

Executive Summary – Enforcement Matter – Case No. 64079
Enterprise Products Operating LLC
RN102528197
Docket No. 2023-0696-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Pasadena Plant, 1500 North South Street, Pasadena, Harris County

Type of Operation:

Chemical storage facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 7, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$95,528

Amount Deferred for Expedited Settlement: \$19,105

Total Paid to General Revenue: \$38,212

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$38,211

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 22, 2022 through March 8, 2023 and September 26, 2023 through October 30, 2023

Date(s) of NOE(s): May 18, 2023 and January 25, 2024

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Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 469.45 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 384480) that occurred on July 30, 2022 and lasted three minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 7278, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1429, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. 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. 384480 was due by July 31, 2022 at 8:41 a.m., but was not submitted until August 2, 2022 at 10:45 a.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1429, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the maximum allowable emissions rate ("MAER") and the emissions limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 13.45 pounds per hour ("lbs/hr") by 1.75 lbs/hr for one hour on December 30, 2022 and exceeded the nitrogen oxides ("NOx") emissions limit of 0.015 pound per one million British thermal units ("lb/MMBtu") by a range from 0.001 lb/MMBtu to 0.004 lb/MMBtu for seven hours that occurred on five days from June 14, 2022 to March 19, 2023 for Boiler 2, Emissions Point Number ("EPN") BLR-2, resulting in 1.75 lbs of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the concentration limit and emissions limit. Specifically, the Respondent exceeded the CO concentration limit of 100 parts per million by volume dry ("ppmvd") corrected to three percent oxygen by a range from 68.07 ppmvd to 2,311.32 ppmvd for nine hours that occurred on four days from May 15, 2022 to December 30, 2022 and exceeded the NOx emissions limit of 0.015 lb/MMBtu by a range from 0.001 lb/MMBtu to 0.003 lb/MMBtu for five hours that occurred on five days from June 14, 2022 to September 8, 2022 for Boiler 1, EPN BLR-1 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By July 31, 2022, conducted training on the potential hazards that were created and the understanding that trailer venting is not an authorized activity at the Plant in order

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to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 384480;

b. On August 2, 2022, submitted the initial notification for Incident No. 384480;

c. By December 30, 2022, installed a temporary pump system, adjusted the operational parameters, and increased the ammonia in order to comply with the CO concentration limit and adjusted Boiler 1, adjusted the combustion, and adjusted the natural gas supply in order to comply with the NOx) emissions limit for Boiler 1, EPN BLR-1; and

d. By March 19, 2023, adjusted the natural gas supply in order to comply with the CO hourly MAER and increase the ammonia injection in order to comply with the NOx emissions limit for Boiler 2, EPN BLR-2.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Carl R. Griffith & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Robert Moss, Senior Vice President Houston Region Operations, Enterprise Products Operating LLC, 10910 Eagle Drive, Mont Belvieu, Texas 77523-7622
Bradley Cooley, Senior Director, Enterprise Products Operating LLC, 10910 Eagle Drive, Mont Belvieu, Texas 77523-7622

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-May-2023			
	PCW	14-Apr-2024	Screening	23-May-2023	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Enterprise Products Operating LLC
Reg. Ent. Ref. No.	RN102528197
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	64079	No. of Violations	4
Docket No.	2023-0696-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$67,750
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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	66.0%	Adjustment	Subtotals 2, 3, & 7	\$44,715
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Notes: Enhancements for one NOV with same/similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$16,937
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$902
 Estimated Cost of Compliance: \$29,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$95,528
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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	\$95,528
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$95,528
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DEFERRAL	20.0%	Reduction	Adjustment	-\$19,105
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$76,423
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Screening Date 23-May-2023

Docket No. 2023-0696-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64079

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102528197

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 66%

>> 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

Enhancements for one NOV with same/similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 66%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 66%

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Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64079 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102528197
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 7278, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1429, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 469.45 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 384480) that occurred on July 30, 2022 and lasted three minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$1,875

