

Executive Summary - Enforcement Matter - Case No. 63578
Energy Transfer GC NGL Fractionators LLC
RN106018260 and RN109902494
Docket No. 2023-0185-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

MB Frac VI and VIII, 8774 Farm-to-Market Road 1942, Baytown, Chambers County, Texas (Facility No. 1)

MB Frac I II and III, 9850 Farm-to-Market Road 1942, Baytown, Chambers County (Facility No. 2)

Type of Operation:

Oil and gas extraction 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: November 28, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$67,600

Total Paid to General Revenue: \$33,800

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$33,800

Name of SEP: Bayou Land Conservancy (Third-Party Pre-Approved)

Compliance History Classifications:

Facility No. 1

Person/CN - Satisfactory

Site/RN - Satisfactory

Facility No. 2

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Facility No. 1 and No. 2: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

**Executive Summary - Enforcement Matter - Case No. 63578
Energy Transfer GC NGL Fractionators LLC
RN106018260 and RN109902494
Docket No. 2023-0185-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 30, 2022
Date(s) of NOE(s): January 9, 2023

Violation Information

1. Failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") No. WQ000535000 and National Pollutant Discharge Elimination System ("NPDES") Permit No. TX0134068, Limitations and Monitoring Requirements No. 1].
2. Failed to comply with permitted effluent limitations for total zinc and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ000539000 and NPDES Permit No. TX0140082, Outfall Nos. 001 and 002, Limitations and Monitoring Requirements No. 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By December 26, 2022, closed the Outfall to cease discharge into an unnamed tributary of Cedar Bayou Tidal, added water to the pond water to raise the pH to 6.5, and replaced the pH probe at Facility No. 1; and
- b. By April 30, 2025, implemented corrective measures at Facility No. 2 and achieved compliance with all permitted effluent limitations in the TPDES Permit No. WQ000539000 and NPDES Permit No. TX0140082.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

Executive Summary - Enforcement Matter - Case No. 63578
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Docket No. 2023-0185-IWD-E

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; 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: Bayou Land Conservancy, 8801 Gosling Road, Spring, Texas 77381

Respondent: Gregory McIlwain, Executive Vice President, Energy Transfer GC NGL Fractionators LLC, 8111 Westchester Drive, Suite 600, Dallas, Texas 75225

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Jan-2023	Screening	27-Jan-2023	EPA Due	
	PCW	4-Aug-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	Energy Transfer GC NGL Fractionators LLC PCW No. 1 of 2
Reg. Ent. Ref. No.	RN109902494
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	63578	No. of Violations	1
Docket No.	2023-0185-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	55.0%	Adjustment	Subtotals 2, 3, & 7	\$6,875
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Notes: Enhancement for three months of self-reported effluent violations and two orders containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$108
 Estimated Cost of Compliance: \$2,351
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.6%	Adjustment	\$100
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with the Violation.

Final Penalty Amount	\$16,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,350
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$16,350
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Screening Date 27-Jan-2023

Docket No. 2023-0185-IWD-E

PCW

Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 1 of 2

Policy Revision 5 (January 28, 2021)

Case ID No. 63578

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN109902494

Media Water Quality

Enf. Coordinator Harley Hobson

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 55%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 55%

Screening Date 27-Jan-2023 **Docket No.** 2023-0185-IWD-E **PCW**
Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 1 of 2 *Policy Revision 5 (January 28, 2021)*
Case ID No. 63578 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN109902494
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ000535000 and National Pollutant Discharge Elimination System Permit No. TX0134068, Limitations and Monitoring Requirements No. 1
Violation Description Failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state. Specifically, on December 5, 2022, the pH probe malfunctioned and released an over-injection of CO2 causing the pH drop to 6.1 and caused a fish kill of approximately 50 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	X			50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly event is recommended from the December 5, 2022 first day of noncompliance date to the December 26, 2022 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$3,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance by December 26, 2022.

Violation Subtotal \$9,375

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

Estimated EB Amount \$108 **Violation Final Penalty Total** \$16,350

This violation Final Assessed Penalty (adjusted for limits) \$16,350

Economic Benefit Worksheet

Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 1 of 2
Case ID No. 63578
Reg. Ent. Reference No. RN109902494
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,251	5-Dec-2022	26-Dec-2022	0.06	\$0	\$5	\$5
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	\$1,000	5-Dec-2022	26-Dec-2022	0.06	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Actual Equipment cost to replace the pH probe. The Date Required is the first day of noncompliance. The Final Date is the date of compliance.
 Estimated Remediation/Disposal cost to close the Outfall to cease discharge into an unnamed tributary of Cedar Bayou Tidal and add water to the pond water to raise the pH to 6.5. The Date Required is the first day of noncompliance. 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	\$100	5-Dec-2022	26-Dec-2022	0.06	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 Estimated Avoided cost to collect and properly dispose of the dead fish. The Date Required is the first day of noncompliance. The Final Date is the date of compliance.

