

**Executive Summary – Enforcement Matter – Case No. 64841**  
**Enterprise Products Operating LLC**  
**RN102323268**  
**Docket No. 2023-1365-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Enterprise Mont Belvieu Complex, 12901 Hatcherville Road, on the west side of Hatcherville Road, 0.9 mile north of the intersection of Hatcherville Road and Farm-to-Market Road 1942, Baytown, Chambers County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0039-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 5, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$90,000

**Amount Deferred for Expedited Settlement:** \$18,000

**Total Paid to General Revenue:** \$36,000

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$36,000

Name of SEP: City of Baytown (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:** June 29, 2023

**Date(s) of NOE(s):** August 23, 2023

**Executive Summary – Enforcement Matter – Case No. 64841**  
**Enterprise Products Operating LLC**  
**RN102323268**  
**Docket No. 2023-1365-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for pH, total suspended solids, and whole effluent toxicity *Ceriodaphnia dubia* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0005014000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with TPDES Permit No. WQ0005014000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Director of Public Works, P.O. Box 424, Baytown, Texas 77522 79005

**Respondent:** Graham Bacon, Executive Vice President & Chief Operating Officer, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210  
Bradley J. Cooley, Senior Director, Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	5-Sep-2023			
	<b>PCW</b>	21-May-2024	<b>Screening</b>	20-Sep-2023	<b>EPA Due</b> 5-Sep-2023

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Enterprise Products Operating LLC				
<b>Reg. Ent. Ref. No.</b>	RN102323268				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	64841	<b>No. of Violations</b>	4		
<b>Docket No.</b>	2023-1365-IWD-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$45,000
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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.

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$45,000
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Notes

Enhancement for nine months of self-reported effluent violations, six NOV's for dissimilar violations, five agreed orders with a denial of liability, and four agreed orders without a denial of liability. Reduction for two notices of intended audit and one disclosure of violations.

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

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2,209
Estimated Cost of Compliance	\$15,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$90,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$90,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$90,000
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$18,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$72,000
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Screening Date

20-Sep-2023

Docket No.

2023-1365-IWD-E

PCW

Respondent

Enterprise Products Operating LLC

Case ID No.

64841

Reg. Ent. Reference No.

RN102323268

Media

Water Quality

Enf. Coordinator

Taylor Williamson

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> )	9	45%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	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	4	100%
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> )	1	-2%
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)253%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations, six NOVs for dissimilar violations, five agreed orders with a denial of liability, and four agreed orders without a denial of liability. Reduction for two notices of intended audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)253%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%100%

Screening Date

20-Sep-2023

Docket No.

2023-1365-IWD-E

PCW

Respondent

Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No.

64841

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN102323268

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0005014000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

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

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Total suspended solids were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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 the violation.

Adjustment

\$17,500

\$7,500

Violation Events

Number of Violation Events

3

150

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$22,500

Three quarterly events are recommended for the quarters containing the months of June 2022, October 2022, November 2022, December 2022, and February 2023 at Outfall No. 003.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$2,209

Violation Final Penalty Total

\$45,000

This violation Final Assessed Penalty (adjusted for limits)

\$45,000

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 64841  
**Reg. Ent. Reference No.** RN102323268  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	30-Jun-2022	9-Jun-2025	2.95	\$2,209	n/a	\$2,209
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the last date of the first quarter of non-compliance, and the Final Date is the estimated date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance	\$15,000	TOTAL	\$2,209
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Screening Date		20-Sep-2023		Docket No.		2023-1365-IWD-E		PCW	
Respondent		Enterprise Products Operating LLC						Policy Revision 5 (January 28, 2021)	
Case ID No.		64841						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN102323268							
Media		Water Quality							
Enf. Coordinator		Taylor Williamson							
Violation Number		2							
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ000514000, Effluent Limitations and Monitoring Requirements No. 2							
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.							
						Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
						Percent		30.0%	
>>Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
						Percent		0.0%	
Matrix Notes		pH was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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 the violation.							
						Adjustment		\$17,500	
								\$7,500	
Violation Events									
		Number of Violation Events		1		31		Number of violation days	
		daily							
		weekly							
		monthly							
		quarterly		x					
		semiannual							
		annual							
		single event							
						Violation Base Penalty		\$7,500	
		One quarterly event is recommended for the quarter containing the month of December 2022 at Outfall No. 005.							
Good Faith Efforts to Comply		0.0%				Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary							
		N/A		x					
Notes		The Respondent does not meet the good faith criteria for this violation.							
						Violation Subtotal		\$7,500	
Economic Benefit (EB) for this violation									
Statutory Limit Test									
Estimated EB Amount				\$0		Violation Final Penalty Total		\$15,000	
						This violation Final Assessed Penalty (adjusted for limits)		\$15,000	

