

Executive Summary – Enforcement Matter – Case No. 64215
ETC Texas Pipeline, Ltd.
RN100239698
Docket No. 2023-0812-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Coyanosa Gas Plant, 4259 Mobil Road, Coyanosa, Pecos County

Type of Operation:

Natural gas sweetening and dehydration facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 3, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,250

Amount Deferred for Expedited Settlement: \$1,650

Total Paid to General Revenue: \$6,600

Total Due to General Revenue: \$0

Payment Plan: N/A

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: March 2, 2023 through April 14, 2023

Date(s) of NOE(s): June 16, 2023

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RN100239698
Docket No. 2023-0812-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.41 pounds ("lbs") of carbon monoxide, 7.90 lbs of hydrogen sulfide, 0.16 lb of nitrogen oxides, 743 lbs of sulfur dioxide, and 1.81 lbs of volatile organic compounds from the Acid Gas Flare, Emissions Point Number 7, during an emissions event (Incident No. 395435) that occurred on February 14, 2023 and lasted four hours and 35 minutes. The emissions event occurred due to an air dryer bypass valve being left open after a maintenance event which allowed moisture to enter the instrument air system which caused a malfunction of the control valve supplying pilot gas to the Tail Gas Incinerator where a flame failure caused an automatic switch from the TGI to the Acid Gas Flare, resulting in the flaring [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2351A, Special Conditions No. 1, Federal Operating Permit No. O3187, General Terms and Conditions and Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 29, 2023, the Respondent closed the air dryer bypass, replaced the Tail Gas Incinerator fuel valve pneumatic controller, installed a drip-pot on the air supply system upstream of the pneumatic controller, conducted daily draining of the accumulated liquids, developed an air compressor return to service checklist for the operators, and included a visual inspection of the air compressor for the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395435.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Robert Aguilar, Environmental Director, ETC Texas Pipeline, Ltd., 17065 Midkiff Road, Midland, Texas 79701

Juan Sarabia, Operations Director, ETC Texas Pipeline, Ltd., 17065 Midkiff Road, Midland, Texas 79701

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-Jun-2023		
	PCW	17-Oct-2023	Screening	21-Jun-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	ETC Texas Pipeline, Ltd.			
Reg. Ent. Ref. No.	RN100239698			
Facility/Site Region	7-Midland	Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	64215	No. of Violations	1
Docket No.	2023-0812-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Desmond Martin
		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	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$1,500
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Notes	Enhancement for one order containing a denial of liability.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$185	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,250
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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	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,650
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$6,600
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Screening Date

21-Jun-2023

Docket No.

2023-0812-AIR-E

PCW

Respondent

ETC Texas Pipeline, Ltd.

Case ID No.

64215

Reg. Ent. Reference No.

RN100239698

Media

Air

Enf. Coordinator

Desmond Martin

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)

20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability.

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

20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

20%

Screening Date	21-Jun-2023	Docket No.	2023-0812-AIR-E	PCW
Respondent	ETC Texas Pipeline, Ltd.			Policy Revision 5 (January 28, 2021)
Case ID No.	64215			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100239698			
Media	Air			
Enf. Coordinator	Desmond Martin			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2351A, Special Conditions No. 1, Federal Operating Permit No. O3187, General Terms and Conditions and Special Terms and Conditions No. 10, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.41 pounds ("lbs") of carbon monoxide, 7.90 lbs of hydrogen sulfide, 0.16 lb of nitrogen oxides, 743 lbs of sulfur dioxide, and 1.81 lbs of volatile organic compounds from the Acid Gas Flare, Emissions Point Number 7, during an emissions event (Incident No. 395435) that occurred on February 14, 2023 and lasted four hours and 35 minutes. The emissions event occurred due to an air dryer bypass valve being left open after a maintenance event which allowed moisture to enter the instrument air system which caused a malfunction of the control valve supplying pilot gas to the Tail Gas Incinderator ("TGI") where a flame failure caused an automatic switch from the TGI to the Acid Gas Flare, resulting in the flaring.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			x
	Potential			
		Percent	30.0%	
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
	Adjustment	\$17,500		
		\$7,500		
Violation Events				
	Number of Violation Events	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		10.0%	Reduction	\$750
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	Ordinary			x
	N/A			
	Notes	The Respondent completed the corrective measures by June 29, 2023, after the Notice of Enforcement dated June 16, 2023.		
	Violation Subtotal	\$6,750		
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$185	Violation Final Penalty Total	\$8,250
	This violation Final Assessed Penalty (adjusted for limits)			\$8,250

Economic Benefit Worksheet

Respondent ETC Texas Pipeline, Ltd.
Case ID No. 64215
Reg. Ent. Reference No. RN100239698
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				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	14-Feb-2023	29-Jun-2023	0.37	\$185	n/a	\$185
Notes for DELAYED costs	Estimated cost to close the air dryer bypass, replace the TGI fuel valve pneumatic controller, install a drip-pot on the air supply system upstream of the pneumatic controller, conduct daily draining of the accumulated liquids, develop an air compressor return to service checklist for the operators, and include a visual inspection of the air compressor for the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395435. 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 \$10,000

TOTAL \$185

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN601587652, RN100239698, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601587652, ETC Texas Pipeline, Ltd. **Classification:** SATISFACTORY **Rating:** 1.01