Approx. Cost of Compliance

\$2,351

TOTAL

\$108



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Feb-2023	Screening	13-Feb-2023	EPA Due	
	PCW	15-Aug-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2
Reg. Ent. Ref. No.	RN106018260
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	63578	No. of Violations	2
Docket No.	2023-0185-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$31,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	74.0% Adjustment	Subtotals 2, 3, & 7	\$23,125
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Notes: Enhancement for two months of self-reported effluent violations, two NOV's with dissimilar violations, and three orders containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,333
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$51,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$51,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$51,250
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$51,250
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Screening Date 13-Feb-2023

Docket No. 2023-0185-IWD-E

PCW

Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2

Policy Revision 5 (January 28, 2021)

Case ID No. 63578

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106018260

Media Water Quality

Enf. Coordinator Harley Hobson

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>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 74%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, two NOVs with dissimilar violations, and three orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 74%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 74%

Screening Date 13-Feb-2023 **Docket No.** 2023-0185-IWD-E **PCW**
Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2 *Policy Revision 5 (January 28, 2021)*
Case ID No. 63578 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN106018260
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ000539000 and National Pollutant Discharge Elimination System ("NPDES") Permit No. TX0140082, Outfall No. 001, Limitations and Monitoring Requirements No. 2
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	X			50.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 A simplified model was used to evaluate biochemical oxygen demand (5-day) and total zinc to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Two monthly events are recommended for the months of August and September 2022.

Good Faith Efforts to Comply 10.0% Reduction \$2,500

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

Notes
 The Respondent achieved compliance by April 30, 2025.

Violation Subtotal \$22,500

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

Estimated EB Amount \$1,333 **Violation Final Penalty Total** \$41,000

This violation Final Assessed Penalty (adjusted for limits) \$41,000

Economic Benefit Worksheet

Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2
Case ID No. 63578
Reg. Ent. Reference No. RN106018260
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Aug-2022	30-Apr-2025	2.67	\$1,333	n/a	\$1,333

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance. 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

\$1,333

Screening Date 13-Feb-2023 **Docket No.** 2023-0185-IWD-E **PCW**
Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2 *Policy Revision 5 (January 28, 2021)*
Case ID No. 63578 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN106018260
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ000539000 and NPDES Permit No. TX0140082, Outfall No. 002, Limitations and Monitoring Requirements No. 2
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes A simplified model was used to evaluate total zinc to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,250

One monthly event is recommended for the month of August 2022.

Good Faith Efforts to Comply 10.0% Reduction \$625

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

Notes The Respondent achieved compliance by April 30, 2025.

Violation Subtotal \$5,625

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$10,250

This violation Final Assessed Penalty (adjusted for limits) \$10,250

Economic Benefit Worksheet

Respondent Energy Transfer GC NGL Fractionators LLC PCW No. 2 of 2
Case ID No. 63578
Reg. Ent. Reference No. RN106018260
Media Water Quality
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See 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

Energy Transfer GC NGL Fractionators LLC
Docket No. 2023-0185-IWD-E
TPDES Permit No. WQ000539000 and NPDES Permit No. TX0140082
Case No. 63578

Effluent Violation Table

	Outfall No. 001				Outfall No. 002	
	BOD5 Monthly Avg. Load.	BOD5 Daily Max. Load.	Total Zinc Monthly Avg. Load.	Total Zinc Daily Max. Load.	Total Zinc Monthly Avg. Load.	Total Zinc Daily Max. Load.
Monitoring Period	Limit = 72.06 lbs/day	Limit = 108.09 lbs/day	Limit = 0.45 lbs/day	Limit = 0.951 lbs/day	Limit = 0.45 lbs/day	Limit = 0.951 lbs/day
August 2022	93.72	126.57	0.99	1.23	0.56	1.6
September 2022	96.9	171.75	0.93	1.14	c	c

Avg. = average Load. = loading Max. = maximum c = compliant
lbs/day = pounds per day BOD5 = biochemical oxygen demand (5-day)



Compliance History Report

Compliance History Report for CN604309419, RN109902494, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN604309419, Energy Transfer GC NGL Fractionators LLC **Classification:** SATISFACTORY **Rating:** 14.47

Regulated Entity: RN109902494, MB FRAC VI AND VIII **Classification:** SATISFACTORY **Rating:** 6.60

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

CH Group: 03 - Oil and Gas Extraction

Location: 8774 Farm-to-Market Road 1942, Baytown, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 4480

AIR NEW SOURCE PERMITS AFS NUM 4807100147

AIR NEW SOURCE PERMITS REGISTRATION 166722

AIR NEW SOURCE PERMITS REGISTRATION 148115

WASTEWATER PERMIT WQ0005350000

WASTEWATER EPA ID TX0134068

AIR EMISSIONS INVENTORY ACCOUNT NUMBER CIA032F

POLLUTION PREVENTION PLANNING ID NUMBER P10355

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084890

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 97386

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

Date Compliance History Report Prepared: August 04, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 04, 2020 to August 04, 2025

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 08/24/2021 ADMINORDER 2020-1416-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 2 REG

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 423.34 pounds ("lbs") of carbon monoxide ("CO"), 212.06 lbs of nitrogen oxides ("NOx"), 0.56 lb of sulfur dioxide ("SO2"), and 49.94 lbs of volatile organic compounds ("VOC") from the Flare, Emissions Point Number ("EPN") 6SK25.001, during an emissions event (Incident No. 304067) that occurred on March 6, 2019 and lasted one hour.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit Registration REG

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 3,931.95 lbs of CO, 1,739 lbs of NOx, 4.52 lbs of SO2, and 8,837.98 lbs of VOC from the Flare, EPN 6SK25.001, during an emissions event (Incident No. 302968) that began on February 15, 2019 and lasted 86 hours.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 302968 was due by February 16, 2019 at 11:00 a.m., but was not submitted until February 19, 2019 at 3:29 p.m.

