

**Executive Summary - Enforcement Matter - Case No. 62881**  
**Kinder Morgan Crude & Condensate LLC**  
**RN108071325**  
**Docket No. 2022-1254-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Kinder Morgan Crude & Condensate KMCC Splitter Facility, 407 Clinton Drive, Galena Park, Harris County

**Type of Operation:**

Bulk materials storage facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 27, 2026

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$213,625

**Amount Deferred for Expedited Settlement:** \$42,725

**Total Paid to General Revenue:** \$85,450

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$85,450

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

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**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:** September 6, 2021 through April 22, 2022 and January 11, 2023

**Date(s) of NOE(s):** August 19, 2022

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***Violation Information***

1. Failed to comply with the maximum allowable emissions rates ("MAERs"), concentration limits, and emissions limits. Specifically, the Respondent exceeded the nitrogen oxides ("NOx"), carbon monoxide ("CO"), and sulfur dioxide ("SO2") MAERs; the NOx and CO MAERs during maintenance, startup, and shutdown ("MSS") activities; the ammonia ("NH3"), CO, and SO2 concentration limits; the NOx emissions limit during routine and MSS activities; and the CO concentration limit during MSS activities for the Naphtha Splitter Reboiler Train I, Emissions Point Number ("EPN") F-101, resulting in the unauthorized release of 11.95 lbs of NOx emissions, 741.37 lbs of CO emissions, and 1,664.14 lbs of SO2 emissions as shown in Table 1 on Page 1 of the attachment ("Attachment B", incorporated herein by reference) [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS (CFR) § 60.102a(g)(1)(i), New Source Review ("NSR") Permit Nos. 101199 and N158, Special Conditions ("SC") Nos. 1, 4.B, 8, and 31, Federal Operating Permit ("FOP") No. O3764, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NOx, particulate matter ("PM"), CO, and SO2 MAERs; the NOx and CO MAERs during MSS activities; the CO concentration limit during MSS activities; the SO2 concentration limit; and the NOx emissions limits during routine and MSS activities for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 88.76 lbs of NOx emissions, 0.16 lb of PM emissions, 538.48 lbs of CO emissions, and 1,841.95 lbs of SO2 emissions as shown in Table 2 on Page 2 of Attachment B [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2019 through December 31, 2019 reporting period did not include the deviation for failing to comply with the VOC hourly MAER for during the December 16, 2019 transfer to Tank No. 100-14 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to report all instances of deviations. Specifically, the deviation report for the January 1, 2020 through June 30, 2020 reporting period did not include the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to comply with the MAERs and concentration limit. Specifically, the Respondent exceeded the CO MAER of 0.63 lb/hr by a range from 0.046 lb/hr to 52.47 lbs/hr for 87 hours from July 2, 2019 to February 21, 2020, the NOx MAER of 0.16 lb/hr by a range from 0.003 lb/hr to 10.262 lbs/hr for 86 hours from July 2, 2019

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to February 21, 2020, the SO<sub>2</sub> MAER of 0.00 lb/hr by a range from 0.00001 lb/hr to 1.02530 lbs/hr for 6,069 hours from July 1, 2019 to March 30, 2020, the VOC MAER of 0.03 lb/hr by a range from 0.00002 lb/hr to 80.1726 lbs/hr for 1,613 hours from July 2, 2019 to March 27, 2020, the SO<sub>2</sub> MAER of 0.00 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, the VOC MAER of 0.12 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, and the hydrogen sulfide ("H<sub>2</sub>S") concentration limit of 162 ppmvd/hr 0% O<sub>2</sub> determined on a three-hour rolling average basis by a range from 21.08 to 138.00 ppmvd/hr for 190 three-hour periods ending from July 24, 2019 to December 19, 2019 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 706.76 lbs of CO emissions, 135.56 lbs of NO<sub>x</sub> emissions, 44.37 lbs SO<sub>2</sub> emissions, and 810.18 lbs of VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(1), 16.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4, FOP No. O3764, GTC and STC Nos. 1 and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to comply with the MAER. Specifically, the Respondent exceeded the site-wide benzene MAER of 0.18 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020 for EPN ALL, resulting in 0.16 ton of unauthorized benzene emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.22 lbs/hr by an average of 0.09 lb/hr for a total of six hours and 49 minutes on December 16, 2019 and January 24, 2020 for Tank No. 100-14, EPN 100-14, resulting in 0.61 lb of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to include a signed certification of accuracy and completeness. Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the July 1, 2021 through June 30, 2022 certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(8), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to report all instances of deviations. Specifically, the deviation report for the January 1, 2022 through June 30, 2022 reporting period did not include the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL-101 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to comply with the MAER. Specifically, the Respondent exceeded the SO<sub>2</sub> MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2021 through April 2022 for MSS Activities, EPN MSS, resulting in 0.04 ton of unauthorized SO<sub>2</sub> emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and

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122.143(4), NSR Permit No. 101199, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NO<sub>x</sub>, CO, and NH<sub>3</sub> MAERs; the CO and NH<sub>3</sub> concentration limits; the NO<sub>x</sub> emissions limits during routine and MSS activities; and the CO emissions limit during MSS activities for the Naphtha Splitter Reboiler Train I, EPN F-101, resulting in the unauthorized release of 134.28 lbs of NO<sub>x</sub> emissions, 46.30 lbs of CO emissions, and 94.94 lbs of NH<sub>3</sub> emissions as shown in Table 3 on Page 3 of Attachment B [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), NSR Permit Nos. 101199 and N158, SC Nos. 1, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NO<sub>x</sub>, NH<sub>3</sub>, CO, SO<sub>2</sub>, VOC, and PM MAERs; the NO<sub>x</sub> and CO MAERs during MSS activities; the NO<sub>x</sub> emissions limits during routine and MSS activities; the NH<sub>3</sub> concentration limit; the CO concentration limits during routine and MSS activities; and the SO<sub>2</sub> concentration limit for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 354.41 lbs of NO<sub>x</sub> emissions, 0.40 lb of NH<sub>3</sub> emissions, 34.92 lbs of CO emissions, 2.13 lbs of SO<sub>2</sub> emissions, 0.36 lb of VOC emissions, and 0.31 lb of PM emissions as shown in Table 4 on Page 4 of Attachment B [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to comply with the MAERs and concentration limit. Specifically, the Respondent exceeded the NO<sub>x</sub> MAER of 4.35 lbs/hr by a range from 0.33 lb/hr to 4.25 lbs/hr for ten hours on December 10, 2021 and December 11, 2021; the VOC MAER of 25.89 lbs/hr by a range from 2.11 lbs/hr to 8.90 lbs/hr for three hours on December 10, 2021 and December 11, 2021; the SO<sub>2</sub> MAER of 0.24 tpy based on a 12-month rolling period for the 12-month periods ending from June 2021 through August 2021; and the H<sub>2</sub>S concentration limit of 162 ppmvd/hr 0% O<sub>2</sub> determined on a three-hour rolling average basis by a range from 0.41 to 386.33 ppmvd/hr for a total of 43 three-hour periods ending on seven days from July 11, 2021 to June 29, 2022 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 18.81 lbs of NO<sub>x</sub> emissions, 17.08 lbs of VOC emissions, and 140.00 lbs of SO<sub>2</sub> emissions [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4.B, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

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a. On March 31, 2020, obtained an amendment for NSR Permit Nos. 101199 and N158 to increase the SO<sub>2</sub> hourly MAER, the NO<sub>x</sub> hourly MAER during MSS activities, and the CO hourly MAER during MSS activities for the Naphtha Splitter Reboiler Train I, EPN F-101;

b. On March 31, 2020, obtained an amendment for NSR Permit Nos. 101199 and N158 to increase the CO hourly MAER, SO<sub>2</sub> hourly MAER, and VOC annual MAER for Flare No. 101, EPN FL-101;

c. On March 31, 2020, obtained an amendment for NSR Permit Nos. 101199 and N158 that removed the site-wide benzene MAER for EPN All since to the area in which the Site is located was removed from the Air Pollutant Watch List;

d. On May 8, 2020, obtained Permit by Rule Registration No. 160950 to authorize an increased tank feed rate and the associated emissions for Tank No. 100-14, EPN 100-14;

e. By March 31, 2022, tightened the Light Virgin Naphtha ("LVN") valve to stop and prevent any LVN leak-by and reached compliance with the SO<sub>2</sub> annual MAER for MSS activities, EPN MSS;

f. By August 31, 2022, changed the compressor lube oil filter and coalescer filter to a smaller mesh size to prevent downstream plugging, modified controller logic to prevent the slide valves from sticking, raised compressor suction temperature to prevent water accumulation, and scheduled periodic lube oil quality sampling to comply with the NO<sub>x</sub> and VOC hourly MAERs, the SO<sub>2</sub> annual MAER, and the H<sub>2</sub>S concentration limit determined on a three-hour rolling average basis for Flare No. 101, EPN FL-101;

g. On September 14, 2022, submitted a revised deviation report for the July 1, 2019 through December 31, 2019 reporting period to report the deviation for failing to comply with VOC hourly MAER for during the December 16, 2019 transfer to Tank No. 100-14;

h. On September 14, 2022, submitted a revised deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14;

i. By October 10, 2022, performed selective catalytic emission control ("SCR") troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implemented an internal recurring meeting to review emission trends; performed operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually in order to comply with the MAERs,

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concentration limits, and emissions limits for the Naphtha Splitter Reboiler Train I, EPN F-101;

j. By October 26, 2022, performed SCR troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implemented an internal recurring meeting to review emission trends; performed operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually in order to comply with the MAERs, concentration limits, and emissions limits for the Naphtha Splitter Reboiler Train II, EPN F-201;

k. On June 14, 2023, updated the semi-annual deviation reporting procedure to ensure that all instances of deviations are reported in a timely manner;

l. On March 31, 2025, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the July 1, 2021 through June 30, 2022 certification period; and

m. On March 31, 2025, submitted a revised deviation report for the January 1, 2022 through June 30, 2022 reporting period to report the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL-101.