Regulated Entity: RN100239698, Coyanosa Gas Plant **Classification:** SATISFACTORY **Rating:** 5.63

Complexity Points: 6 **Repeat Violator:** NO

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

Location: 4259 Mobil Road, Coyanosa, Pecos County, Texas 79730

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

AIR OPERATING PERMITS PERMIT 3187	AIR OPERATING PERMITS ACCOUNT NUMBER PE00420
AIR NEW SOURCE PERMITS REGISTRATION 47996	AIR NEW SOURCE PERMITS PERMIT 2351A
AIR NEW SOURCE PERMITS REGISTRATION 53212	AIR NEW SOURCE PERMITS ACCOUNT NUMBER PE00420
AIR NEW SOURCE PERMITS REGISTRATION 54078	AIR NEW SOURCE PERMITS REGISTRATION 22594
AIR NEW SOURCE PERMITS REGISTRATION 22609	AIR NEW SOURCE PERMITS REGISTRATION 103360
AIR NEW SOURCE PERMITS REGISTRATION 44282	AIR NEW SOURCE PERMITS AFS NUM 4837100004
AIR EMISSIONS INVENTORY ACCOUNT NUMBER PE00420	

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

Date Compliance History Report Prepared: February 06, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 06, 2019 to February 06, 2024

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

Name: Desmond Martin **Phone:** (512) 239-2814

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: 10/12/2020 | ADMINORDER 2020-0384-AIR-E (1660 Order-Agreed Order With Denial) |
| | 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) | |
| | Rqmt Prov: General Terms and Conditions OP | |
| | Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measure taken for each emission unit addressed in the permit in the semiannual deviation reports for the reporting period from October 12, 2018 - October 11, 2019. This is a violation of 30 TAC 122.145(2)(A), 5C THSC 382.085(b) and the General Terms and Conditions of Permit O-3187. | |
| | 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) | |
| | Rqmt Prov: General Terms and Conditions OP | |

Special Conditions No. 18 PERMIT
Special Conditions No. 19 PERMIT
Special Terms and Conditions No. 7 OP
Special Terms and Conditions No. 9 OP

Description: Failure to maintain the tail gas incinerator firebox exit temperature at a minimum of 1000 degrees Fahrenheit. Specifically, there were one hundred and twenty-nine (129) instances and two hundred and fifty-six (256) instances for the reporting periods from October 12, 2018 - April 11, 2019 and April 12, 2019 - October 11, 2019, respectively. This is a violation of 30 TAC 116.115(c), 30 TAC 122.143(4), 5C THSC 382.085(b), NSR Permit No. 2351A SC 18 and Permit O-3187 SC 7 & 9.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 01, 2020	(1598596)
Item 2	April 17, 2020	(1603921)
Item 3	May 14, 2020	(1646984)
Item 4	May 19, 2020	(1624257)
Item 5	November 13, 2020	(1598454)
Item 6	May 19, 2021	(1700301)
Item 7	March 23, 2022	(1797489)
Item 8	February 17, 2023	(1873382)
Item 9	May 31, 2023	(1903682)
Item 10	December 22, 2023	(1943031)
Item 11	January 30, 2024	(1922770)

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.

N/A

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ETC TEXAS PIPELINE, LTD.
RN100239698

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

AGREED ORDER DOCKET NO. 2023-0812-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 ETC Texas Pipeline, Ltd. (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 natural gas sweetening and dehydration facility located at 4259 Mobil Road in Cayanosa, Pecos 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 \$8,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,600 of the penalty and \$1,650 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by June 29, 2023, the Respondent closed the air dryer bypass, replaced the Tail Gas Incinerator ("TGI") fuel valve pneumatic controller, installed a drip-pot on the air supply system upstream of the pneumatic controller, conducted daily draining of the accumulated liquids, developed an air compressor return to service checklist for the operators, and included a visual inspection of the air compressor for the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395435.

II. ALLEGATIONS

During a record review for the Plant conducted from March 2, 2023 through April 14, 2023, an investigator documented that the Respondent: failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2351A, Special Conditions No. 1, Federal Operating Permit No. O3187, General Terms and Conditions and Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1.41 pounds ("lbs") of carbon monoxide, 7.90 lbs of hydrogen sulfide, 0.16 lb of nitrogen oxides, 743 lbs of sulfur dioxide, and 1.81 lbs of volatile organic compounds from the Acid Gas Flare, Emissions Point Number 7, during an emissions event (Incident No. 395435) that occurred on February 14, 2023 and lasted four hours and 35 minutes. The emissions event occurred due to an air dryer bypass valve being left open after a maintenance event which allowed moisture to enter the instrument air system which caused a malfunction of the control valve supplying pilot gas to the Tail Gas Incinerator ("TGI") where a flame failure caused an automatic switch from the TGI to the Acid Gas Flare, resulting in the flaring.

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: ETC Texas Pipeline, Ltd., Docket No. 2023-0812-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

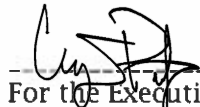
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



6/19/2024

For the Executive Director

Date

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

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

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

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



Signature

6-7-2024

Date

Juan Serchia
Name (Printed or typed)
Authorized Representative of
ETC Texas Pipeline, Ltd.

Operations Director
Title

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

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