2 Effective Date: 11/02/2021 ADMINORDER 2021-0145-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL CONDITION NO. 2 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on June 14, 2019, TCEQ/STEERS Incident No. 311447. Category A12.i.(6)

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 16, 2020	(1779809)	Item 19	November 07, 2023	(1953898)
Item 2	July 21, 2021	(1779795)	Item 20	November 13, 2023	(1930287)
Item 3	September 17, 2021	(1779796)	Item 21	November 17, 2023	(1930364)
Item 4	October 28, 2021	(1779810)	Item 22	December 12, 2023	(1963692)
Item 5	January 17, 2022	(1792904)	Item 23	January 11, 2024	(1970261)
Item 6	April 12, 2022	(1815623)	Item 24	February 12, 2024	(1979342)
Item 7	July 14, 2022	(1837331)	Item 25	March 13, 2024	(1985902)
Item 8	October 18, 2022	(1858461)	Item 26	April 19, 2024	(1992440)
Item 9	December 27, 2022	(1861811)	Item 27	May 13, 2024	(1998881)
Item 10	January 16, 2023	(1877568)	Item 28	August 08, 2024	(2013403)
Item 11	February 15, 2023	(1892181)	Item 29	August 19, 2024	(2019214)
Item 12	March 14, 2023	(1900761)	Item 30	September 18, 2024	(2026000)
Item 13	April 17, 2023	(1907554)	Item 31	October 18, 2024	(2032109)
Item 14	June 12, 2023	(1921321)	Item 32	November 15, 2024	(2038424)
Item 15	August 09, 2023	(1935229)	Item 33	March 17, 2025	(2067493)
Item 16	August 25, 2023	(1928298)	Item 34	April 15, 2025	(2074312)
Item 17	September 14, 2023	(1941457)	Item 35	May 08, 2025	(2080684)
Item 18	October 18, 2023	(1948213)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/30/2024 (2044870)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 12/31/2024 (2051381)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 01/31/2025 (2058925)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

- 9 Date: 01/31/2021 (1779786)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 02/28/2021 (1779788)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 03/31/2021 (1779792)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 12 Date: 07/31/2021 (1779806)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 13 Date: 09/30/2021 (1779814)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 14 Date: 11/30/2022 (1877569)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 15 Date: 12/31/2022 (1884372)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 16 Date: 04/30/2023 (1914700)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

17*	Date: 05/31/2024 (2005838)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
18	Date: 11/30/2024 (2044870)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
19	Date: 12/31/2024 (2051381)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
20	Date: 01/31/2025 (2058925)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

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

Appendix B
All Investigations Conducted During Component Period August 04, 2020 and August 04, 2025

Item 1	October 16, 2020**	(1779805)
Item 2	October 23, 2020**	(1632946)
Item 3	November 23, 2020**	(1639711)
Item 4	January 05, 2021**	(1646676)
Item 5	January 25, 2021**	(1779817)
Item 6	April 27, 2021**	(1779786)
Item 7*	July 21, 2021**	(1779795)
Item 8	September 17, 2021**	(1779787)
Item 9	October 28, 2021**	(1779806)
Item 10*	January 17, 2022**	(1792904)
Item 11*	April 12, 2022**	(1815623)
Item 12*	July 14, 2022**	(1837331)
Item 13*	October 18, 2022**	(1858461)
Item 14*	December 27, 2022**	(1861811)
Item 15*	January 16, 2023**	(1877568)
Item 16	January 18, 2023**	(1867001)
Item 17*	February 15, 2023**	(1892181)
Item 18*	March 14, 2023**	(1900761)
Item 19*	April 17, 2023**	(1907554)
Item 20	May 10, 2023**	(1914700)

Item 21*	June 12, 2023**	(1921321)
Item 22*	August 09, 2023**	(1935229)
Item 23*	August 25, 2023**	(1928298)
Item 24*	September 14, 2023**	(1941457)
Item 25*	October 18, 2023**	(1948213)
Item 26*	November 07, 2023**	(1953898)
Item 27*	November 13, 2023**	(1930287)
Item 28*	November 17, 2023**	(1930364)
Item 29*	December 12, 2023**	(1963692)
Item 30*	January 11, 2024**	(1970261)
Item 31*	February 12, 2024**	(1979342)
Item 32*	March 13, 2024**	(1985902)
Item 33*	April 19, 2024**	(1992440)
Item 34*	May 13, 2024**	(1998881)
Item 35	June 13, 2024**	(2005838)
Item 36*	August 08, 2024**	(2013403)
Item 37*	August 19, 2024**	(2019214)
Item 38*	September 18, 2024	(2026000)
Item 39*	October 18, 2024	(2032109)
Item 40*	November 15, 2024	(2038424)
Item 41	December 12, 2024	(2044870)
Item 42	January 17, 2025	(2051381)
Item 43	February 14, 2025	(2058925)
Item 44*	March 17, 2025	(2067493)
Item 45*	April 15, 2025	(2074312)
Item 46*	May 08, 2025	(2080684)