**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:** Bethany Batchelor, Enforcement Division, Enforcement Backlog Team, MC R-12, (713) 767-3586; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

**SEP Third-Party Administrator:** Anahuac Independent School District, P.O. Box 638, Anahuac, Texas 77514

**Respondent:** Hayden Cross, Operations Manager, Kinder Morgan Crude & Condensate LLC, 407 Clinton Drive, Galena Park, Texas 77547

**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 PCW</b> | 23-Aug-2022 | <b>Screening</b> | 24-Aug-2022 | <b>EPA Due</b> | 15-Feb-2023 |
|              |                     | 17-Apr-2025 |                  |             |                |             |

|  |                                      |
|--|--------------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                      |
| <b>Respondent</b>                      | Kinder Morgan Crude & Condensate LLC |
| <b>Reg. Ent. Ref. No.</b>              | RN108071325                          |
| <b>Facility/Site Region</b>            | 12-Houston                           |
| <b>Major/Minor Source</b>              | Major                                |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 62881           | <b>No. of Violations</b>     | 13                 |
| <b>Docket No.</b>                      | 2022-1254-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Bethany Batchelor  |
|  |                 | <b>EC's Team</b>             | Enforcement Team 2 |
| <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> | <b>\$305,750</b> |
|---|-------------------|------------------|

### 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>-10.0%</b> | Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | <b>-\$30,575</b> |
|---------------------------|---------------|------------|--------------------------------|------------------|

Notes: Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit, two disclosures of violations, and High Performer classification.

|                    |    |             |             |                   |            |
|--------------------|----|-------------|-------------|-------------------|------------|
| <b>Culpability</b> | No | <b>0.0%</b> | Enhancement | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|-------------|-------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |                  |
|--|-------------------|------------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>-\$61,550</b> |
|--|-------------------|------------------|

|                         |             |              |                   |            |
|-------------------------|-------------|--------------|-------------------|------------|
| <b>Economic Benefit</b> | <b>0.0%</b> | Enhancement* | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|-------------|--------------|-------------------|------------|

Total EB Amounts: \$5,982  
 Estimated Cost of Compliance: \$48,200  
 \*Capped at the Total EB \$ Amount

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$213,625</b> |
|-----------------------------|-----------------------|------------------|

|   |             |            |            |
|---|-------------|------------|------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | <b>0.0%</b> | Adjustment | <b>\$0</b> |
|---|-------------|------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |                  |
|-----------------------------|------------------|
| <b>Final Penalty Amount</b> | <b>\$213,625</b> |
|-----------------------------|------------------|

|                                   |                               |                  |
|-----------------------------------|-------------------------------|------------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$213,625</b> |
|-----------------------------------|-------------------------------|------------------|

|                 |              |           |                   |                  |
|-----------------|--------------|-----------|-------------------|------------------|
| <b>DEFERRAL</b> | <b>20.0%</b> | Reduction | <b>Adjustment</b> | <b>-\$42,725</b> |
|-----------------|--------------|-----------|-------------------|------------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

|                        |                  |
|------------------------|------------------|
| <b>PAYABLE PENALTY</b> | <b>\$170,900</b> |
|------------------------|------------------|

**Screening Date** 24-Aug-2022

**Docket No.** 2022-1254-AIR-E

**PCW**

**Respondent** Kinder Morgan Crude & Condensate LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62881

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN108071325

**Media** Air

**Enf. Coordinator** Bethany Batchelor

### 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> )  | 1      | 5%      |
|                               | 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> )  | 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)** 0%

**>> Repeat Violator (Subtotal 3)**

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit, two disclosures of violations, and High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 24-Aug-2022

Docket No. 2022-1254-AIR-E

PCW

Respondent Kinder Morgan Crude & Condensate LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62881

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN108071325

Media Air

Enf. Coordinator Bethany Batchelor

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.102a(g)(1)(i), New Source Review ("NSR") Permit Nos. 101199 and N158, Special Conditions ("SC") Nos. 1, 4.B, 8, and 31, Federal Operating Permit ("FOP") No. O3764, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emissions rates ("MAERs"), concentration limits, and emissions limits. Specifically, the Respondent exceeded the nitrogen oxides ("NOx"), carbon monoxide ("CO"), and sulfur dioxide ("SO2") MAERs; the NOx and CO MAERs during maintenance, startup, and shutdown ("MSS") activities; the ammonia ("NH3"), CO, and SO2 concentration limits; the NOx emissions limit during routine and MSS activities; and the CO concentration limit during MSS activities for the Naphtha Splitter Reboiler Train I, Emissions Point Number ("EPN") F-101, resulting in the unauthorized release of 11.95 pounds ("lbs") of NOx emissions, 741.37 lbs of CO emissions, and 1,664.14 lbs of SO2 emissions as shown in Table 1 on Page 1 of the attachment ("Attachment B").

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 this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 5 157 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$37,500

Five quarterly events are recommended for the instances of non-compliance that occurred on February 3, 2019 and from July 1, 2019 to June 30, 2020.

Good Faith Efforts to Comply

10.0%

Reduction \$3,750

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                | x                                 |
| N/A           |                |                                   |

Notes

The Respondent completed corrective measures by October 10, 2022, after the Notice of Enforcement ("NOE") dated August 19, 2022.

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,131

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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             | \$5,000  | 3-Feb-2019 | 31-Mar-2020 | 1.16 | \$289   | n/a | \$289   |
| Other (as needed)        | \$10,000 | 3-Feb-2019 | 10-Oct-2022 | 3.68 | \$1,842 | n/a | \$1,842 |

#### Notes for DELAYED costs

Estimated costs to obtain an amendment for NSR Permit Nos. 101199 and N158 to increase the SO2 hourly MAER, the NOx hourly MAER during MSS activities, and the CO hourly MAER during MSS activities (\$5,000) and perform selective catalytic emission control ("SCR") troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implement an internal recurring meeting to review emission trends; and perform operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually to comply with the MAERs, concentration limits, and emissions limits identified in Table 3 of Attachment B (\$10,000) for the Naphtha Splitter Reboiler Train I, EPN F-101. The Dates Required are the first date of non-compliance and the Final Dates are the dates 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**

\$2,131

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NOx, particulate matter ("PM"), CO, and SO2 MAERs; the NOx and CO MAERs during MSS activities; the CO concentration limit during MSS activities; the SO2 concentration limit; and the NOx emissions limits during routine and MSS activities for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 88.76 lbs of NOx emissions, 0.16 lb of PM emissions, 538.48 lbs of CO emissions, and 1,841.95 lbs of SO2 emissions as shown in Table 2 on Page 2 of Attachment B.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | X     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0.0%    |

Matrix Notes

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 4 99 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$30,000

Four quarterly events are recommended for the instances of non-compliance that occurred from July 1, 2019 to June 28, 2020.

**Good Faith Efforts to Comply**

10.0%

Reduction \$3,000

|               | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------|----------------------------------|
| Extraordinary |                |                                  |
| Ordinary      |                | X                                |
| N/A           |                |                                  |

Notes The Respondent completed corrective measures by October 26, 2022, after the NOE dated August 19, 2022.

**Violation Subtotal** \$27,000

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

**Statutory Limit Test**

**Estimated EB Amount** \$1,662

**Violation Final Penalty Total** \$24,000

**This violation Final Assessed Penalty (adjusted for limits)** \$24,000

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$10,000 | 1-Jul-2019 | 26-Oct-2022 | 3.32 | \$1,662 | n/a | \$1,662 |

#### Notes for DELAYED costs

Estimated cost to perform SCR troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implement an internal recurring meeting to review emission trends; and perform operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually to comply with the MAERs, concentration limits, and emissions limits identified in Table 4 of Attachment B for the Naphtha Splitter Reboiler Train II, EPN F-201. 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

\$10,000

**TOTAL**

\$1,662

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Enf. Coordinator** Bethany Batchelor

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2019 through December 31, 2019 reporting period did not include the deviation for failing to comply with the volatile organic compounds ("VOC") hourly MAER during the December 16, 2019 transfer to Tank No. 100-14.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0.0%    |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          | x     | 1.0%    |

**Matrix Notes** Less than 30% of the rule requirements were not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 937 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$25

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                | x                                 |
| N/A           |                |                                   |

**Notes** The Respondent completed corrective measures on September 14, 2022, after the NOE dated August 19, 2022.

**Violation Subtotal** \$225

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

**Estimated EB Amount** \$33 **Violation Final Penalty Total** \$200

**This violation Final Assessed Penalty (adjusted for limits)** \$200

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$250 | 30-Jan-2020 | 14-Sep-2022 | 2.62 | \$33 | n/a | \$33 |

**Notes for DELAYED costs** Estimated cost to submit a revised deviation report for the July 1, 2019 through December 31, 2019 reporting period to report the deviation for failing to comply with VOC hourly MAER for during the December 16, 2019 transfer to Tank No. 100-14. The Date Required is the date the deviation should have been reported 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

\$250

**TOTAL**

\$33

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 4

**Rule Cite(s)**  
30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
Failed to report all instances of deviations. Specifically, the deviation report for the January 1, 2020 through June 30, 2020 reporting period did not include the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0.0%    |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          | x     | 1.0%    |

**Matrix Notes**  
Less than 30% of the rule requirements were not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 755 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$25

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

**Notes**  
The Respondent completed corrective measures on September 14, 2022, after the NOE dated August 19, 2022.

**Violation Subtotal** \$225

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

**Estimated EB Amount** \$27 **Violation Final Penalty Total** \$200

**This violation Final Assessed Penalty (adjusted for limits)** \$200

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$250 | 30-Jul-2020 | 14-Sep-2022 | 2.13 | \$27 | n/a | \$27 |

#### Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14. The Date Required is the date the deviation should have been reported 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

\$250

**TOTAL**

\$27

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Enf. Coordinator** Bethany Batchelor

**Violation Number** 5

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 101.20(1), 16.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4, FOP No. O3764, GTC and STC Nos. 1 and 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to comply with the MAERs and concentration limit. Specifically, the Respondent exceeded the CO MAER of 0.63 lb/hr by a range from 0.046 lb/hr to 52.47 lbs/hr for 87 hours from July 2, 2019 to February 21, 2020, the NOx MAER of 0.16 lb/hr by a range from 0.003 lb/hr to 10.262 lbs/hr for 86 hours from July 2, 2019 to February 21, 2020, the SO2 MAER of 0.00 lb/hr by a range from 0.00001 lb/hr to 1.02530 lbs/hr for 6,069 hours from July 1, 2019 to March 30, 2020, the VOC MAER of 0.03 lb/hr by a range from 0.00002 lb/hr to 80.1726 lbs/hr for 1,613 hours from July 2, 2019 to March 27, 2020, the SO2 MAER of 0.00 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, the VOC MAER of 0.12 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, and the hydrogen sulfide ("H2S") concentration limit of 162 ppmvd/hr 0% O2 determined on a three-hour rolling average basis by a range from 21.08 to 138.00 ppmvd/hr for 190 three-hour periods ending from July 24, 2019 to December 19, 2019 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 706.76 lbs of CO emissions, 135.56 lbs of NOx emissions, 44.37 lbs SO2 emissions, and 810.18 lbs of VOC emissions.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | x     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

| Matrix Notes | Falsification | Harm  |          |       | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               | Major | Moderate | Minor |         |
|              |               |       |          |       | 0.0%    |

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 this violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

|                            |   |     |                          |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 3 | 275 | Number of violation days |
| daily                      |   |     |                          |
| weekly                     |   |     |                          |
| monthly                    |   |     |                          |
| quarterly                  | x |     |                          |
| semiannual                 |   |     |                          |
| annual                     |   |     |                          |
| single event               |   |     |                          |

**Violation Base Penalty** \$22,500

Three quarterly events are recommended for the period of non-compliance that occurred from July 1, 2019 through March 31, 2020.