Economic Benefit Worksheet

Respondent Case ID No. Enterprise Products Operating LLC  
64841  
Reg. Ent. Reference No. RN102323268  
Media Water Quality  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is calculated in the Economic Benefit Worksheet for Violation No. 1.						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
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<b>Screening Date</b> 20-Sep-2023		<b>Docket No.</b> 2023-1365-IWD-E		<b>PCW</b>	
<b>Respondent</b> Enterprise Products Operating LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 64841		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN102323268					
<b>Media</b> Water Quality					
<b>Enf. Coordinator</b> Taylor Williamson					
<b>Violation Number</b> 3					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0005014000, Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>		\$25,000	

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes

Total suspended solids were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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 the violation.

**Adjustment** \$17,500

\$7,500

Violation Events

Number of Violation Events		1	62		Number of violation days
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	daily		<b>Violation Base Penalty</b>	\$7,500
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended for the quarter containing the months of December 2022 and January 2023 at Outfall No. 006.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

**Violation Subtotal** \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

<b>Estimated EB Amount</b>	\$0	<b>Violation Final Penalty Total</b>	\$15,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$15,000	

Economic Benefit Worksheet

Respondent Case ID No. Enterprise Products Operating LLC  
64841  
Reg. Ent. Reference No. RN102323268  
Media Water Quality  
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is calculated in the Economic Benefit Worksheet for Violation No. 1.						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Screening Date		20-Sep-2023		Docket No.		2023-1365-IWD-E		PCW	
Respondent		Enterprise Products Operating LLC							
Case ID No.		64841							
Reg. Ent. Reference No.		RN102323268							
Media		Water Quality							
Enf. Coordinator		Taylor Williamson							
Violation Number		4							
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0005014000, Effluent Limitations and Monitoring Requirements No. 1							
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.							
Base Penalty								\$25,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
Percent								30.0%	
>>Programmatic Matrix									
Matrix Notes		Falsification		Major		Moderate		Minor	
Percent								0.0%	
		Whole Effluent Toxicity for <i>C. dubia</i> was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. 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 the violation.							
Adjustment								\$17,500	
								\$7,500	
Violation Events									
Number of Violation Events		1		31		Number of violation days			
		daily							
		weekly							
		monthly							
		quarterly		x					
		semiannual							
		annual							
		single event							
Violation Base Penalty								\$7,500	
		One quarterly event is recommended for the quarter containing the month of December 2022 at Outfall No. 001.							
Good Faith Efforts to Comply				0.0%		Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary							
		N/A		x					
		Notes		The Respondent does not meet the good faith criteria for this violation.					
Violation Subtotal								\$7,500	
Economic Benefit (EB) for this violation					Statutory Limit Test				
Estimated EB Amount		\$0		Violation Final Penalty Total		\$15,000			
This violation Final Assessed Penalty (adjusted for limits)								\$15,000	

Economic Benefit Worksheet

Respondent Case ID No. Enterprise Products Operating LLC  
64841  
Reg. Ent. Reference No. RN102323268  
Media Water Quality  
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is calculated in the Economic Benefit Worksheet for Violation No. 1.						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Enterprise Products Operating LLC TPDES Permit No. WQ0005014000 Case No. 64841 Docket No. 2023-1365-IWD-E							
Effluent Violation Table							
	Outfall No. 003	Outfall No. 003	Outfall No. 005	Outfall No. 006	Outfall No. 006	Outfall No. 001	Outfall No. 001
Monitoring Period	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	pH Max.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	WET <i>C. dubia</i> 7- day Min.	WET <i>C. dubia</i> Mo. Avg. Min.
Month/Year	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 9.0 S.U.	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 80%	Limit = 80%
June 2022	33.8	115	c	c	c	c	c
October 2022	40.8	122	c	c	c	c	c
November 2022	39.9	c	c	c	c	c	c
December 2022	32	c	10.6	45.9	267	66	66
January 2023	c	c	c	47.4	177	c	c
February 2023	41.6	c	c	c	c	c	c