* No violations documented during this investigation

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



Compliance History Report

Compliance History Report for CN604309419, RN106018260, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN604309419, Energy Transfer GC NGL Fractionators LLC **Classification:** SATISFACTORY **Rating:** 14.47

Regulated Entity: RN106018260, MB FRAC I II AND III **Classification:** SATISFACTORY **Rating:** 27.53

Complexity Points: 24 **Repeat Violator:** NO

CH Group: 13 - Pipeline Transportation of Natural Gas, Refined Petroleum, and All Other Products

Location: 9850 Farm-to-Market Road 1942, Baytown, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 3838	AIR OPERATING PERMITS ACCOUNT NUMBER CIA019S
AIR NEW SOURCE PERMITS REGISTRATION 93813	AIR NEW SOURCE PERMITS EPA PERMIT N182
AIR NEW SOURCE PERMITS PERMIT 110274	AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX5
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX34	AIR NEW SOURCE PERMITS REGISTRATION 169497
AIR NEW SOURCE PERMITS REGISTRATION 155025	AIR NEW SOURCE PERMITS AFS NUM 4807100132
WASTEWATER PERMIT WQ0005399000	WASTEWATER EPA ID TX0140082
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CIA019S	POLLUTION PREVENTION PLANNING ID NUMBER P10606
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 96793	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000081347
TAX RELIEF ID NUMBER 18761	

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

Date Compliance History Report Prepared: August 04, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 04, 2020 to August 04, 2025

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 03/11/2022 ADMINORDER 2020-1439-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 03586 GTC and STC Nos. 12 and 15 OP

Registration No. 93813 General Condition REG

Description: Failure to prevent unauthorized emissions. (Category A12i6)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 03586, GTC and STC No. 16 OP

General Terms & Conditions OP

Description: Failed to submit a PCC within 30 days of any certification period (Category A12(i)(7)).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 8 and 11.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 665.52 pounds ("lbs") of CO, 315.42 lbs of NOx, and 634.87 lbs of VOC from the Plant Flare, Emissions Point Number ("EPN") 1SK25.001, during an emissions event (Incident No. 291457) that occurred on September 3, 2018 and lasted 11 hours. The emissions event occurred when a control valve failed at a receiving terminal, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,596.00 lbs of NOx, 1,427.00 lbs of VOC, and 1.00 lb of sulfur dioxide ("SO2") from the Plant Flare, EPN 1SK25.001, during an emissions event (Incident No. 343711) that began on October 11, 2020 and lasted 62 hours. The emissions event occurred when a pump used to empty the refrigeration compressor suction knock-out drum was not operating properly, resulting in flaring. Since the emissions event was not caused by a

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: FOP O3586, GTC and STC Nos. 8 and 11.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 622.66 lbs of CO, 311.90 lbs of NOx, 0.66 lb of SO2, and 842.18 lbs of VOC from the Plant Flare, EPN 1SK25.001, during an emissions event (Incident No. 306694) that occurred on April 16, 2019 and lasted 11 hours. The emissions event occurred when an air compressor malfunction triggered an emergency shutdown of the control valves, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable b

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 818.00 lbs of CO, 338.00 lbs of NOx, 1.00 lb of SO2, and 1,007.00 lbs of VOC from the Plant Flare, EPN 1SK25.001, during an emissions event (Incident No. 345131) that occurred on October 29, 2020 and lasted seven hours. The emissions event occurred due to a short-term liquid level reading malfunction and a faulty power cell, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakd

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 603.00 lbs of CO, 302.00 lbs of NOx, 48.00 lbs of SO2, and 49.00 lbs of VOC from the Plant Flare, EPN 1SK25.001, during an emissions event (Incident No. 344809) that occurred on October 24, 2020 and lasted one hour and nine minutes. The emissions event occurred due to the deethanizer column over-pressuring that caused the content of the deethanizer column to be vented, resulting in flaring. Since the Respondent did n

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O3586, GTC and STC No. 2.F OP

Description: Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 344809 was due by October 25, 2020 at 4:00 a.m., but was not submitted until October 26, 2020, at 1:42 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O3586, GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated total quantities for the VOC that were released during the emissions event on the final record for Incident No. 318242 and did not identify the authorized emission limits for the CO, NOx, and VOC on the final record for Incident No. 318242.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 8 and 11.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 755.68 lbs of CO, 378.53 lbs of NOx, 0.79 lb of SO2, and 2,368.73 lbs of VOC from the Plant Flare, EPN 1SK25.001, during an emissions event (Incident No. 318242) that began on August 7, 2019 and lasted 13 hours. The emissions event occurred when the opening valve operated much slower than the closing valve during the transition of the product flow from one pipeline to another that constricted flow and caused an unant

3 Effective Date: 01/29/2024 ADMINORDER 2021-0408-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 8 and 11.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,621.79 pounds ("lbs") of CO, 1,944.42 lbs of NOx, 4.73 lbs of SO2, and 7,368.02 lbs of VOC from the Flare, EPN 1SK25.001, and released 2.26 lbs of CO, 130.78 lbs of NOx, 0.04 lb of SO2, 6.31 lbs of VOC, and 7.49 lbs of PM, from the FRAC I Heater Combined Stack, EPN 1HR15, during an emissions event (Incident No. 299154) that began on December 17, 2018 and lasted 160 hours. The emissions event occurred due to a Trans