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

Notes The Respondent completed the corrective measures by July 31, 2022, prior to the Notice of Enforcement ("NOE") dated May 18, 2023.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,575

This violation Final Assessed Penalty (adjusted for limits) \$10,575

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 64079
Reg. Ent. Reference No. RN102528197
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Jul-2022	31-Jul-2022	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

Estimated cost to conduct training on the potential hazards that were created and the understanding that trailer venting is not an authorized activity at the Plant in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 384480. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$0

Screening Date 23-May-2023 **Docket No.** 2023-0696-AIR-E **PCW**
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Reg. Ent. Reference No. RN102528197
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. 01429, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)
Violation 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. 384480 was due by July 31, 2022 at 8:41 a.m., but was not submitted until August 2, 2022 at 10:45 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the rule requirement was not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes: The Respondent completed the corrective measures on August 2, 2022, prior to the NOE dated May 18, 2023.

Violation Subtotal \$188

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$353

This violation Final Assessed Penalty (adjusted for limits) \$353

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 64079
Reg. Ent. Reference No. RN102528197
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	31-Jul-2022	2-Aug-2022	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 384480. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 23-May-2023 **Docket No.** 2023-0696-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64079 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102528197
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the maximum allowable emissions rate ("MAER") and the emissions limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 13.45 pounds per hour ("lbs/hr") by 1.75 lbs/hr for one hour on December 30, 2022 and exceeded the nitrogen oxides ("NOx") emissions limit of 0.015 pound per one million British thermal units ("lb/MMBtu") by a range from 0.001 lb/MMBtu to 0.004 lb/MMBtu for seven hours that occurred on five days from June 14, 2022 to March 19, 2023 for Boiler 2, Emissions Point Number ("EPN") BLR-2, resulting in 1.75 lbs of unauthorized CO emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 4 6 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four monthly events are recommended for the instances of non-compliance that occurred on June 14, 2022, on November 21, 2022, on December 30, 2022, and from March 13, 2023 to March 19, 2023.

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

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

Notes The Respondent completed the corrective measures by March 19, 2023, prior to the NOE dated January 25, 2024.

Violation Subtotal \$22,500

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

Estimated EB Amount \$114 **Violation Final Penalty Total** \$42,300

This violation Final Assessed Penalty (adjusted for limits) \$42,300

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 64079
Reg. Ent. Reference No. RN102528197
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$3,000	14-Jun-2022	19-Mar-2023	0.76	\$114	n/a	\$114

Notes for DELAYED costs
 Estimated cost to adjust the natural gas supply in order to comply with the CO hourly MAER and increase the ammonia injection in order to comply with the NOx emissions limit for Boiler 2, EPN BLR-2. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,000

TOTAL \$114

Screening Date 23-May-2023 **Docket No.** 2023-0696-AIR-E **PCW**
Respondent Enterprise Products Operating LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64079 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102528197
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the concentration limit and emissions limit. Specifically, the Respondent exceeded the CO concentration limit of 100 parts per million by volume dry ("ppmvd") corrected to three percent oxygen by a range from 68.07 ppmvd to 2,311.32 ppmvd for nine hours that occurred on four days from May 15, 2022 to December 30, 2022 and exceeded the NOx emissions limit of 0.015 lb/MMBtu by a range from 0.001 lb/MMBtu to 0.003 lb/MMBtu for five hours that occurred on five days from June 14, 2022 to September 8, 2022 for Boiler 1, EPN BLR-1.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 4 9 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four monthly events are recommended for the instances of non-compliance that occurred on May 15, 2022, from June 14, 2022 to June 26, 2022, from September 8, 2022 to September 13, 2022, and on December 30, 2022.

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

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

Notes The Respondent completed the corrective measures by December 30, 2022, prior to the NOE dated January 25, 2024.