No. = number TSS = total suspended solids Avg. = average Conc. = concentration Max. = maximum WET = whole effluent toxicity *C. dubia* = *Ceriodaphnia dubia* Min. = minimum Mo. = monthly mg/L = milligrams per liter c = compliant S.U. = standard units



# Compliance History Report

Compliance History Report for CN603211277, RN102323268, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603211277, Enterprise Products Operating LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.46
<b>Regulated Entity:</b>	RN102323268, ENTERPRISE MONT BELVIEU COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	17.77
<b>Complexity Points:</b>	37	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	03 - Oil and Gas Extraction				
<b>Location:</b>	12901 Hatcherville Road, on the west side of Hatcherville Road, 0.9 mile north of the intersection of Hatcherville Road and Farm-to-Market Road 1942, north of the City of Baytown, Chambers County, Texas				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER CI0008R  
**AIR OPERATING PERMITS** PERMIT 3557  
**AIR OPERATING PERMITS** PERMIT 4187  
**AIR OPERATING PERMITS** PERMIT 4471  
**AIR NEW SOURCE PERMITS** AFS NUM 4807100007  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER CI0008R  
**AIR NEW SOURCE PERMITS** PERMIT 22105  
**AIR NEW SOURCE PERMITS** PERMIT 22113  
**AIR NEW SOURCE PERMITS** PERMIT 6798  
**AIR NEW SOURCE PERMITS** PERMIT 21945  
**AIR NEW SOURCE PERMITS** PERMIT 19930  
**AIR NEW SOURCE PERMITS** REGISTRATION 5581A  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 85477  
**AIR NEW SOURCE PERMITS** REGISTRATION 85755  
**AIR NEW SOURCE PERMITS** REGISTRATION 94065  
**AIR NEW SOURCE PERMITS** REGISTRATION 94133  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1286  
**AIR NEW SOURCE PERMITS** EPA PERMIT N154  
**AIR NEW SOURCE PERMITS** PERMIT 100091  
**AIR NEW SOURCE PERMITS** REGISTRATION 110727  
**AIR NEW SOURCE PERMITS** REGISTRATION 115013  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX797M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX823  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX813  
**AIR NEW SOURCE PERMITS** REGISTRATION 111147  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1336  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX824  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX789M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 152723  
**AIR NEW SOURCE PERMITS** PERMIT AMOC168  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1558M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 168848  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 150604  
**AIR NEW SOURCE PERMITS** PERMIT 144873  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 155894  
**AIR NEW SOURCE PERMITS** REGISTRATION 154473