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 8 and 11.B OP
Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 670.07 lbs of CO, 289.17 lbs of NOx, 0.64 lb of SO2, and 372.43 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 319718) that occurred on August 27, 2019 and lasted 10 hours. The emissions event occurred due to the 'Hand, Off & Auto' switches for the refrigeration compressor lube oil pumps being cross wired during the installation by a third-party that caused the power to the primar

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O3586, GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities for the speciated VOC on the final record for Incident No. 319718.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP

Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 537.56 lbs of CO, 259.03 lbs of NOx, 0.67 lb of SO2, and 51.28 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 326252) that occurred on December 9, 2019 and lasted seven hours. The emissions event occurred when an attempt was made to lower the temperature by lowering the temperature setpoint in the refrigeration compressor subcooler after an alarm was received that caused a corresp

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O3586, GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities for the speciated VOC on the final record for Incident No. 326252.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities for the CO, NOx, PM, SO2, and VOC emissions from the FRAC I Heater Combined Stack, EPN 1HR15, on the final record for Incident No. 299154.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP

Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,348.66 lbs of CO, 579.96 lbs of NOx, 1.48 lbs of SO2, and 638.53 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 328268) that began on January 14, 2020 and lasted 26 hours. The emissions event occurred when instability in the propylene refrigeration system caused a high liquid level in the refrigeration compressor suction knock-out drum, resulting in flaring.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP

General Conditions 2 REG

Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 630.00 lbs of CO, 316.00 lbs of NOx, 1.00 lb of SO2, and 993.18 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 349644) that occurred on January 27, 2021 and lasted eight hours. The emissions event occurred when a flow control valve was not operating as expected because it required adjustments that caused the actuation of certain pressure safety valves during a planned startup, resul

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O3586, GTC and STC Nos. 12 and 15.B OP

Standard Permit No. 93813 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,091.00 lbs of CO, 3,012.00 lbs of NOx, 0.57 lb of SO2, and 10,059.00 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 337357) that began on June 16, 2020 and lasted 13 hours 15 minutes. The emissions event occurred when the seal needed to be replaced while performing routine preventative maintenance on Ethane Injection Pump A, the pump shroud was rubbing against the shaft, the outle

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,175.00 lbs of CO, 1,948.00 lbs of NOx, 2.00 lbs of SO2, and 8,286.00 lbs of VOC from the Flare, EPN 1SK25.001, during an emissions event (Incident No. 339396) that began on July 21, 2020 and lasted 30 hours 30 minutes. The emissions event occurred due to a three-phase fault on the transmission system that caused a loss of power, resulting in flaring.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 16, 2020	(1839474)	Item 22	October 18, 2023	(1948492)
Item 2	January 20, 2021	(1677726)	Item 23	November 07, 2023	(1931557)
Item 3	January 25, 2021	(1839489)	Item 24	December 12, 2023	(1963971)
Item 4	April 27, 2021	(1839434)	Item 25	January 11, 2024	(1970535)
Item 5	June 24, 2021	(1724370)	Item 26	February 12, 2024	(1956079)
Item 6	October 01, 2021	(1839433)	Item 27	February 23, 2024	(1965727)
Item 7	October 28, 2021	(1839470)	Item 28	March 13, 2024	(1986177)
Item 8	January 17, 2022	(1839480)	Item 29	May 13, 2024	(1999161)
Item 10	April 12, 2022	(1839435)	Item 30	June 13, 2024	(2006127)
Item 11	May 17, 2022	(1812921)	Item 31	August 06, 2024	(2013687)
Item 12	July 14, 2022	(1839450)	Item 32	August 19, 2024	(2019498)
Item 13	August 19, 2022	(1833122)	Item 33	September 04, 2024	(2007733)
Item 14	August 29, 2022	(1781440)	Item 34	October 18, 2024	(2032393)
Item 15	October 18, 2022	(1858722)	Item 35	November 15, 2024	(2038702)
Item 16	December 19, 2022	(1860779)	Item 36	December 12, 2024	(2045163)
Item 17	January 16, 2023	(1877833)	Item 37	January 17, 2025	(2051673)
Item 18	February 15, 2023	(1892436)	Item 38	January 29, 2025	(2041002)
Item 19	April 17, 2023	(1907828)	Item 39	March 17, 2025	(2067781)
Item 20	May 10, 2023	(1914963)	Item 40	April 15, 2025	(2074596)
Item 21	October 05, 2023	(1935489)	Item 41	May 08, 2025	(2080987)

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: 08/31/2024 (2026288)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 11/19/2024 (2009044)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to conduct visual, audio and olfactory observation for Fugitive Unit (EPN: GRP-FUGS) (Category C1).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter G 117.8130(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to conduct weekly ammonia testing for FRAC 1 Hot Boiler (EPN:1HR15.001) and FRAC 1 Regeneration Heater (EPN: 2HR15.001) (Category C1).