**Good Faith Efforts to Comply** 10.0% Reduction \$2,250

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                | x                                 |
| N/A           |                |                                   |

**Notes**  
 The Respondent completed corrective measures by August 31, 2022, after the NOE dated August 19, 2022.

**Violation Subtotal** \$20,250

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

**Estimated EB Amount** \$1,773 **Violation Final Penalty Total** \$18,000

**This violation Final Assessed Penalty (adjusted for limits)** \$18,000

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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             | \$5,000  | 1-Jul-2019 | 31-Mar-2020 | 0.75 | \$188   | n/a | \$188   |
| Other (as needed)        | \$10,000 | 1-Jul-2019 | 31-Aug-2022 | 3.17 | \$1,585 | n/a | \$1,585 |

#### Notes for DELAYED costs

Estimated costs to obtain an amendment for NSR Permit Nos. 101199 and N158 to increase the CO hourly MAER, SO2 hourly MAER, and VOC annual MAER (\$5,000) and to change the compressor lube oil filter and coalescer filter to a smaller mesh size to prevent downstream plugging, modify controller logic to prevent the slide valves from sticking, raise compressor suction temperature to prevent water accumulation, and schedule periodic lube oil quality sampling to comply with the NOx and VOC hourly MAERs, the SO2 annual MAER, and the H2S concentration limit determined on a three-hour rolling average basis (\$10,000) for Flare No. 101, EPN FL-101. The Dates Required are the first date of non-compliance and the Final Dates are the dates 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**

\$1,773

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the MAER. Specifically, the Respondent exceeded the site-wide benzene MAER of 0.18 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020 for EPN ALL, resulting in 0.16 ton of unauthorized benzene emissions.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | x     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0.0%    |

Matrix Notes

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 3 275 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$22,500

Three quarterly events are recommended for the period of non-compliance that occurred from July 1, 2019 to March 31, 2020.

**Good Faith Efforts to Comply**

25.0%

Reduction \$5,625

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

|               |   |  |
|---------------|---|--|
| Extraordinary |   |  |
| Ordinary      | x |  |
| N/A           |   |  |

Notes

The Respondent completed corrective measures on March 31, 2020, prior to the NOE dated August 19, 2022.

**Violation Subtotal** \$16,875

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

**Statutory Limit Test**

**Estimated EB Amount** \$188

**Violation Final Penalty Total** \$14,625

**This violation Final Assessed Penalty (adjusted for limits)** \$14,625

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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             | \$5,000 | 1-Jul-2019 | 31-Mar-2020 | 0.75 | \$188 | n/a | \$188 |
| Other (as needed)        |         |            |             | 0.00 | \$0   | n/a | \$0   |

#### Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit Nos. 101199 and N158 to remove the special condition and the MAER for EPN All containing the benzene cap due to the area in which the facility was located being removed from the Air Pollutant Watch List. 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

\$5,000

#### TOTAL

\$188

|                                |  |                   |                 |   |
|--------------------------------|--|-------------------|-----------------|---|
| <b>Screening Date</b>          | 24-Aug-2022  | <b>Docket No.</b> | 2022-1254-AIR-E | <b>PCW</b>                                  |
| <b>Respondent</b>              | Kinder Morgan Crude & Condensate LLC   |                   |                 | <i>Policy Revision 5 (January 28, 2021)</i> |
| <b>Case ID No.</b>             | 62881  |                   |                 | <i>PCW Revision February 11, 2021</i>       |
| <b>Reg. Ent. Reference No.</b> | RN108071325  |                   |                 |   |
| <b>Media</b>                   | Air  |                   |                 |   |
| <b>Enf. Coordinator</b>        | Bethany Batchelor  |                   |                 |   |
| <b>Violation Number</b>        | 7  |                   |                 |   |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)   |                   |                 |   |
| <b>Violation Description</b>   | Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.22 lbs/hr by an average of 0.09 lb/hr for a total of six hours and 49 minutes on December 16, 2019 and January 24, 2020 for Tank No. 100-14, EPN 100-14, resulting in 0.61 lb of unauthorized VOC emissions. |                   |                 |   |
|                                | <b>Base Penalty</b>  | \$25,000          |                 |   |

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

|                  |                |             |          |       |                      |
|------------------|----------------|-------------|----------|-------|----------------------|
| <b>OR</b>        |                | <b>Harm</b> |          |       |                      |
|                  | <b>Release</b> | Major       | Moderate | Minor |                      |
|                  | <b>Actual</b>  |             |          | x     | <b>Percent</b> 30.0% |
| <b>Potential</b> |                |             |          |       |                      |

**>> Programmatic Matrix**

|                     |   |          |          |       |                     |
|---------------------|---|----------|----------|-------|---------------------|
|                     | Falsification   | Major    | Moderate | Minor |                     |
|                     |   |          |          |       | <b>Percent</b> 0.0% |
| <b>Matrix Notes</b> | 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 this violation. |          |          |       |                     |
|                     | <b>Adjustment</b>   | \$17,500 |          |       |                     |

\$7,500

**Violation Events**

|                            |                               |          |                          |
|----------------------------|-------------------------------|----------|--------------------------|
| Number of Violation Events | 6                             | 23       | Number of violation days |
|                            | daily                         |          |                          |
|                            | weekly                        |          |                          |
|                            | monthly                       |          |                          |
|                            | quarterly                     | x        |                          |
|                            | semiannual                    |          |                          |
|                            | annual                        |          |                          |
|                            | single event                  |          |                          |
|                            | <b>Violation Base Penalty</b> | \$45,000 |                          |

Six quarterly events are recommended for the instances of non-compliance that occurred from July 19, 2019 to June 28, 2020 and from September 10, 2019 to February 22, 2020.

**Good Faith Efforts to Comply** **25.0%** Reduction **\$11,250**

|               |  |                                   |
|---------------|--|-----------------------------------|
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary |  |                                   |
| Ordinary      | x  |                                   |
| N/A           |  |                                   |
| <b>Notes</b>  | The Respondent completed corrective measures on May 8, 2020, prior to the NOE dated August 19, 2022. |                                   |
|               | <b>Violation Subtotal</b>  | \$33,750                          |

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

|  |     |                                      |          |
|--|-----|--------------------------------------|----------|
| <b>Estimated EB Amount</b>   | \$9 | <b>Violation Final Penalty Total</b> | \$29,250 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |     | \$29,250                             |          |

# Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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             | \$450 | 16-Dec-2019 | 8-May-2020 | 0.39 | \$9 | n/a | \$9 |
| Other (as needed)        |       |             |            | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**

Actual cost to obtain Permit by Rule Registration No. 160950 to authorize the increased tank feed rate and the associated emissions for EPN TK 100-14. 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

\$450

**TOTAL**

\$9

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Enf. Coordinator** Bethany Batchelor

**Violation Number** 8  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and (15) and 122.165(a)(8), FOP No. O3764, GTC, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to include a signed certification of accuracy and completeness. Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the July 1, 2021 through June 30, 2022 certification period.

**Base Penalty** \$25,000

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

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0.0%    |
| Potential |       |          |       |         |

**>> Programmatic Matrix**

| Matrix Notes                                | Falsification | Major | Moderate | Minor | Percent |
|---|---------------|-------|----------|-------|---------|
|   |               |       | x        |       |         |
| 100% of the rule requirements were not met. |               |       |          |       |         |

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 222 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

**Violation Base Penalty** \$5,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                |                                   |
| N/A           | x              |                                   |

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

**Violation Subtotal** \$5,000

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

**Estimated EB Amount** \$33 **Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 8

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$250 | 30-Jul-2022 | 31-Mar-2025 | 2.67 | \$33 | n/a | \$33 |

#### Notes for DELAYED costs

Estimated cost to submit the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the July 1, 2021 through June 30, 2022 certification period. The Date Required is the date the PCC was due 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

\$250

**TOTAL**

\$33

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Enf. Coordinator** Bethany Batchelor

**Violation Number** 9  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the January 1, 2022 through June 30, 2022 reporting period did not include the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL 101.

**Base Penalty** \$25,000

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

|           |                |             |          |       |                     |
|-----------|----------------|-------------|----------|-------|---------------------|
| <b>OR</b> | <b>Release</b> | <b>Harm</b> |          |       | <b>Percent</b> 0.0% |
|           |                | Major       | Moderate | Minor |                     |
|           | Actual         |             |          |       |                     |
|           | Potential      |             |          |       |                     |

**>> Programmatic Matrix**

|  |               |       |          |       |                     |
|--|---------------|-------|----------|-------|---------------------|
|  | Falsification | Major | Moderate | Minor | <b>Percent</b> 1.0% |
|  |               |       |          | x     |                     |

**Matrix Notes** Less than 30% of the rule requirements were not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 222 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

|               |                |                                   |
|---------------|----------------|-----------------------------------|
|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary |                |                                   |
| Ordinary      |                |                                   |
| N/A           | x              |                                   |

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

**Violation Subtotal** \$250

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

**Estimated EB Amount** \$99 **Violation Final Penalty Total** \$225

**This violation Final Assessed Penalty (adjusted for limits)** \$225

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 9

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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        | \$1,500 | 30-Jul-2022 | 14-Jun-2023 | 0.87 | \$66 | n/a | \$66 |
| Remediation/Disposal     |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$250   | 30-Jul-2022 | 31-Mar-2025 | 2.67 | \$33 | n/a | \$33 |

#### Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the January 1, 2022 through June 30, 2022 reporting period to report the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL-101 (\$250) and update the semi-annual deviation reporting procedure to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation should have been reported and the Final Dates are the dates 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

\$1,750

**TOTAL**

\$99

|                                |  |                     |                 |   |
|--------------------------------|--|---------------------|-----------------|---|
| <b>Screening Date</b>          | 24-Aug-2022  | <b>Docket No.</b>   | 2022-1254-AIR-E | <b>PCW</b>                                  |
| <b>Respondent</b>              | Kinder Morgan Crude & Condensate LLC   |                     |                 | <i>Policy Revision 5 (January 28, 2021)</i> |
| <b>Case ID No.</b>             | 62881  |                     |                 | <i>PCW Revision February 11, 2021</i>       |
| <b>Reg. Ent. Reference No.</b> | RN108071325  |                     |                 |   |
| <b>Media</b>                   | Air  |                     |                 |   |
| <b>Enf. Coordinator</b>        | Bethany Batchelor  |                     |                 |   |
| <b>Violation Number</b>        | 10   |                     |                 |   |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 101199, SC No. 1, FOP No. O3764, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)   |                     |                 |   |
| <b>Violation Description</b>   | Failed to comply with the MAER. Specifically, the Respondent exceeded the SO2 MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2021 through April 2022 for MSS Activities, EPN MSS, resulting in 0.04 ton of unauthorized SO2 emissions. |                     |                 |   |
|                                |  | <b>Base Penalty</b> | \$25,000        |   |