Violation Subtotal \$22,500

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

Estimated EB Amount \$788 **Violation Final Penalty Total** \$42,300

This violation Final Assessed Penalty (adjusted for limits) \$42,300

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 64079
Reg. Ent. Reference No. RN102528197
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$25,000	14-May-2022	30-Dec-2022	0.63	\$788	n/a	\$788

Notes for DELAYED costs

Estimated cost to install a temporary pump system, adjust the operational parameters, and increase the ammonia in order to comply with the CO concentration limit and adjust Boiler 1, adjust the combustion, and adjust the natural gas supply in order to comply with the NOx emissions limit for Boiler 1, EPN BLR-1. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$788



Compliance History Report

Compliance History Report for CN603211277, RN102528197, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603211277, Enterprise Products Operating LLC **Classification:** SATISFACTORY **Rating:** 6.50

Regulated Entity: RN102528197, ENTERPRISE PASADENA PLANT **Classification:** SATISFACTORY **Rating:** 6.72

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1500 N SOUTH ST PASADENA, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HX0055V	AIR OPERATING PERMITS PERMIT 1429
AIR NEW SOURCE PERMITS REGISTRATION 1294	AIR NEW SOURCE PERMITS PERMIT 7245
AIR NEW SOURCE PERMITS PERMIT 7278	AIR NEW SOURCE PERMITS PERMIT 8291
AIR NEW SOURCE PERMITS REGISTRATION 10784	AIR NEW SOURCE PERMITS REGISTRATION 11723
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX0055V	AIR NEW SOURCE PERMITS AFS NUM 4820101459
AIR NEW SOURCE PERMITS REGISTRATION 83219	AIR NEW SOURCE PERMITS REGISTRATION 87581
AIR NEW SOURCE PERMITS REGISTRATION 87793	AIR NEW SOURCE PERMITS REGISTRATION 85684
AIR NEW SOURCE PERMITS REGISTRATION 125968	AIR NEW SOURCE PERMITS REGISTRATION 135762
AIR NEW SOURCE PERMITS REGISTRATION 124890	AIR NEW SOURCE PERMITS REGISTRATION 110031
AIR NEW SOURCE PERMITS REGISTRATION 144744	AIR NEW SOURCE PERMITS REGISTRATION 171465
WASTEWATER PERMIT WQ0004867000	WASTEWATER EPA ID TX0131768
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX0055V	POLLUTION PREVENTION PLANNING ID NUMBER P08451
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000012856	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84331
TAX RELIEF ID NUMBER 17655	TAX RELIEF ID NUMBER 16034
TAX RELIEF ID NUMBER 17628	

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

Date Compliance History Report Prepared: February 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 05, 2019 to February 05, 2024

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

Name: Johnnie Wu

Phone: (512) 239-2524

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: 10/25/2019 ADMINORDER 2018-0795-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.44b(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
ST&C 15 OP

Description: Failed to comply with the MAERs and the emissions limits for Boiler 1.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.44b(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
ST&C 15 OP

Description: Failed to comply with the MAERs and the emissions limits for Boiler 2.

Classification: Moderate

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

Rqmt Prov: SC 7A PERMIT
ST&C 15 OP

Description: Failed to comply with the temperature limit for the combustion chamber for the Marine Vapor Combustor System.

2 Effective Date: 01/14/2020 ADMINORDER 2019-0473-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP Special Term & Condition 15 OP
NSR Special Condition 8 PERMIT

Description: Failure to prevent exceedance of the lb/hr MAERT emissions limit for CO, NOx, and VOC during MSS activities[Category C4]

3 Effective Date: 04/08/2022 ADMINORDER 2020-0764-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for required parameters at the minimum frequency specified in the permit as documented by a TCEQ record review.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 19, 2019	(1566268)
Item 2	March 19, 2019	(1566269)
Item 3	April 18, 2019	(1574013)