- 3 Date: 01/31/2025 (2059197)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

4 Date: 06/23/2025 (2020885)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter G 117.8130(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A PERMIT
 Description: Failure to conduct weekly heater slip test for ammonia for FRAC III Hot Oil
 Heater (EPN: 3HR15.001) (Category B1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THSC Chapter 382 382.085(b)
 FOP General Terms and Conditions OP
 FOP Special Term and Condition 11 OP
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 20 OP
 NSR Special Condition 23 PERMIT
 Description: Failure to maintain daily flare observation records for the Plant Flare (EPN:
 1SK25.001) (Category B3).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6

Date: 08/23/2021 (1724406)

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, ST&C 11 OP
FOP, ST&C 9 OP
NSR, SC 6B PERMIT

Description: Failure to maintain the Frac III thermal oxidizer's (EPN: 3SK25.002) firebox temperature below the authorized limit. (Category C4 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 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 1A OP

Description: Failure to prevent visible emissions from the plant flare (EPN: 1SK25.001). (Category C4 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 11 OP
NSR, SC 1 PERMIT

Description: Failure to prevent unauthorized emissions of nitrogen oxides (NOx) from the Frac III Hot Oil Heater Stack (EPN: 3HR15.001). (Category B13 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.340(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 11 OP
FOP, ST&C 1A OP
NSR, SC 10 PERMIT

Description: Failure to maintain an operational carbon monoxide (CO) analyzer for the FRAC III Hot Oil Heater (EPN: 3HR15.001). (Category C4 violation)

7

Date: 12/15/2021 (1761657)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain the minimum temperature for the Frac II Thermal Oxidizer (EPN: 2SK25.002) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Frac I Heater (EPN: 1HR15) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 12 OP
 Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Frac II Hot Oil Heater (EPN: 2HR15) (Category B13).
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to repair Delay of Repair (DOR) component during facility shutdown for the Frac II Fugitives (EPN: 2FUG) (Category B18(g)(1)).

8 Date: 08/31/2022 (1858723)
 Self Report? YES Classification: Moderate
 Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

9 Date: 09/30/2022 (1865064)
 Self Report? YES Classification: Moderate
 Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

10 Date: 10/31/2022 (1877832)
 Self Report? YES Classification: Moderate
 Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

11 Date: 12/31/2022 (1884642)
 Self Report? YES Classification: Moderate
 Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

12 Date: 02/01/2023 (1846368)
 Self Report? NO Classification: Moderate
 Citation:

FOP, General Terms and Conditions PERMIT
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report all deviation from permit requirements (Category C3)
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(E)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, ST&C 16 PERMIT
 FOP, ST&C 1A PERMIT
 FOP, ST&C 9 PERMIT
 Description: Failure to perform weekly audio, visual, and olfactory (AVO) inspections in the Fac I Unit (Unit ID: 1FUG). (Category C1 violation)

- 13 Date: 02/27/2023 (1866222)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(iii)
 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 11 OP
 NSR, Special Condition 17J OP
 Description: Failure to repair a leaking component at the next following shutdown.
 (Category B3).
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP, General Terms and Conditions OP
 Description: Failure to report all deviations on semi-annual deviation report for the
 reporting period of May 17, 2021, through, November 16, 2021. (Category
 B3)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 11 OP
 FOP, Special Terms & Conditions 1A OP
 NSR, Special Condition 7D OP
 Description: Failure to meet the performance standards for the flare's (EPN: 1SK25.001)
 gas chromatograph. (Category B3)
- 14 Date: 02/28/2023 (1901033)
 Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 15 Date: 05/31/2023 (1921595)
 Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 16 Date: 06/30/2023 (1928572)
 Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 17* Date: 12/12/2023 (1924934)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent an exceedance of the CO Maximum Allowable Emission
 Rate (MAER) for the Frac 1 Hot Oil Heater (Unit ID: 1HR15.001) (CATEGORY
 B13 Violation).

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent an exceedance of the CO MAER for the Frac 1 Hot Oil Heater (Unit ID: 1HR15.001) (CATEGORY B13 Violation).

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent Annual CO exceedance for the Frac 1 Heater (Unit ID: 1HR15.001) (CATEGORY B13 Violation).

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain the 5% annual downtime for Flare Monitoring System (Unit ID: 1SK25.001) (CATEGORY C1 Violation).

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviations for the period of July 01, 2021 through December 31, 2021 (CATEGORY B3 Violation).

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP, General Terms and Conditions OP
Description: Failure to report all instances of deviations for the period of January 01, 2021 through June 30, 2021 (CATEGORY B3 Violation).

18* Date: 02/26/2024 (1945042)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.620(c)(1)(E)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12E PERMIT
Special Term and Condition 11 OP
Description: Failure to maintain records of audio, visual, and olfactory (AVO) inspection for volatile organic compounds (VOC) (EPN: 3FUG) (Category B3)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 117, SubChapter G 117.8130(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to conduct weekly heater slip test for ammonia (EPN: 3HR15.001) (Category B1)

19* Date: 03/31/2024 (1992728)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