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

|           |                |             |          |       |                      |
|-----------|----------------|-------------|----------|-------|----------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                      |
|           | <b>Release</b> | Major       | Moderate | Minor |                      |
|           | Actual         |             |          | x     | <b>Percent</b> 30.0% |
|           | Potential      |             |          |       |                      |

**>> Programmatic Matrix**

|                     |   |       |          |       |                            |
|---------------------|---|-------|----------|-------|----------------------------|
|                     | Falsification   | Major | Moderate | Minor |                            |
|                     |   |       |          |       | <b>Percent</b> 0.0%        |
| <b>Matrix Notes</b> | 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 this violation. |       |          |       |                            |
|                     |   |       |          |       | <b>Adjustment</b> \$17,500 |

\$7,500

**Violation Events**

|                            |   |     |                          |  |
|----------------------------|---|-----|--------------------------|--|
| Number of Violation Events | 6   | 485 | Number of violation days |  |
|                            | daily   |     |                          |  |
|                            | weekly  |     |                          |  |
|                            | monthly   |     |                          |  |
|                            | quarterly   | x   |                          | <b>Violation Base Penalty</b> \$45,000 |
|                            | semiannual  |     |                          |  |
|                            | annual  |     |                          |  |
|                            | single event  |     |                          |  |
|                            | Six quarterly events are recommended for the period of non-compliance that occurred from January 1, 2021 to April 30, 2022. |     |                          |  |

**Good Faith Efforts to Comply** 25.0% Reduction \$11,250

|               |   |                                  |                                    |
|---------------|---|----------------------------------|------------------------------------|
|               | Before NOE/NOV  | NOE/NOV to EDRP/Settlement Offer |                                    |
| Extraordinary |   |                                  |                                    |
| Ordinary      | x   |                                  |                                    |
| N/A           |   |                                  |                                    |
| <b>Notes</b>  | The Respondent completed corrective measures by March 31, 2022, prior to the NOE dated February 24, 2023. |                                  |                                    |
|               |   |                                  | <b>Violation Subtotal</b> \$33,750 |

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

|  |      |                                      |          |
|--|------|--------------------------------------|----------|
| <b>Estimated EB Amount</b>   | \$27 | <b>Violation Final Penalty Total</b> | \$29,250 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |      | \$29,250                             |          |

# Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 10

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$250 | 30-Jan-2020 | 31-Mar-2022 | 2.17 | \$27 | n/a | \$27 |

**Notes for DELAYED costs**

Estimated cost to tighten the Light Virgin Naphtha ("LVN") valve to stop and prevent any LVN leak-by and reach compliance with the SO2 annual MAER for MSS activities, EPN MSS. 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

\$250

**TOTAL**

\$27

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 11

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), NSR Permit Nos. 101199 and N158, SC Nos. 1, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NOx, CO, and NH3 MAERs; the CO and NH3 concentration limits; the NOx emissions limits during routine and MSS activities; and the CO emissions limit during MSS activities for the Naphtha Splitter Reboiler Train I, EPN F-101, resulting in the unauthorized release of 134.28 lbs of NOx emissions, 46.30 lbs of CO emissions, and 94.94 lbs of NH3 emissions as shown in Table 3 on Page 3 of Attachment B.

**Base Penalty** \$25,000

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

| OR        | Release | Harm  |          |       | Percent |
|-----------|---------|-------|----------|-------|---------|
|           |         | Major | Moderate | Minor |         |
| Actual    |         |       |          | x     | 30.0%   |
| Potential |         |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0.0%    |

Matrix Notes

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 4 193 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$30,000

Four quarterly events are recommended for the instances of noncompliance that occurred from July 6, 2021 to June 8, 2022.

**Good Faith Efforts to Comply**

25.0%

Reduction \$7,500

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |
|---------------|---|
| Extraordinary |   |
| Ordinary      | x |
| N/A           |   |

Notes

The Respondent completed corrective measures by October 10, 2022, prior to the NOE dated February 24, 2023.

**Violation Subtotal** \$22,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$19,500

**This violation Final Assessed Penalty (adjusted for limits)** \$19,500

# Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 11

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

See the Economic Benefit Worksheet for Violation No. 1.

### 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 \$0

**TOTAL** \$0

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 12

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAERs, concentration limits, and emissions limits. Specifically, the Respondent exceeded the NOx, NH3, CO, SO2, VOC, and PM MAERs; the NOx and CO MAERs during MSS activities; the NOx emissions limits during routine and MSS activities; the NH3 concentration limit; the CO concentration limits during routine and MSS activities; and the SO2 concentration limit for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 354.41 lbs of NOx emissions, 0.40 lb of NH3 emissions, 34.92 lbs of CO emissions, 2.13 lbs of SO2 emissions, 0.36 lb of VOC emissions, and 0.31 lb of PM emissions as shown in Table 4 on Page 4 of Attachment B.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | x     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

| Matrix Notes  | Falsification | Major | Moderate | Minor | Percent  |
|---|---------------|-------|----------|-------|----------|
|   |               |       |          |       |          |
| 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 this violation. |               |       |          |       |          |
| <b>Adjustment</b>   |               |       |          |       | \$17,500 |

\$7,500

**Violation Events**

Number of Violation Events 4 167 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$30,000

Four quarterly events are recommended for the instances of noncompliance that occurred from July 1, 2021 to June 3, 2022.

**Good Faith Efforts to Comply** 25.0% Reduction \$7,500

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

**Notes** The Respondent completed corrective measures on March 31, 2020, prior to the NOE dated August 19, 2022.

**Violation Subtotal** \$22,500

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$19,500

**This violation Final Assessed Penalty (adjusted for limits)** \$19,500

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 12

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

See the Economic Benefit Worksheet for Violation No. 2.

### 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

\$0

**TOTAL**

\$0

**Screening Date** 24-Aug-2022 **Docket No.** 2022-1254-AIR-E **PCW**  
**Respondent** Kinder Morgan Crude & Condensate LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62881 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air

**Enf. Coordinator** Bethany Batchelor

**Violation Number** 13

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4.B, FOP No. O3764, GTC and STC Nos. 1.A and 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the MAERS and concentration limit. Specifically, the Respondent exceeded the NOx MAER of 4.35 lbs/hr by a range from 0.33 lb/hr to 4.25 lbs/hr for ten hours on December 10, 2021 and December 11, 2021; the VOC MAER of 25.89 lbs/hr by a range from 2.11 lbs/hr to 8.90 lbs/hr for three hours on December 10, 2021 and December 11, 2021; the SO2 MAER of 0.24 tpy based on a 12-month rolling period for the 12-month periods ending from June 2021 through August 2021; and the H2S concentration limit of 162 ppmvd/hr 0% O2 determined on a three-hour rolling average basis by a range from 0.41 to 386.33 ppmvd/hr for a total of 43 three-hour periods ending on seven days from July 11, 2021 to June 29, 2022 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 18.81 lbs of NOx emissions, 17.08 lbs of VOC emissions, and 140.00 lbs of SO2 emissions.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | x     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0.0%    |

Matrix Notes

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 5 99 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$37,500

Five quarterly events are recommended for the instances of noncompliance that occurred from June 1, 2021 to June 29, 2022.

**Good Faith Efforts to Comply** 25.0% Reduction \$9,375

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      | x              |                                   |
| N/A           |                |                                   |

Notes: The Respondent completed corrective measures by August 31, 2022, prior to the NOE dated February 24, 2023.

**Violation Subtotal** \$28,125

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$24,375

**This violation Final Assessed Penalty (adjusted for limits)** \$24,375

## Economic Benefit Worksheet

**Respondent** Kinder Morgan Crude & Condensate LLC  
**Case ID No.** 62881  
**Reg. Ent. Reference No.** RN108071325  
**Media** Air  
**Violation No.** 13

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

See the Economic Benefit Worksheet for Violation No. 5.

### 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

\$0

**TOTAL**

\$0



# Compliance History Report

Compliance History Report for CN603935248, RN108071325, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN603935248, Kinder Morgan Crude & Condensate LLC **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN108071325, KINDER MORGAN CRUDE & CONDENSATE KMCC SPLITTER FACILITY **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 21 **Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

**Location:** 407 Clinton Drive, Galena Park, Harris County, Texas 77547-3460

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

|  |   |
|--|---|
| <b>AIR OPERATING PERMITS</b> PERMIT 3764                                     | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 136126                   |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 101199                                  | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 177883                   |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC228                                 | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT N158                       |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT GHGPSDTX14                          | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT N158M1                     |
| <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820102062                             | <b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 95952 |
| <b>WASTEWATER</b> PERMIT WQ0005139000  | <b>WASTEWATER</b> EPA ID TX0135640                                  |
| <b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HGA416H                        | <b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P09526               |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 95952 | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXR000083093           |
| <b>TAX RELIEF</b> ID NUMBER 19587  | <b>TAX RELIEF</b> ID NUMBER 19591                                   |

**Compliance History Period:** September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** January 27, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 27, 2020 to January 27, 2025

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

**Name:** Morgan Kopcho

**Phone:** (512) 239-4167

**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 | February 18, 2020 | (1642982) |
| Item 2 | March 17, 2020    | (1649487) |
| Item 3 | April 20, 2020    | (1655853) |

|         |                    |           |
|---------|--------------------|-----------|
| Item 4  | May 26, 2020       | (1662393) |
| Item 5  | May 28, 2020       | (1640359) |
| Item 6  | June 05, 2020      | (1646420) |
| Item 7  | June 18, 2020      | (1668948) |
| Item 8  | July 15, 2020      | (1675891) |
| Item 9  | August 19, 2020    | (1682683) |
| Item 10 | August 24, 2020    | (1670183) |
| Item 11 | September 15, 2020 | (1666362) |
| Item 12 | September 18, 2020 | (1664321) |
| Item 13 | October 19, 2020   | (1695593) |
| Item 14 | November 19, 2020  | (1719371) |
| Item 15 | December 11, 2020  | (1684797) |
| Item 16 | December 17, 2020  | (1719372) |
| Item 17 | January 20, 2021   | (1719373) |
| Item 18 | February 18, 2021  | (1732456) |
| Item 19 | March 10, 2021     | (1732457) |
| Item 20 | April 12, 2021     | (1732458) |
| Item 21 | May 05, 2021       | (1710301) |
| Item 22 | May 17, 2021       | (1743519) |
| Item 23 | June 07, 2021      | (1723589) |
| Item 24 | June 16, 2021      | (1743520) |
| Item 25 | August 19, 2021    | (1759350) |
| Item 26 | August 30, 2021    | (1692109) |
| Item 27 | September 16, 2021 | (1747487) |
| Item 28 | September 20, 2021 | (1768751) |
| Item 29 | October 19, 2021   | (1779938) |
| Item 30 | November 18, 2021  | (1785991) |
| Item 31 | December 13, 2021  | (1771589) |
| Item 32 | December 20, 2021  | (1792982) |
| Item 33 | January 04, 2022   | (1800803) |
| Item 34 | February 16, 2022  | (1808623) |
| Item 35 | March 08, 2022     | (1815723) |
| Item 36 | April 18, 2022     | (1822306) |
| Item 37 | May 17, 2022       | (1831140) |
| Item 38 | June 17, 2022      | (1837418) |
| Item 39 | July 18, 2022      | (1844585) |
| Item 40 | August 11, 2022    | (1851110) |
| Item 41 | September 19, 2022 | (1858540) |
| Item 42 | October 12, 2022   | (1864877) |
| Item 43 | November 09, 2022  | (1871767) |
| Item 44 | December 08, 2022  | (1877648) |
| Item 45 | January 17, 2023   | (1884453) |
| Item 46 | February 20, 2023  | (1892250) |
| Item 47 | March 06, 2023     | (1900839) |
| Item 48 | March 07, 2023     | (1879754) |
| Item 49 | April 18, 2023     | (1907632) |
| Item 50 | May 18, 2023       | (1914769) |
| Item 51 | June 19, 2023      | (1921399) |
| Item 52 | July 11, 2023      | (1928374) |
| Item 53 | August 01, 2023    | (1935297) |
| Item 54 | August 08, 2023    | (1881831) |
| Item 55 | August 11, 2023    | (1911193) |
| Item 56 | September 18, 2023 | (1941540) |
| Item 57 | October 11, 2023   | (1948286) |
| Item 58 | November 14, 2023  | (1953968) |
| Item 59 | November 20, 2023  | (1943038) |
| Item 60 | December 14, 2023  | (1963771) |
| Item 61 | January 17, 2024   | (1970336) |
| Item 62 | February 19, 2024  | (1979417) |
| Item 63 | March 14, 2024     | (1985977) |
| Item 64 | April 18, 2024     | (1992518) |

