of Intent Date: 11/06/2018 (1527089)

Disclosure Date: 07/01/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failed to maintain records of the weekly audio, visual, and olfactory checks of the connectors and flanges in the facility files.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter K 106.261

Description: Failed to submit a PBR Registration to update fugitive emissions and component counts for the site based on present component counts. Specifically, the LDAR valve and flange/connector counts represented in the PBR 81822 permit application dated July 19, 2007, differs from a present master component list.

Disclosure Date: 07/09/2019

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT Special Condition 12.C

Description: Failed to validate that the VOC concentrations inside equipment, when vented to atmosphere during MSS activities, were below 10,000 ppmv or 10% of the LEL.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT Special Condition 13.C(2)

Description: Failed to ensure that the functionality test being performed on the LEL monitors is capable of showing that the monitors are reading no lower than 90% of the calibration gas certified value.

Viol. Moderate

Classification:

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

30 TAC Chapter 319, SubChapter A 319.11

30 TAC Chapter 319, SubChapter A 319.12

Rqmt Prov: PERMIT M/R RQ No. 2

PERMIT M/R RQ No. 5

Description: Failed to ensure that chlorine residual calibration standard of 0.24+/-0.03 and/or 0.93+/-0.10 is in range. Specifically, from January thru March and May thru December 2016; January, June and October through December 2017; January through October 2018 the calibration standard was out of range.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT EFF LIM/ MON RQ No. 1

Description: Failed to analyze for chlorine weekly. Specifically, the following periods were not monitored weekly: 3/3-3/15/16, 3/30-4/5/16, 5/30-5/31/16, 10/26/16, 1/11-1/14/17, 3/1-3/7/17, 4/15-4/18/17,

5/28-5/30/17, 6/12-6/13/17, 9/11-9/12/17, 9/29-10/3/17, 10/28-10/31/17, 11/13-11/14/17, 1/9/18, 2/15-2/27/18, 3/22-4/2/18, 4/15-4/19/18, 5/11-5/29/18, and 7/11-7/31/18.

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT EFF LIM/MON REQ No. 2

Description: Failed to monitor pH daily for 3/22/16, 3/23/16, 7/3-7/9/17, 2/1/18.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 002.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 005 for the weeks of 1/2/16, 3/5/16, 6/25/16, 7/23/16, 12/17/16, 2/18/17.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 117, SubChapter B 117.354(a)

Description: Failed to have a NOx Final Control Plan.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to maintain weekly inspections for Waste Management Unit 003.

Notice of Intent Date: 03/16/2022 (1805115)

Disclosure Date: 09/27/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC

Description: Failed to conduct annual calibration for the flare temperature and pressure system.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)

Description: Failed to update the site Quality Assurance Plan (QAP) for East Storage Cold Flare (EPN FL-COLD).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 8

Description: Failed to locate calibration records for the fuel gas flow meter (EPN HT15003) for 2020 or 2021.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 8

Description: Failed to locate calibration records for the fuel gas flow meter (EPN REGEN-1) for 2021.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)

Description: Failed to submit NSPS Subpart RRR reports as required under the Alternate Monitoring Plan.

Disclosure Date: 03/30/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)

Description: Failed to submit semiannual NSPS Subpart VV or VVa reports as required.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual HRVOC non-repairable reports as required.

Viol. Minor

Classification:

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

Description: Failed to conduct annual HRVOC audit.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ENTERPRISE PRODUCTS OPERATING	§	
LLC	§	ENVIRONMENTAL QUALITY
RN102984911	§	

AGREED ORDER DOCKET NO. 2022-1103-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 Enterprise Products Operating LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility located at 316 South Main Street, approximately 0.15 miles east of the intersection of Highway 146 and Sun Oil Road, in the City of Mont Belvieu, Chambers County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,975 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,390 of the penalty and \$3,195 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions 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, \$6,390 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.

II. ALLEGATIONS

During a record review for the Facility conducted on March 30, 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004966000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below:

Effluent Violation Table			
	pH Maximum	Total Copper Daily Average Concentration	Total Copper Daily Maximum Concentration
Monitoring Period	Limit = 9.0 SU	Limit = 0.0259 mg/L	Limit = 0.0548 mg/L
May 2021	c	c	c
June 2021	c	c	c
July 2021	c	c	c
October 2021	9.2	c	0.0759
November 2021	9.9	c	c
December 2021	c	0.094	0.32

	Free Chlorine Daily Average Concentration	Free Chlorine Daily Maximum Concentration	Chemical Oxygen Demand Daily Average Concentration	Chemical Oxygen Demand Daily Maximum Concentration
Monitoring Period	Limit = 0.20 mg/L	Limit = 0.50 mg/L	Limit = 150 mg/L	Limit = 200 mg/L
May 2021	c	c	217.5	438
June 2021	0.34	2.2	c	262
July 2021	c	c	c	225
October 2021	c	c	c	254
November 2021	0.5	0.7	c	c
December 2021	0.28	c	c	c

SU = standard units 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: Enterprise Products Operating LLC, Docket No. 2022-1103-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. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$6,390 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004966000, including specific corrective actions that were implemented

at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

11/8/2024

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

09/30/2024

Date

Bradley J. Cooley

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

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: 2022-1103-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$12,780
SEP Offset Amount:	\$6,390
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	City of Baytown
Project Name:	Residential Sewer Line Repair and Replacement Program
Total Project Budget:	\$19,959,000
Location of SEP:	Fort Bend, Grimes, Harris, Liberty, Montgomery, San Jacinto, Walker, and Waller Counties

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 **City of Baytown** for the *Residential Sewer Line Repair and Replacement Program* (the “Project”). The Project is to repair or replace eligible homeowners' private sewer lines, thereby reducing inflow and infiltration (I&I) of storm water into Third-Party Administrator's wastewater system. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not 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 in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

The City of Baytown had 164 Sanitary Sewer Overflows (SSOs) in 2017, which included 3,406,735 gallons of untreated wastewater polluting waterways. It is a common industry estimate that 50% of I&I originates from private sewer laterals. This program could effectively address over 1.5 million gallons of untreated wastewater that pollutes Texas waterways each year.

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 **City of Baytown SEP** and shall mail the contribution with a copy of the Agreed Order to:

Director of Public Works
P.O. Box 424
Baytown, Texas 77522 79005

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.

Enterprise Products Operating LLC
Docket No. 2022-1103-IWD-E
Agreed Order - Attachment A

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.