Item 4	July 12, 2019	(1587592)
Item 5	July 13, 2019	(1668763)
Item 6	July 16, 2019	(1595381)
Item 7	August 08, 2019	(1582417)
Item 8	August 19, 2019	(1601644)
Item 9	September 17, 2019	(1608549)
Item 10	October 18, 2019	(1615425)
Item 11	December 02, 2019	(1611997)
Item 12	March 17, 2020	(1649311)
Item 13	May 20, 2020	(1662218)
Item 14	June 15, 2020	(1656996)
Item 15	July 20, 2020	(1653071)
Item 16	August 20, 2020	(1665361)
Item 17	September 16, 2020	(1689049)
Item 18	December 15, 2020	(1718838)
Item 19	December 17, 2020	(1743233)
Item 20	January 19, 2021	(1718839)
Item 21	February 19, 2021	(1731899)
Item 22	March 19, 2021	(1731900)
Item 23	May 19, 2021	(1743232)
Item 24	July 19, 2021	(1753801)
Item 25	July 20, 2021	(1738690)
Item 26	September 16, 2021	(1768558)
Item 27	September 20, 2021	(1683749)
Item 28	September 28, 2021	(1763132)
Item 29	November 18, 2021	(1785736)
Item 30	December 20, 2021	(1792785)
Item 31	January 13, 2022	(1762763)
Item 32	February 15, 2022	(1808450)
Item 33	March 17, 2022	(1815501)
Item 34	April 19, 2022	(1822062)
Item 35	May 02, 2022	(1811506)
Item 36	May 17, 2022	(1830964)
Item 37	July 19, 2022	(1844397)
Item 38	August 17, 2022	(1850608)
Item 39	October 18, 2022	(1864676)
Item 40	November 17, 2022	(1871587)
Item 41	December 20, 2022	(1877449)
Item 42	January 19, 2023	(1884255)
Item 43	March 17, 2023	(1900642)
Item 44	May 18, 2023	(1914589)
Item 45	June 15, 2023	(1921201)
Item 46	July 19, 2023	(1928182)
Item 47	July 20, 2023	(1912293)
Item 48	August 17, 2023	(1935118)
Item 49	September 19, 2023	(1941338)
Item 50	October 17, 2023	(1948097)
Item 51	November 20, 2023	(1953784)
Item 52	December 18, 2023	(1942993)

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

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

- 1 Date: 03/31/2023 (1907438)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: 30 TAC Chapter 305, SubChapter F 305.125(1)
Failure to meet the limit for one or more permit parameter

- 2 Date: 01/25/2024 (1929703)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, ST&C 14 OP
 NSR, SC 24B(2) PERMIT
 Description: Failure to maintain records of the 24-hour calibration for the Lower Explosive Limit (LEL) meter. (Category B3)
 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 14 OP
 NSR, SC 24(B)(1) PERMIT
 Description: Failure to maintain records of the 30-day calibration for the Lower Explosive Limit (LEL) meter. (Category B3)
 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 14 OP
 NSR, SC 18C PERMIT
 Description: Failure to submit a weekly total dissolved solids (TDS) sample for the Cooling Tower (unit ID CT-1). (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, ST&C 14 OP
 NSR, SC 18(B) PERMIT
 Description: Failure to maintain the total dissolved solids (TDS) at or below 2,200 parts per million weight (ppmw) for the cooling tower (unit ID CT-1). (Category B17)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Condition 1A OP
 Description: Failure to conduct Highly Reactive Volatile Organic Compound (HRVOC) sampling for the cooling tower (CT-1). (Category B1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 32 PERMIT
 Special Condition 6E PERMIT
 Special Terms and Conditions 14 OP
 Special Terms and Conditions 1A OP
 Description: Failure to maintain records. (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)
 General Terms and Conditions OP
 Description: Failure to report all instances of deviations for the reporting period of April 1, 2022 through September 30, 2022. (Category B3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 14 OP
 Description: Failure to maintain Particulate Matter (PM) and PM10 pound per hour (lb/hr) emissions for the cooling tower (unit ID CT-1). (Category B17)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6E PERMIT
 Special Terms and Conditions 1A OP
 Description: Failure to conduct sampling during analyzer downtime for the Flare (unit ID A-D-1). (Category B1)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6E PERMIT
Special Terms and Conditions 1A OP