|         |                    |           |
|---------|--------------------|-----------|
| Item 65 | May 20, 2024       | (1998953) |
| Item 66 | June 13, 2024      | (2005918) |
| Item 67 | July 17, 2024      | (2013478) |
| Item 68 | August 19, 2024    | (2019283) |
| Item 69 | September 05, 2024 | (2008105) |
| Item 70 | September 20, 2024 | (2026077) |
| Item 71 | October 15, 2024   | (2032184) |
| Item 72 | November 20, 2024  | (2038491) |

**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: 03/01/2024 (1945034)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP
  - Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: FL-101). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR, Special Condition 10B PERMIT  
Special Term & Condition 14 OP
  - Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: F-101). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR, Special Condition 10B PERMIT  
Special Term & Condition 14 OP
  - Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: F-201). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(2)(i)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP
  - Description: Failure to conducted daily zero and span calibrations (Unit ID: FL-101). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Special Condition 10B(2) PERMIT  
Special Term & Condition 14 OP
  - Description: Failure to conducted daily zero and span calibrations (Unit ID: F-101). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(a)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP
  - Description: Failure to maintain daily calibration record for Flare (Unit ID: FL-101). (CATEGORY C3 Violation)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 14 OP  
NSR, Special Condition 10B(2) PERMIT
  - Description: Failure to conducted daily zero and span calibrations (Unit ID: F-201). (CATEGORY B1 Violation)
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(1)(i)

5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP  
 Description: Failure to float internal floating roof on liquid surface (Unit ID: 5-0). (CATEGORY B18 g1 Violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)  
 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 VVa 60.482-11a(a)  
 5C THSC Chapter 382 382.085(b)  
 NSR Special Condition 13E PERMIT  
 Special Term & Condition 14 OP  
 Special Term & Condition 1A OP  
 Description: Failure to monitor connectors. (CATEGORY C1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 14 OP  
 FOP, Special Term & Condition 1A OP  
 NSR, Special Condition 12C PERMIT  
 Description: Failure to prevent visible emissions from Flare (Unit ID: FL-101). (CATEGORY B13 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(a)(8)(A)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(i)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 14 OP  
 FOP, Special Term & Condition 1A OP  
 NSR, Special Condition 1 PERMIT  
 Description: Failure to maintain emissions within permitted limit for NAPHTHA Splitter Reboiler Train 1 (Unit ID: F-101). (CATEGORY B13 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(a)(8)(A)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 14 OP  
 FOP, Special Term & Condition 1A OP  
 NSR, Special Condition 8 PERMIT  
 Description: Failure to maintain emissions within permitted limit for NAPHTHA Splitter Reboiler Train 2 (Unit ID: F-201). (CATEGORY B13 Violation)

**F. Environmental audits:**

Notice of Intent Date: 10/11/2019 (1604384)

Disclosure Date: 02/17/2020

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT Special Conditions No. 3.A

Description: Failed to include a description of what equipment is to be included in the audio, visual, and olfactory (AVO) inspections. Specifically, the daily inspection checklist includes a line item for AVO inspections and the selective catalytic reduction (SCR) capture systems were not included in the AVO inspections.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter B 115.114(a)(1)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(4)

Rqmt Prov: PERMIT Special Conditions No. 17.C(2)

Description: Failed to include all required information on the internal floating roof (IFR) tank monthly inspection form used to satisfy the annual in-service IFR inspection requirement. Specifically, the form did not

include certification that the roof was resting on liquid, whether seal gaps between the roof and tank wall are visible, and did not provide the opportunity to document that sufficient light was present to perform the inspections.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(2)

Rqmt Prov: PERMIT Special Conditions No. 29.C

Description: Failed to operate tank Emissions Point Numbers 100-13, 100-15, and 5-0 with floating roofs not in contact with liquid for periods greater than 72 hours while storing products with a true vapor pressure greater than 0.1 psia as documented in the Roof Off Float Report.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 12.C

Description: Failed to include information needed to demonstrate compliance with applicable regulations on the monthly visible emissions (VE) inspection checklist for the flare, Emissions Point Number FL-101. Specifically, the checklist did not include whether during periods when VE are present if the flare is observed for the two-hour period or until a total of five minutes of VE are observed, whichever comes first, as required.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(a)

Description: Failed to maintain records of flare minimization assessment and baseline flow for the flare for Emissions Point Number FL-101.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(I)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 13.H  
PERMIT Special Conditions No. 4.E

Description: Failed to repair a leaking component with tag no. 1288.01 on the leak detection and repair (LDAR) delay of repair (DOR) list during the next shutdown. Specifically, the component was placed on the DOR list on 11/16/16 and a unit shutdown occurred in March 2017, but the component was not repaired until the following shutdown in September 2017. Additionally, the failure was not reported on the appropriate 40 CFR Part 60 Subpart GGGa semiannual report for the 1/1/17-6/30/17 compliance period.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(b)

Rqmt Prov: PERMIT Special Conditions No. 5

Description: Failed to update the Total Annual Benzene (TAB) within 30 days when changes are made at the facility that have the potential to recategorize the facility. Specifically, the new Desalter Unity was put into service in February 2019, but an updated TAB was not submitted after the initial report in 2016.

Disclosure Date: 06/10/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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 JJJJ 60.4243(b)

Rqmt Prov: PERMIT Special Conditions No. 4  
OP Special Terms and Condition No. 7

Description: Failed to maintain the certification of emissions from engine manufacturer for the natural gas fueled emergency generator (EPN: EGEN-1). Additionally, the engine was performance tested on May 12,

2015 and now performance tests of this engine have been conducted since this initial performance test.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failed to accurately represent the diesel fueled emergency fire pump engine (permitted by rule under PBR 106.511). Specifically, the diesel fueled emergency fire pump was incorrectly represented as being "reconstructed" in 2015 both I the documents related to the claimable PBR (maintained on-site, but not registered) and the Title V Permit.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(f)

Rqmt Prov: PERMIT Special Conditions No. 6.D

OP Special Terms and Conditions No. 12

Description: Failed to submit notification of compliance status (NOCS) for any tanks subject to 40 CFR Part 63, Subpart CC (MACT CC) and considered to be either Group 1 or Group 2 tanks, including the following tanks: 100-11, 100-12, 100-13, 100-14, 100-15, 100-20, 100-21, 120-22, 120-23, 120-24, 120-25, 150-10, 200-1, 200-2, 200-3, 5-0, TK-101, and TK-108.

Notice of Intent Date: 03/03/2021 (1706926)

Disclosure Date: 07/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: PERMIT SC No. 13.E

Description: Failed to monitor 258 new and/or reworked components subject to the Facility's LDAR program within 30 days of being placed into services. 70 components had an indeterminate date, 126 components were placed into service in March 2016, and 53 components were placed into service in February and March 2021.

**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



30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to prevent unauthorized emissions of volatile organic compounds (VOC) from Process Fugitive Components (EPN: FUG). (Category B13 violation)

Self Report? NO Classification: Minor  
 Citation:

101199 PERMIT  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent visible emissions from the flare, EPN: FL-101, in excess of five minutes during two consecutive hours. (Category C4 violation)

Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct daily visible emission observations at the flare, EPN: FL-101. (Category C1 violation)

Self Report? NO Classification: Moderate  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the hourly throughput rate of tank 100-14 within the permitted limit. (Category B13 violation)

Self Report? NO Classification: Moderate  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the permitted sulfur content requirements for the fuel gas combusted. (Category B13 violation)

Self Report? NO Classification: Minor  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of heater F-101. (Category C1 violation)

Self Report? NO Classification: Minor  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of heater F-201. (Category C1 violation)

Self Report? NO Classification: Minor  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of flare FL-101. (Category C1 violation)

Self Report? NO Classification: Minor  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to continuously monitor the pilot flame of Flare FL-101. (Category C1 violation)

Self Report? NO Classification: Minor  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
5C THSC Chapter 382 382.085(b)  
Description: Failure to conduct annual calibration of the tanks' temperature measuring devices. (Category C1 violation)

Self Report? NO Classification: Moderate  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
5C THSC Chapter 382 382.085(b)  
Description: Failure to prevent non-fugitive unauthorized emissions from a pressure safety (PSV) valve on pressure vessel (PV) 103. (Category B13)

Self Report? NO Classification: Minor  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain a vapor pressure of less than 11.0 psia at actual storage conditions in storage tank 120-25. (Category C4 violation)

Self Report? NO Classification: Minor  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
5C THSC Chapter 382 382.085(b)  
Description: Failure to prevent storage of unauthorized product in tank 120-23. (Category C4 violation)

Self Report? NO Classification: Minor  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to conduct benzene fence line monitoring. (Category C1 violation)

Self Report? NO Classification: Moderate  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3764 OP  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain the floating roof of tank 200-2 in contact with the surface of the liquid stored. (Category B.18.g.1 violation)

Self Report? NO Classification: Moderate  
Citation: 101199 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

3764 OP  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to maintain the floating roof of tank 120-24 in contact with the surface of the liquid stored. (Category B.18.g.1 violation)  
 Self Report? YES Classification: Minor  
 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to report all instances of deviations (Category B3 violation)  
 Self Report? NO Classification: Minor  
 Citation:

101199 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3764 OP  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to prevent nitrogen oxide (NOx) and carbon monoxide (CO) continuous emission monitoring system (CEMS) downtime in excess of 5% for heater F-101 (Category B.18.g.1 violation)  
 Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, ST&C 14 OP  
 Special Condition (SC) 9 PERMIT  
 Description: Failure to comply with the permitted requirements for usage of recycled fuel gas in fuel gas combusted. (Category B13 violation)  
 Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, ST&C 14 OP  
 NSR, Special Condition (SC) 9, PERMIT  
 Description: Failure to comply with the analysis requirements for the fuel gas combusted. (Category B13 violation)

5 Date: 08/25/2022 (1762601)

Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12C PERMIT  
 Special Term & Condition 14 OP  
 Special Term & Condition 1A OP  
 Description: Failure to prevent visible emissions from the Flare (unit ID FL-101) (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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13F PERMIT  
 Special Term & Condition 14 OP  
 Description: Failure to monitor components in the Leak, Detection and Repair (LDAR) monitoring program. (Category B1)  
 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 10B(2) PERMIT

Description: Special Term & Condition 14 OP  
Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of heater unit ID F-101. (Category B1)

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 10B(2) PERMIT  
Special Term & Condition 14 OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of heater F-201. (Category B1)

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 10B(2) PERMIT  
Special Term & Condition 14 OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) of the flare unit ID FL-101. (Category C1)

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 117, SubChapter B 117.345(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to submit written notification within 15 days of conducting a Relative Accuracy Test Audit (RATA) for heater unit ID F-101. (Category B3)

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 3 OP

Description: Failure to conduct visible emissions observations for the flare unit ID FL-101. (Category B1)

6 Date: 02/24/2023 (1861780)

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12C PERMIT  
Special Term and Condition 14 OP  
Special Term and Condition 1A OP

Description: Failure to prevent visible emissions for Flare (EPN: FL-101) (Category C4).

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 115, SubChapter D 115.354(11)  
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 VVa 60.482-7a(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13F PERMIT  
Special Term and Condition 14 OP  
Special Term and Condition 1A OP

Description: Failure to preform initial monitoring on eleven components for Fugitive (EPN: FUG) (Category C7).

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)  
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 Term and Condition 15 OP

Description: Failure to maintain records of usage for Backup and Temporary Generators (Category B3).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (EPN: FL-101) (Category C4).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 10B(2) PERMIT  
 Special Term and Condition 14 OP

Description: Failure to maintain calibration records for Flare (EPN: FL-101) (Category C3).  
 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 10B(2) PERMIT  
 Special Term and Condition 1A OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) for Flare (EPN: FL-101) (Category B1).  
 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 10B(2) PERMIT  
 Special Term and Condition 1A OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) for Naphtha Stabilizer Hot Oil Heater Train I (EPN: F-101) (Category B1).  
 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 10B(2) PERMIT  
 Special Term and Condition 14 OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) for Naphtha Stabilizer Hot Oil Heater Train II (EPN: F-102) (Category B1).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to submit the annual notification to the Administrator (Category B3).

7\*

Date: 03/01/2024 (1945034)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP

Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: FL-101). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 NSR, Special Condition 10B PERMIT  
 Special Term & Condition 14 OP  
 Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: F-101). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR, Special Condition 10B PERMIT  
 Special Term & Condition 14 OP  
 Description: Failure to pass the CEMS Cylinder Gas Audit (CGA) conducted for Flare (Unit ID: F-201). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(2)(i)  
 5C THSC Chapter 382 382.085(b)  
 Special Term & Condition 1A OP  
 Description: Failure to conducted daily zero and span calibrations (Unit ID: FL-101). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR Special Condition 10B(2) PERMIT  
 Special Term & Condition 14 OP  
 Description: Failure to conducted daily zero and span calibrations (Unit ID: F-101). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP  
 Description: Failure to maintain daily calibration record for Flare (Unit ID: FL-101). (CATEGORY C3 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 14 OP  
 NSR, Special Condition 10B(2) PERMIT  
 Description: Failure to conducted daily zero and span calibrations (Unit ID: F-201). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(1)(i)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP  
 Description: Failure to float internal floating roof on liquid surface (Unit ID: 5-0). (CATEGORY B18 g1 Violation)  
 Self Report? NO Classification: Minor  
 Citation:

30 TAC Chapter 115, SubChapter D 115.354(11)  
 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 VVa 60.482-11a(a)  
 5C THSC Chapter 382 382.085(b)  
 NSR Special Condition 13E PERMIT  
 Special Term & Condition 14 OP  
 Special Term & Condition 1A OP  
 Description: Failure to monitor connectors. (CATEGORY C1 Violation)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 14 OP  
FOP, Special Term & Condition 1A OP  
NSR, Special Condition 12C PERMIT

Description: Failure to prevent visible emissions from Flare (Unit ID: FL-101). (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.310(a)(8)(A)(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(i)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 14 OP  
FOP, Special Term & Condition 1A OP  
NSR, Special Condition 1 PERMIT

Description: Failure to maintain emissions within permitted limit for NAPHTHA Splitter Reboiler Train 1 (Unit ID: F-101). (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.310(a)(8)(A)(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 14 OP  
FOP, Special Term & Condition 1A OP  
NSR, Special Condition 8 PERMIT

Description: Failure to maintain emissions within permitted limit for NAPHTHA Splitter Reboiler Train 2 (Unit ID: F-201). (CATEGORY B13 Violation)

\* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

**Appendix B**  
**All Investigations Conducted During Component Period January 27, 2020 and January 27, 2025**

|          |                      |           |
|----------|----------------------|-----------|
| Item 1*  | February 18, 2020**  | (1642982) |
| Item 2*  | March 17, 2020**     | (1649487) |
| Item 3*  | April 20, 2020**     | (1655853) |
| Item 4*  | May 26, 2020**       | (1662393) |
| Item 5*  | May 28, 2020**       | (1640359) |
| Item 6*  | June 05, 2020**      | (1646420) |
| Item 7*  | June 18, 2020**      | (1668948) |
| Item 8*  | July 15, 2020**      | (1675891) |
| Item 9*  | August 19, 2020**    | (1682683) |
| Item 10* | August 24, 2020**    | (1670183) |
| Item 11* | September 15, 2020** | (1666362) |
| Item 12* | September 18, 2020** | (1664321) |
| Item 13* | October 19, 2020**   | (1695593) |
| Item 14* | November 19, 2020**  | (1719371) |
| Item 15* | December 11, 2020**  | (1684797) |
| Item 16* | December 17, 2020**  | (1719372) |
| Item 17* | January 20, 2021**   | (1719373) |
| Item 18* | February 18, 2021**  | (1732456) |
| Item 19* | March 10, 2021**     | (1732457) |
| Item 20* | April 12, 2021**     | (1732458) |

|          |                      |           |
|----------|----------------------|-----------|
| Item 21* | May 05, 2021**       | (1710301) |
| Item 22* | May 17, 2021**       | (1743519) |
| Item 23  | May 18, 2021**       | (1701400) |
| Item 24* | June 07, 2021**      | (1723589) |
| Item 25* | June 16, 2021**      | (1743520) |
| Item 26  | June 17, 2021**      | (1710701) |
| Item 27  | July 19, 2021**      | (1753995) |
| Item 28* | August 19, 2021**    | (1759350) |
| Item 29* | August 30, 2021**    | (1692109) |
| Item 30* | September 16, 2021** | (1747487) |
| Item 31* | September 20, 2021** | (1768751) |
| Item 32* | October 19, 2021**   | (1779938) |
| Item 33* | November 18, 2021**  | (1785991) |
| Item 34* | December 13, 2021**  | (1771589) |
| Item 35* | December 20, 2021**  | (1792982) |
| Item 36* | January 04, 2022**   | (1800803) |
| Item 37* | February 16, 2022**  | (1808623) |
| Item 38* | March 08, 2022**     | (1815723) |
| Item 39* | April 18, 2022**     | (1822306) |
| Item 40* | May 17, 2022**       | (1831140) |
| Item 41* | June 17, 2022**      | (1837418) |
| Item 42* | July 18, 2022**      | (1844585) |
| Item 43* | August 11, 2022**    | (1851110) |
| Item 44  | August 19, 2022**    | (1756054) |
| Item 45  | August 25, 2022**    | (1762601) |
| Item 46* | September 19, 2022** | (1858540) |
| Item 47* | October 12, 2022**   | (1864877) |
| Item 48  | November 09, 2022**  | (1848241) |
| Item 49* | December 08, 2022**  | (1877648) |
| Item 50* | January 17, 2023**   | (1884453) |
| Item 51  | January 20, 2023**   | (1861420) |
| Item 52  | February 10, 2023**  | (1854534) |
| Item 53* | February 20, 2023**  | (1892250) |
| Item 54  | February 24, 2023**  | (1861780) |
| Item 55* | March 06, 2023**     | (1900839) |
| Item 56* | March 07, 2023**     | (1879754) |
| Item 57* | April 18, 2023**     | (1907632) |
| Item 58  | May 10, 2023**       | (1869394) |
| Item 59* | May 18, 2023**       | (1914769) |
| Item 60* | June 19, 2023**      | (1921399) |
| Item 61* | July 11, 2023**      | (1928374) |
| Item 62* | August 01, 2023**    | (1935297) |
| Item 63* | August 08, 2023**    | (1881831) |
| Item 64* | August 11, 2023**    | (1911193) |
| Item 65* | September 18, 2023** | (1941540) |
| Item 66* | October 11, 2023**   | (1948286) |
| Item 67* | November 14, 2023**  | (1953968) |
| Item 68* | November 20, 2023**  | (1943038) |
| Item 69* | December 14, 2023**  | (1963771) |

|          |                     |           |
|----------|---------------------|-----------|
| Item 70* | January 17, 2024**  | (1970336) |
| Item 71* | February 19, 2024** | (1979417) |
| Item 72  | March 01, 2024**    | (1945034) |
| Item 73* | March 14, 2024**    | (1985977) |
| Item 74* | April 18, 2024**    | (1992518) |
| Item 75  | May 20, 2024**      | (1974198) |
| Item 76* | June 13, 2024**     | (2005918) |
| Item 77* | July 17, 2024**     | (2013478) |
| Item 78* | August 19, 2024**   | (2019283) |
| Item 79* | September 05, 2024  | (2008105) |
| Item 80* | September 20, 2024  | (2026077) |
| Item 81* | October 15, 2024    | (2032184) |
| Item 82* | November 20, 2024   | (2038491) |

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KINDER MORGAN CRUDE &  
CONDENSATE LLC  
RN108071325