20*	Date: 08/31/2024 (2026288)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
21	Date: 11/19/2024 (2009044)		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 115, SubChapter D 115.354(3)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Special Term and Condition 1A OP		
	Description: Failure to conduct visual, audio and olfactory observation for Fugitive Unit (EPN: GRP-FUGS) (Category C1).		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 117, SubChapter G 117.8130(3)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Special Term and Condition 1A OP		
	Description: Failure to conduct weekly ammonia testing for FRAC 1 Hot Boiler (EPN:1HR15.001) and FRAC 1 Regeneration Heater (EPN: 2HR15.001) (Category C1).		
22	Date: 01/31/2025 (2059197)		
	Self Report? YES	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
23	Date: 06/23/2025 (2020885)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 117, SubChapter G 117.8130(3)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	FOP Special Term and Condition 1A PERMIT		
	Description: Failure to conduct weekly heater slip test for ammonia for FRAC III Hot Oil Heater (EPN: 3HR15.001) (Category B1).		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	30 TAC Chapter 122, SubChapter B 122.144(1)		
	5C THSC Chapter 382 382.085(b)		
	FOP General Terms and Conditions OP		
	FOP Special Term and Condition 11 OP		
	FOP Special Term and Condition 1A OP		
	FOP Special Term and Condition 20 OP		
	NSR Special Condition 23 PERMIT		
	Description: Failure to maintain daily flare observation records for the Plant Flare (EPN: 1SK25.001) (Category B3).		

* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

**Appendix B
All Investigations Conducted During Component Period August 04, 2020 and August 04, 2025**

Item 1*	October 16, 2020**	(1839474)
Item 2	October 23, 2020**	(1631080)
Item 3	November 10, 2020**	(1672530)
Item 4	January 19, 2021**	(1677724)
Item 5*	January 20, 2021**	(1677726)
Item 6*	January 25, 2021**	(1839489)
Item 7	February 02, 2021**	(1699553)
Item 8	February 03, 2021**	(1677725)
Item 9	February 26, 2021**	(1651451)
Item 10	March 10, 2021**	(1651453)
Item 11	March 25, 2021**	(1651454)
Item 12	April 08, 2021**	(1651455)
Item 13*	April 27, 2021**	(1839434)
Item 14	April 28, 2021**	(1707866)
Item 15	May 03, 2021**	(1677727)
Item 16	May 07, 2021**	(1631384)
Item 17	May 26, 2021**	(1677728)
Item 18*	June 24, 2021**	(1724370)
Item 19	July 21, 2021**	(1839449)
Item 20	August 22, 2021**	(1724406)
Item 21*	October 01, 2021**	(1839433)
Item 22	October 28, 2021**	(1839465)
Item 23	December 15, 2021**	(1761657)
Item 24*	January 17, 2022**	(1839480)
Item 25*	April 12, 2022**	(1839435)
Item 26	April 29, 2022**	(1775593)
Item 27*	May 17, 2022**	(1812921)
Item 28*	July 14, 2022**	(1839450)
Item 29*	August 19, 2022**	(1833122)
Item 30*	August 29, 2022**	(1781440)
Item 31*	October 18, 2022**	(1858722)
Item 32*	December 19, 2022**	(1860779)
Item 33	January 16, 2023**	(1877832)
Item 34	January 30, 2023**	(1861397)
Item 35	February 01, 2023**	(1846368)
Item 36*	February 15, 2023**	(1892436)
Item 37	February 22, 2023**	(1840376)
Item 38	February 27, 2023**	(1866222)
Item 39	March 14, 2023**	(1901033)
Item 40	April 14, 2023**	(1841434)
Item 41*	April 17, 2023**	(1907828)
Item 42*	May 10, 2023**	(1914963)
Item 43	June 12, 2023**	(1921595)
Item 44	July 20, 2023**	(1928572)
Item 45*	October 05, 2023**	(1935489)
Item 46*	October 18, 2023**	(1948492)
Item 47*	November 07, 2023**	(1931557)

Item 48	December 08, 2023**	(1924934)
Item 49*	December 12, 2023**	(1963971)
Item 50*	January 11, 2024**	(1970535)
Item 51*	February 12, 2024**	(1956079)
Item 52*	February 23, 2024**	(1965727)
Item 53	February 26, 2024**	(1945042)
Item 54*	March 13, 2024**	(1986177)
Item 55	April 19, 2024**	(1992728)
Item 56*	May 13, 2024**	(1999161)
Item 57*	June 13, 2024**	(2006127)
Item 58*	August 06, 2024**	(2013687)
Item 59*	August 19, 2024**	(2019498)
Item 60*	September 04, 2024	(2007733)
Item 61	September 18, 2024	(2026288)
Item 62*	October 18, 2024	(2032393)
Item 63*	November 15, 2024	(2038702)
Item 64	November 19, 2024	(2009044)
Item 65*	December 12, 2024	(2045163)
Item 66*	January 17, 2025	(2051673)
Item 67*	January 29, 2025	(2041002)
Item 68	February 14, 2025	(2059197)
Item 69*	March 17, 2025	(2067781)
Item 70*	April 15, 2025	(2074596)
Item 71*	May 08, 2025	(2080987)
Item 72	June 23, 2025	(2020885)