Description: Failure to analyze a sample for the flare (unit ID A-D-1). (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 14 OP

Description: Failure to maintain the Carbon Monoxide (CO) pounds per hour (lbs/hr) emission rate for the Flare (unit ID A-D-1). (Category B17)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1A OP

Description: Failure to prevent unauthorized exceedances of ammonia (NH3) from Boiler 1 (unit ID BLR-1). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR, SC 1 PERMIT
NSR, SC 10c PERMIT
Special Terms and Conditions 14 OP
Special Terms and Conditions 1A OP

Description: Failure to prevent unauthorized exceedances of ammonia (NH3), carbon monoxide (CO), and nitrogen oxide (NOx) from Boiler 2 (unit ID BLR-2). (Category B13)

F. Environmental audits:

Notice of Intent Date: 03/05/2020 (1638430)
Disclosure Date: 04/28/2020
Viol. Minor
Classification:
Citation: 30 TAC Chapter 117, SubChapter G 117.8130(4)

Description: Failed to maintain records that demonstrate compliance with ammonia monitoring for boilers (EPNs BLR-1 and BLR-2).

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)

Description: Failed to limit ammonia emissions for boilers (EPNs BLR-1 and BLR-2) to 10 ppmv at 3% O2 over a rolling 24-hour averaging period.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter B 117.345(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Description: Failed to submit semi-annual Excess Emission and Continuous Monitoring System Performance Reports for the Boilers BLR-1 and BLR-2 CEMS units.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC No. 3

Description: Failed to maintain records of quarterly visible emission observations for two stationary boiler vents EPNs BLR-1, BLR-2, and affected structures.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to conduct annual calibration of the flow monitor for the HA-3 Flare (EPN A-D-1) including temperature and pressure monitors.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviations on the semiannual deviation report (disclosure letter dated April 28, 2020).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations on the Permit Compliance Certification (disclosure letter dated April 28, 2020).

Disclosure Date: 04/30/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 14.D(3)

Description: Failed to maintain records for the annual calibration of the continuous flow monitor for the Cooling Tower (EPN CT-1). Specifically, records for the annual calibration of the flow monitor could not be located for 2016, 2017, 2018, 2019, and 2020.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter B 115.118(a)(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 12.B

Description: Failed to maintain records of the results of the inspection required by 30 TAC § 115.114(a)(1) and 40 CFR § 60.113b requiring visual inspection through a fixed roof inspection hatch of the internal floating roof and the primary or secondary seal at least once every 12 months for tanks 1T-521 and 1T-522 for 2016, 2017, 2018, and 2019 (EPN Nos. U-G-6 and U-G-7).

Viol. Minor

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

Description: Failed to achieve the required 98% recorded observations for the HA-3 Flare (EPN No A-D-1 Flare) as observed in the logs for 2017 and 2018.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviations on the Semiannual Deviation Report (Disclosed Violation Nos. 8, 9, and 10).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations on the Permit Compliance Certification (Disclosed Violation Nos. 8, 9, and 10).

Notice of Intent Date: 08/19/2021 (1770835)

Disclosure Date: 10/08/2021

Viol. Minor

Classification:

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(2)

Description: Failed to correctly evaluate the requirements for the monitoring, recordkeeping and reporting for the distillation towers in past reporting after evaluation of 40 CFR Subpart NNNN. Specifically, the vent stream was incorrectly represented as a closed vent system exempt from the definition of a process stream. Subsequently, monitoring and/or recordkeeping of the flow indicators was not completed, and

the previous semiannual reports were inaccurate.