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-1254-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 Kinder Morgan Crude & Condensate 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 bulk materials storage facility located at 407 Clinton Drive in Galena Park, Harris County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. 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 \$213,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$85,450 of the penalty and \$42,725 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, \$85,450 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 the Respondent implemented the following corrective measures at the Site:
  - a. On March 31, 2020, obtained an amendment for New Source Review ("NSR") Permit Nos. 101199 and N158 to increase the sulfur dioxide ("SO<sub>2</sub>") hourly maximum allowable emissions rate ("MAER"), the nitrogen oxides ("NO<sub>x</sub>") hourly MAER during maintenance, startup, and shutdown ("MSS") activities, and the carbon monoxide ("CO") hourly MAER during MSS activities for the Naphtha Splitter Reboiler Train I, Emissions Point Number ("EPN") F-101;
  - b. On March 31, 2020, obtained an amendment for NSR Permit Nos. 101199 and N158 to increase the CO hourly MAER, SO<sub>2</sub> hourly MAER, and volatile organic compounds ("VOC") annual MAER for Flare No. 101, EPN FL-101;
  - c. On March 31, 2020, obtained an amendment for NSR Permit Nos. 101199 and N158 that removed the site-wide benzene MAER for EPN All since to the area in which the Site is located was removed from the Air Pollutant Watch List;
  - d. On May 8, 2020, obtained Permit by Rule Registration No. 160950 to authorize an increased tank feed rate and the associated emissions for Tank No. 100-14, EPN 100-14;
  - e. By March 31, 2022, tightened the Light Virgin Naphtha ("LVN") valve to stop and prevent any LVN leak-by and reached compliance with the SO<sub>2</sub> annual MAER for MSS activities, EPN MSS;
  - f. By August 31, 2022, changed the compressor lube oil filter and coalescer filter to a smaller mesh size to prevent downstream plugging, modified controller logic to prevent the slide valves from sticking, raised compressor suction temperature to prevent water accumulation, and scheduled periodic lube oil quality sampling

to comply with the NO<sub>x</sub> and VOC hourly MAERs, the SO<sub>2</sub> annual MAER, and the H<sub>2</sub>S concentration limit determined on a three-hour rolling average basis for Flare No. 101, EPN FL-101;

- g. On September 14, 2022, submitted a revised deviation report for the July 1, 2019 through December 31, 2019 reporting period to report the deviation for failing to comply with VOC hourly MAER for during the December 16, 2019 transfer to Tank No. 100-14;
- h. On September 14, 2022, submitted a revised deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14;
- i. By October 10, 2022, performed selective catalytic emission control ("SCR") troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implemented an internal recurring meeting to review emission trends; performed operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually in order to comply with the MAERs, concentration limits, and emissions limits for the Naphtha Splitter Reboiler Train I, Emissions Point Number ("EPN") F-101;
- j. By October 26, 2022, performed SCR troubleshooting and maintenance including SCR catalyst face cleaning and replacement, vendor catalyst testing, ammonia feed quality analysis, ammonia injection piping maintenance, and ammonia injection control logic changes; implemented an internal recurring meeting to review emission trends; performed operational changes including third-party inspection of convection sections, adjusting excess oxygen, cleaning portions of the heater sections and burner tips, and initiating an action item to repeat the cleaning annually in order to comply with the MAERs, concentration limits, and emissions limits for the Naphtha Splitter Reboiler Train II, Emissions Point Number ("EPN") F-201;
- k. On June 14, 2023, updated the semi-annual deviation reporting procedure to ensure that all instances of deviations are reported in a timely manner;
- l. On March 31, 2025, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the July 1, 2021 through June 30, 2022 certification period; and
- m. On March 31, 2025, submitted a revised deviation report for the January 1, 2022 through June 30, 2022 reporting period to report the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL-101.

## II. ALLEGATIONS

- 1. During a record review for the Site conducted from September 6, 2021 through April 22, 2022, an investigator documented that the Respondent:

- a. Failed to comply with the MAERs, concentration limits, and emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, Special Conditions ("SC") Nos. 1, 4.B, 8, and 31, Federal Operating Permit ("FOP") No. O3764, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO<sub>x</sub>, CO, and SO<sub>2</sub> MAERs; the NO<sub>x</sub> and CO MAERs during MSS activities; the ammonia ("NH<sub>3</sub>"), CO, and SO<sub>2</sub> concentration limits; the NO<sub>x</sub> emissions limit during routine and MSS activities; and the CO concentration limit during MSS activities for the Naphtha Splitter Reboiler Train I, EPN") F-101, resulting in the unauthorized release of 11.95 lbs of NO<sub>x</sub> emissions, 741.37 lbs of CO emissions, and 1,664.14 lbs of SO<sub>2</sub> emissions as shown in Table 1 on Page 1 of the attachment ("Attachment B", incorporated herein by reference).
- b. Failed to comply with the MAERs, concentration limits, and emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO<sub>x</sub>, particulate matter ("PM"), CO, and SO<sub>2</sub> MAERs; the NO<sub>x</sub> and CO MAERs during MSS activities; the CO concentration limit during MSS activities; the SO<sub>2</sub> concentration limit; and the NO<sub>x</sub> emissions limits during routine and MSS activities for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 88.76 lbs of NO<sub>x</sub> emissions, 0.16 lb of PM emissions, 538.48 lbs of CO emissions, and 1,841.95 lbs of SO<sub>2</sub> emissions as shown in Table 2 on Page 2 of Attachment B.
- c. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the July 1, 2019 through December 31, 2019 reporting period did not include the deviation for failing to comply with the VOC hourly MAER for during the December 16, 2019 transfer to Tank No. 100-14.
- d. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the January 1, 2020 through June 30, 2020 reporting period did not include the deviation for failing to comply with the VOC hourly MAER during the January 24, 2020 transfer to Tank No. 100-14.

- e. Failed to comply with the MAERs and concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 16.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4, FOP No. O3764, GTC and STC Nos. 1 and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 0.63 lb/hr by a range from 0.046 lb/hr to 52.47 lbs/hr for 87 hours from July 2, 2019 to February 21, 2020, the NOx MAER of 0.16 lb/hr by a range from 0.003 lb/hr to 10.262 lbs/hr for 86 hours from July 2, 2019 to February 21, 2020, the SO2 MAER of 0.00 lb/hr by a range from 0.00001 lb/hr to 1.02530 lbs/hr for 6,069 hours from July 1, 2019 to March 30, 2020, the VOC MAER of 0.03 lb/hr by a range from 0.00002 lb/hr to 80.1726 lbs/hr for 1,613 hours from July 2, 2019 to March 27, 2020, the SO2 MAER of 0.00 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, the VOC MAER of 0.12 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020, and the hydrogen sulfide ("H2S") concentration limit of 162 ppmvd/hr 0% O2 determined on a three-hour rolling average basis by a range from 21.08 to 138.00 ppmvd/hr for 190 three-hour periods ending from July 24, 2019 to December 19, 2019 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 706.76 lbs of CO emissions, 135.56 lbs of NOx emissions, 44.37 lbs SO2 emissions, and 810.18 lbs of VOC emissions.
  - f. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the site-wide benzene MAER of 0.18 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through March 2020 for EPN ALL, resulting in 0.16 ton of unauthorized benzene emissions.
  - g. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 101199 and N158, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 1.22 lbs/hr by an average of 0.09 lb/hr for a total of six hours and 49 minutes on December 16, 2019 and January 24, 2020 for Tank No. 100-14, EPN 100-14, resulting in 0.61 lb of unauthorized VOC emissions.
2. During an investigation at the Site conducted on January 11, 2023, an investigator documented that the Respondent:
- a. Failed to include a signed certification of accuracy and completeness, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(8), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the July 1, 2021 through June 30, 2022 certification period.
  - b. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3764, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the January 1, 2022

through June 30, 2022 reporting period did not include the deviation for failing to continuously monitor the pilot flame for Flare No. 101, EPN FL-101.

- c. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 101199, SC No. 1, FOP No. O3764, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the SO<sub>2</sub> MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2021 through April 2022 for MSS Activities, EPN MSS, resulting in 0.04 ton of unauthorized SO<sub>2</sub> emissions.
- d. Failed to comply with the MAERs, concentration limits, and emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 117.310(c)(2)(B), and 122.143(4), NSR Permit Nos. 101199 and N158, SC Nos. 1, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO<sub>x</sub>, CO, and NH<sub>3</sub> MAERs; the CO and NH<sub>3</sub> concentration limits; the NO<sub>x</sub> emissions limits during routine and MSS activities; and the CO emissions limit during MSS activities for the Naphtha Splitter Reboiler Train I, EPN F-101, resulting in the unauthorized release of 134.28 lbs of NO<sub>x</sub> emissions, 46.30 lbs of CO emissions, and 94.94 lbs of NH<sub>3</sub> emissions as shown in Table 3 on Page 3 of Attachment B.
- e. Failed to comply with the MAERs, concentration limits, and emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102a(g)(1)(i), NSR Permit Nos. 101199 and N158, SC Nos. 1, 4.B, 8, and 31, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO<sub>x</sub>, NH<sub>3</sub>, CO, SO<sub>2</sub>, VOC, and PM MAERs; the NO<sub>x</sub> and CO MAERs during MSS activities; the NO<sub>x</sub> emissions limits during routine and MSS activities; the NH<sub>3</sub> concentration limit; the CO concentration limits during routine and MSS activities; and the SO<sub>2</sub> concentration limit for the Naphtha Splitter Reboiler Train II, EPN F-201, resulting in the unauthorized release of 354.41 lbs of NO<sub>x</sub> emissions, 0.40 lb of NH<sub>3</sub> emissions, 34.92 lbs of CO emissions, 2.13 lbs of SO<sub>2</sub> emissions, 0.36 lb of VOC emissions, and 0.31 lb of PM emissions as shown in Table 4 on Page 4 of Attachment B.
- f. Failed to comply with the MAERs and concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.103a(h), NSR Permit Nos. 101199 and N158, SC Nos. 1 and 4.B, FOP No. O3764, GTC and STC Nos. 1.A and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO<sub>x</sub> MAER of 4.35 lbs/hr by a range from 0.33 lb/hr to 4.25 lbs/hr for ten hours on December 10, 2021 and December 11, 2021; the VOC MAER of 25.89 lbs/hr by a range from 2.11 lbs/hr to 8.90 lbs/hr for three hours on December 10, 2021 and December 11, 2021; the SO<sub>2</sub> MAER of 0.24 tpy based on a 12-month rolling period for the 12-month periods ending from June 2021 through August 2021; and the H<sub>2</sub>S concentration limit of 162 ppmvd/hr 0% O<sub>2</sub> determined on a three-hour rolling average basis by a range from 0.41 to 386.33 ppmvd/hr for a total of 43 three-hour periods ending on seven days from July 11, 2021 to June 29, 2022 for Flare No. 101, EPN FL-101, resulting in the unauthorized release of 18.81 lbs of NO<sub>x</sub> emissions, 17.08 lbs of VOC emissions, and 140.00 lbs of SO<sub>2</sub> 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: Kinder Morgan Crude & Condensate LLC, Docket No. 2022-1254-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 \$85,450 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. 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 Site 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

-----  
Date

*Krista Mello-Jurack*

-----  
03/29/2026

-----  
For the Executive Director


-----  
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

03/03/2026  
-----  
Date

*Hayden Cross*  
-----  
Name (Printed or typed)  
Authorized Representative of  
Kinder Morgan Crude & Condensate LLC

03/03/2026  
-----  
Title Operations Manager

*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: 2022-1254-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |  |
|-----------------------------------|--|
| <b>Respondent:</b>                | <b>Kinder Morgan Crude &amp; Condensate LLC</b>                  |
| <b>Payable Penalty Amount:</b>    | <b>\$170,900</b>   |
| <b>SEP Offset Amount:</b>         | <b>\$85,450</b>  |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>            |
| <b>Third-Party Administrator:</b> | <b>Anahuac Independent School District</b>                       |
| <b>Project Name:</b>              | <b><i>Clean School Bus Project</i></b>                           |
| <b>Location of SEP:</b>           | <b>Texas Air Quality Control Region 216, Houston - Galveston</b> |

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 **Anahuac Independent School District** for the *Clean School Bus 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 a lower-emission school bus that is model year 2010 or newer (“Replacement Bus”) to replace a bus that is model year 1995 (“Older Bus”), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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 SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well

as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District  
Attention: Business Manager  
P.O. Box 638  
Anahuac, Texas 77514

**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:

Kinder Morgan Crude & Condensate LLC  
Docket No. 2022-1254-AIR-E  
Agreed Order - Attachment A

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 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.