* 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
ENERGY TRANSFER GC NGL
FRACTIONATORS LLC
RN106018260
RN109902494

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0185-IWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Energy Transfer GC NGL Fractionators LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a oil and gas extraction facility located at 8774 Farm-to-Market Road 1942 in Baytown, Chambers County, Texas (the "Facility No. 1") and owns and operates a oil and gas extraction facility located at 9850 Farm-to-Market Road 1942 in Baytown, Chambers County, Texas (the "Facility No. 2"). The Facilities are near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for Facility No. 1 conducted on December 20, 2022, an investigator documented that on December 5, 2022, the pH probe malfunctioned and released an over-injection of CO2 causing the pH drop to 6.1 and caused a fish kill of approximately 50 fish.
3. During a record review for Facility No. 2 conducted on November 30, 2022, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table						
	Outfall No. 001				Outfall No. 002	
	BOD5 Monthly Avg. Load.	BOD5 Daily Max. Load.	Total Zinc Monthly Avg. Load.	Total Zinc Daily Max. Load.	Total Zinc Monthly Avg. Load.	Total Zinc Daily Max. Load.
Monitoring Period	Limit = 72.06 lbs/day	Limit = 108.09 lbs/day	Limit = 0.45 lbs/day	Limit = 0.951 lbs/day	Limit = 0.45 lbs/day	Limit = 0.951 lbs/day
August 2022	93.72	126.57	0.99	1.23	0.56	1.6
September 2022	96.9	171.75	0.93	1.14	c	c

Avg. = average Load. = loading Max. = maximum c = compliant
lbs/day = pounds per day BOD5 = biochemical oxygen demand (5-day)

4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By December 26, 2022, closed the Outfall to cease discharge into an unnamed tributary of Cedar Bayou Tidal, added water to the pond water to raise the pH to 6.5, and replaced the pH probe at Facility No. 1; and
 - b. By April 30, 2025, the Respondent implemented corrective measures at Facility No. 2 and achieved compliance with all permitted effluent limitations in the Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ000539000 and National Pollutant Discharge Elimination System ("NPDES") Permit No. TX0140082.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES No. WQ000535000 and NPDES Permit No. TX0134068, Limitations and Monitoring Requirements No. 1.
3. As evidenced by Finding of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ000539000 and NPDES Permit No. TX0140082, Outfall Nos. 001 and 002, Limitations and Monitoring Requirements No. 2.
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the

TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of \$67,600 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$33,800 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$33,800 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Energy Transfer GC NGL Fractionators LLC (PCW No. 1), Docket No. 2023-0185-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section II, Conclusion of Law No. 5. The amount of \$33,800 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 Facility 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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 in this Order.
 7. 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.
 8. 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.
 9. 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.
 10. 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

02/24/2026

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.

Greg Mullen

Signature

11-3-2025

Date

Gregory Mullen

Name (Printed or typed)

Executive Vice President - Operations

Title

Authorized Representative of
Energy Transfer GC NGL Fractionators LLC

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: 2023-0185-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Energy Transfer GC NGL Fractionators LLC
Payable Penalty Amount:	\$67,600
SEP Offset Amount:	\$33,800
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Bayou Land Conservancy
Project Name:	<i>Lake Houston Watershed–Western Watershed Protection Project</i>
Total Project Budget:	\$3,420,000
Location of SEP:	Harris and Montgomery Counties; San Jacinto River Basin; and Gulf Coast Aquifer

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 **Bayou Land Conservancy** for the *Lake Houston Watershed - Western Watershed Protection Project* (the “Project”). Third-Party Administrator has identified approximately 500 acres along the West Fork of the San Jacinto River, Spring Creek, Cypress Creek, and Lake Creek for property acquisition or acquisition of perpetual conservation easements in accordance with Subchapter A, Chapter 183, Texas Natural Resources Code. The goal of this Project is to protect the floodplain within the western tributaries of the Lake Houston Watershed. The Project is to conduct certain due diligence activities and to purchase land or conservation easements in perpetuity from private and public landowners. Third-Party Administrator shall also conduct restoration work as necessary on properties placed under a conservation easement or owned by the Third-Party Administrator. The Third-Party Administrator shall conduct habitat restoration and enhancement, including removing invasive species and planting native vegetation. Restoration activities will be conducted by a contractor and will take place on property protected by a conservation easement or owned by the Third-Party Administrator. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

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

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

B. Environmental Benefit

Rapid development in the Lake Houston Watershed has led to removal of the natural riparian buffers along the waterways, which jeopardizes the air and water quality. Spring Creek, Cypress Creek, Lake Creek, and the West Fork of the San Jacinto River are major water sources for Lake Houston, which is Houston's primary source of drinking water. When land is cleared and developed within these floodplains, the water becomes more turbid and often has increased E. coli bacteria and other negative water quality contaminants.

Lands permanently preserved with conservation easements maintain vegetated banks and wooded floodplains to allow river overflow. When floodwater passes through the floodplain, the vegetated substrates are not eroded away, and the banks are maintained. Preserving the natural vegetated banks will help maintain water quality in this area. Additionally, many of the properties the Third-Party Administrator will secure with conservation easements will be open to the public for low-impact recreational uses, and wildlife will benefit from connected habitat and undisturbed access to critical water sources.

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 Third-Party Administrator. The Respondent shall make the check payable to **Bayou Land Conservancy SEP** and shall mail the contribution with a copy of the Agreed Order to:

Bayou Land Conservancy
Attention: Becky Martinez, Conservation Director
8801 Gosling Road
Spring, Texas 77381

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 send a copy of the check and transmittal letter to the SEP Coordinator by mail or electronic mail, at:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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