Viol. Minor

Classification:

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)(3)

Description: Failed to correctly evaluate the requirements for reporting for the reactors on previous semiannual reports after evaluation of 40 CFR Subpart RRR. Specifically, the vent stream was incorrectly represented as a closed vent system exempt from the definition of a process stream causing previous semiannual reports to be inaccurate.

Viol. Minor

Classification:

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

30 TAC Chapter 117, SubChapter B 117.340(a)

Rqmt Prov: PERMIT Special Conditions No. 11.C

Description: Failed to maintain records of the annual calibration of the totalizing fuel gas flow meter for the boilers

(EPN BLR-1 and BLR-2) for the five year period.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviations on the Semiannual Deviation Report.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations on the Permit Compliance Certification.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS OPERATING
LLC
RN102528197

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0696-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical storage facility located at 1500 North South Street in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$95,528 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$38,212 of the penalty and \$19,105 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$38,211 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By July 31, 2022, conducted training on the potential hazards that were created and the understanding that trailer venting is not an authorized activity at the Plant in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 384480;
 - b. On August 2, 2022, submitted the initial notification for Incident No. 384480;
 - c. By December 30, 2022, installed a temporary pump system, adjusted the operational parameters, and increased the ammonia in order to comply with the carbon monoxide ("CO") concentration limit and adjusted Boiler 1, adjusted the combustion, and adjusted the natural gas supply in order to comply with the nitrogen oxides ("NOx") emissions limit for Boiler 1, Emissions Point Number ("EPN") BLR-1; and
 - d. By March 19, 2023, adjusted the natural gas supply in order to comply with the CO hourly maximum allowable emissions rate ("MAER") and increase the ammonia injection in order to comply with the NOx emissions limit for Boiler 2, EPN BLR-2.

II. ALLEGATIONS

1. During a record review for the Plant conducted from August 22, 2022 through March 8, 2023, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 7278, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1429,

General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 469.45 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 384480) that occurred on July 30, 2022 and lasted three minutes.

- b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1429, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 384480 was due by July 31, 2022 at 8:41 a.m., but was not submitted until August 2, 2022 at 10:45 a.m.
2. During a record review for the Plant conducted from September 26, 2023 through October 30, 2023, an investigator documented that the Respondent:
 - a. Failed to comply with the MAER and the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 13.45 pounds per hour ("lbs/hr") by 1.75 lbs/hr for one hour on December 30, 2022 and exceeded the NOx emissions limit of 0.015 pound per one million British thermal units ("lb/MMBtu") by a range from 0.001 lb/MMBtu to 0.004 lb/MMBtu for seven hours that occurred on five days from June 14, 2022 to March 19, 2023 for Boiler 2, EPN BLR-2, resulting in 1.75 lbs of unauthorized CO emissions.
 - b. Failed to comply with the concentration limit and emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 7278, SC Nos. 1 and 10.C., FOP No. O1429, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO concentration limit of 100 parts per million by volume dry ("ppmvd") corrected to three percent oxygen by a range from 68.07 ppmvd to 2,311.32 ppmvd for nine hours that occurred on four days from May 15, 2022 to December 30, 2022 and exceeded the NOx emissions limit of 0.015 lb/MMBtu by a range from 0.001 lb/MMBtu to 0.003 lb/MMBtu for five hours that occurred on five days from June 14, 2022 to September 8, 2022 for Boiler 1, EPN BLR-1.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2023-0696-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$38,211 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 Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/19/2024

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Bradley Cooley

Senior Director

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

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A

Docket Number: 2023-0696-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$76,423
SEP Offset Amount:	\$38,211
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Total Project Budget:	\$1,590,000
Location of SEP:	Chambers County

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 **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed 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 able to be 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 it 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

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

Enterprise Products Operating LLC
Docket No. 2023-0696-AIR-E
Agreed Order - Attachment A

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087
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 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
Office of Legal Services Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP 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 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.