Attachment B  
 Kinder Morgan Crude & Condensate LLC  
 Docket No. 2022-1254-AIR-E, Case No. 62881

**Table 1 (EPN F-101, Investigation No. 1756054)**

| Parameter                            | Limit                            | Range of Excess            | Instances | Date Range                    |
|--------------------------------------|----------------------------------|----------------------------|-----------|-------------------------------|
| NOx MAER                             | 2.47 lbs/hr <sup>a</sup>         | 0.01 to 1.50 lbs/hr        | 29        | 10/30/19 to 2/20/20           |
| CO MAER                              | 9.13 lbs/hr                      | 0.11 to 6.35 lbs/hr        | 242       | 7/2/19 to 2/20/20             |
| SO2 MAER                             | 1.48 lbs/hr                      | 0.0003 to 16.5232 lbs/hr   | 1,033     | 7/4/19 to 3/26/20             |
| NOx MSS MAER                         | 5.00 lbs/hr                      | 0.22 lb/hr                 | 1         | 1/31/20                       |
| CO MSS MAER                          | 14.78 lbs/hr                     | 57.45 lbs/hr               | 1         | 1/31/20                       |
| NH3 Concentration                    | 10 ppmvd/hr 3% O2 <sup>b</sup>   | 0.0200 to 11.8200 ppmvd/hr | 713       | 2/3/19 and 7/20/19 to 6/30/20 |
| NH3 24-hr Concentration <sup>c</sup> | 10 ppmvd/hr 3% O2                | 0.01 to 0.20 ppmvd/hr      | 31        | 12/21/19 to 12/23/19          |
| CO Concentration                     | 50 ppmvd/hr 3% O2                | 3.09 to 1,445.78 ppmvd/hr  | 284       | 7/1/19 to 5/7/20              |
| SO2 3-hr Concentration <sup>d</sup>  | 20 ppmvd/hr 0% O2                | 0.33 to 34.23 ppmvd/hr     | 35        | 7/4/19 to 12/8/19             |
| NOx Emissions                        | 0.01 lb/MMBtu 3% O2 <sup>e</sup> | 0.002 to 0.527 lb/MMBtu    | 105       | 7/20/19 to 6/5/20             |
| NOx MSS Emissions                    | 0.025 lb/MMBtu 3% O2             | 0.015 to 0.166 lb/MMBtu    | 7         | 9/8/19 to 9/23/19             |
| CO MSS Concentration                 | 100 ppmvd/hr 3% O2               | 4.92 to 1,395.78 ppmvd/hr  | 15        | 9/8/19 to 1/31/20             |

Footnotes: a = pounds per hour; b = parts per million by volume dry per hour corrected to three percent oxygen; c = based on a rolling 24-hour averaging period; d = determined hourly on a three-hour rolling average basis; e = pound per one million British thermal units corrected to three percent oxygen

Attachment B  
 Kinder Morgan Crude & Condensate LLC  
 Docket No. 2022-1254-AIR-E, Case No. 62881

**Table 2 (EPN F-201, Investigation No. 1756054)**

| <b>Parameter</b>       | <b>Limit</b>      | <b>Range of Excess</b>    | <b>Instances</b> | <b>Date Range</b>  |
|------------------------|-------------------|---------------------------|------------------|--------------------|
| NOx MAER               | 2.47 lbs/hr       | 0.002 to 5.05 lbs/hr      | 75               | 7/19/19 to 6/28/20 |
| PM MAER                | 1.11 lbs/hr       | 0.0001 to 0.11 lb/hr      | 47               | 7/2/19 to 11/30/19 |
| CO MAER                | 9.13 lbs/hr       | 0.61 to 53.18 lbs/hr      | 66               | 7/1/19 to 5/6/20   |
| SO2 MAER               | 1.48 lbs/hr       | 0.01 to 19.78 lbs/hr      | 859              | 7/4/19 to 12/29/19 |
| NOx MSS MAER           | 5.00 lbs/hr       | 0.89 lb/hr                | 1                | 9/10/19            |
| CO MSS MAER            | 14.78 lbs/hr      | 0.13 to 3.28 lbs/hr       | 6                | 9/10/19 to 2/21/20 |
| CO Concentration       | 50 ppmvd/hr 3% O2 | 1.13 to 6,462.54 ppmvd/hr | 90               | 7/1/19 to 5/6/20   |
| CO MSS Concentration   | 100 ppmvd/hr      | 3.53 to 410.70 ppmvd/hr   | 19               | 9/10/19 to 2/22/20 |
| SO2 3-hr Concentration | 20 ppmvd/hr       | 0.17 to 44.70 ppmvd/hr    | 59               | 7/5/19 to 11/9/19  |
| NOx Emissions          | 0.01 lb/MMBtu     | 0.001 to 0.436 lb/MMBtu   | 95               | 7/19/19 to 6/28/20 |
| NOx MSS Emissions      | 0.025 lb/MMBtu    | 0.001 to 0.080 lb/MMBtu   | 21               | 9/10/19 to 2/22/20 |

See footnotes under Table 1.

Attachment B  
 Kinder Morgan Crude & Condensate LLC  
 Docket No. 2022-1254-AIR-E, Case No. 62881

**Table 3 (EPN F-101, Investigation No. 1861780)**

| Parameter               | Limit                | Range of Excess              | Instances | Date Range         |
|-------------------------|----------------------|------------------------------|-----------|--------------------|
| NOx MAER                | 2.47 lbs/hr          | 0.01 to 16.26 lbs/hr         | 153       | 11/19/21 to 6/4/22 |
| CO MAER                 | 9.13 lbs/hr          | 0.67 to 10.35 lbs/hr         | 6         | 11/23/21 to 2/4/22 |
| NH3 MAER                | 1.11 lbs/hr          | 0.0002 to 0.7718 lb/hr       | 404       | 7/16/21 to 5/17/22 |
| NH3 Concentration       | 10 ppmvd/hr 3% O2    | 0.0043 to 10.78 ppmvd/hr     | 1,862     | 7/6/21 to 6/7/22   |
| NH3 24-hr Concentration | 10 ppmvd/hr 3% O2    | 0.0013 to 25,882.84 ppmvd/hr | 1,440     | 7/15/21 to 5/17/22 |
| CO Concentration        | 50 ppmvd/hr 3% O2    | 2.62 to 2,159.35 ppmvd/hr    | 14        | 12/11/21 to 6/8/22 |
| NOx Emissions           | 0.01 lb/MMBtu 3% O2  | 0.0001 to 0.296 lb/MMBtu     | 385       | 10/19/21 to 6/8/22 |
| NOx MSS Emissions       | 0.065 lb/MMBtu 3% O2 | 0.003 to 0.406 lb/MMBtu      | 18        | 7/18/21 to 3/26/22 |
| CO MSS Concentration    | 400 ppmvd/hr 3% O2   | 115.26 and 1,506.27 ppmvd/hr | 2         | 3/26/22            |

See footnotes under Table 1.

Attachment B  
 Kinder Morgan Crude & Condensate LLC  
 Docket No. 2022-1254-AIR-E, Case No. 62881

**Table 4 (EPN F-201, Investigation No. 1861780)**

| Parameter              | Limit                | Range of Excess           | Instances | Date Range              |
|------------------------|----------------------|---------------------------|-----------|-------------------------|
| NOx MAER               | 2.47 lbs/hr          | 0.0088 to 14.21 lbs/hr    | 249       | 7/6/21 to 4/18/22       |
| NH3 MAER               | 1.11 lbs/hr          | 0.0934 to 0.31 lb/hr      | 2         | 3/17/22 and 3/18/22     |
| CO MAER                | 9.13 lbs/hr          | 0.153 to 3.65 lbs/hr      | 4         | 12/20/21 to 2/4/22      |
| SO2 MAER               | 6.55 lbs/hr          | 2.1337 lbs/hr             | 1         | 8/13/21                 |
| VOC MAER               | 1.33 lbs/hr          | 0.0080 to 0.0284 lb/hr    | 21        | 10/12/21 to 10/15/21    |
| PM MAER                | 1.11 lbs/hr          | 0.0054 to 0.0236 lb/hr    | 23        | 10/11/21 to 10/15/21    |
| NOx MSS MAER           | 16.06 lbs/hr         | 15.6293 to 29.9435 lbs/hr | 4         | 1/27/22                 |
| CO MSS MAER            | 73.07 lbs/hr         | 29.9435 lbs/hr            | 1         | 1/27/22                 |
| NOx Emissions          | 0.01 lb/MMBtu        | 0.001 to 0.236 lb/MMBtu   | 318       | 12/20/21 to 6/3/22      |
| NOx 12-month Emissions | 0.0006 lb/MMBtu      | 0.001 lb/MMBtu each month | 4         | 7/1/21 through 10/31/21 |
| NOx MSS Emissions      | 0.065 lb/MMBtu 3% O2 | 0.004 to 0.301 lb/MMBtu   | 19        | 9/19/21 to 1/28/22      |
| NH3 Concentration      | 10 ppmvd/hr 3% O2    | 0.06 to 1.52 ppmvd/hr     | 9         | 3/17/22                 |
| CO Concentration       | 50 ppmvd/hr 3% O2    | 0.95 to 840.05 ppmvd/hr   | 17        | 12/10/21 to 6/3/22      |
| CO MSS Concentration   | 400 ppmvd/hr 3% O2   | 38.76 to 624.89 ppmvd/hr  | 8         | 9/19/21 to 1/27/22      |
| SO2 3-hr Concentration | 20 ppmvd/hr          | 0.46 to 342.61 ppmvd/hr   | 16        | 8/30/21 to 2/4/22       |

See footnotes under Table 1.