**AIR OPERATING PERMITS** PERMIT 1641  
**AIR OPERATING PERMITS** PERMIT 4035  
**AIR OPERATING PERMITS** PERMIT 4004  
**AIR OPERATING PERMITS** PERMIT 27613  
**AIR NEW SOURCE PERMITS** PERMIT 20698  
**AIR NEW SOURCE PERMITS** PERMIT 76070  
**AIR NEW SOURCE PERMITS** PERMIT 5581  
**AIR NEW SOURCE PERMITS** PERMIT 8418  
**AIR NEW SOURCE PERMITS** PERMIT 8707  
**AIR NEW SOURCE PERMITS** REGISTRATION 71649  
**AIR NEW SOURCE PERMITS** REGISTRATION 72757  
**AIR NEW SOURCE PERMITS** PERMIT 22114  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX790  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1057  
**AIR NEW SOURCE PERMITS** REGISTRATION 87477  
**AIR NEW SOURCE PERMITS** REGISTRATION 93268  
**AIR NEW SOURCE PERMITS** REGISTRATION 94067  
**AIR NEW SOURCE PERMITS** REGISTRATION 95777  
**AIR NEW SOURCE PERMITS** REGISTRATION 101478  
**AIR NEW SOURCE PERMITS** REGISTRATION 101481  
**AIR NEW SOURCE PERMITS** REGISTRATION 103076  
**AIR NEW SOURCE PERMITS** REGISTRATION 106767  
**AIR NEW SOURCE PERMITS** PERMIT 107523  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX33  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX655M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX6  
**AIR NEW SOURCE PERMITS** REGISTRATION 106844  
**AIR NEW SOURCE PERMITS** REGISTRATION 108247  
**AIR NEW SOURCE PERMITS** EPA PERMIT N174  
**AIR NEW SOURCE PERMITS** REGISTRATION 154993  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX193M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 168042  
**AIR NEW SOURCE PERMITS** EPA PERMIT N272M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 169317  
**AIR NEW SOURCE PERMITS** REGISTRATION 168455  
**AIR NEW SOURCE PERMITS** REGISTRATION 141606  
**AIR NEW SOURCE PERMITS** PERMIT AMOC37  
**AIR NEW SOURCE PERMITS** PERMIT 156320  
**AIR NEW SOURCE PERMITS** REGISTRATION 153349  
**AIR NEW SOURCE PERMITS** REGISTRATION 162955  
**AIR NEW SOURCE PERMITS** REGISTRATION 154190

**AIR NEW SOURCE PERMITS** REGISTRATION 159045  
**AIR NEW SOURCE PERMITS** REGISTRATION 156186  
**AIR NEW SOURCE PERMITS** REGISTRATION 154580  
**AIR NEW SOURCE PERMITS** EPA PERMIT N272  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX193  
**AIR NEW SOURCE PERMITS** REGISTRATION 171822  
**AIR NEW SOURCE PERMITS** REGISTRATION 172296  
**STORMWATER** PERMIT TXR05AV96  
**STORMWATER** PERMIT TXR1544PD  
**WASTEWATER** EPA ID TX0102326  
**WASTEWATER** PERMIT WQ0005014000  
**WASTEWATER** EPA ID TX0141020  
**WASTEWATER** PERMIT WQ0005304000  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00218  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 31038  
**TAX RELIEF** ID NUMBER 16725  
**TAX RELIEF** ID NUMBER 16684  
**TAX RELIEF** ID NUMBER 16721  
**TAX RELIEF** ID NUMBER 26091  
**TAX RELIEF** ID NUMBER 26089

**AIR NEW SOURCE PERMITS** REGISTRATION 158252  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1558  
**AIR NEW SOURCE PERMITS** REGISTRATION 158421  
**AIR NEW SOURCE PERMITS** REGISTRATION 160377  
**AIR NEW SOURCE PERMITS** REGISTRATION 160647  
**AIR NEW SOURCE PERMITS** REGISTRATION 174644  
**AIR NEW SOURCE PERMITS** REGISTRATION 170757  
**STORMWATER** PERMIT TXR05CE50  
**WASTEWATER** PERMIT WQ0002940000  
**WASTEWATER** EPA ID TX0134465  
**WASTEWATER** PERMIT WQ0005311000  
**WASTEWATER** EPA ID TX0140783  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER CI0008R  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXT490013455  
**TAX RELIEF** ID NUMBER 16722  
  
**TAX RELIEF** ID NUMBER 16724  
**TAX RELIEF** ID NUMBER 16720  
**TAX RELIEF** ID NUMBER 16198  
**TAX RELIEF** ID NUMBER 26090

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

**Date Compliance History Report Prepared:** April 26, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 05, 2019 to April 05, 2024

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

**Name:** Taylor Williamson

**Phone:** (512) 239-2097

### **Site and Owner/Operator History:**

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

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

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

- |   |  |  |
|---|--|--|
| 1 | Effective Date: 03/05/2020                             | ADMINORDER 2018-1669-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate                               |  |
|   | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)   |  |
|   | 30 TAC Chapter 116, SubChapter B 116.115(c)            |  |
|   | 30 TAC Chapter 122, SubChapter B 122.143(4)            |  |
|   | 5C THSC Chapter 382 382.085(b)                         |  |
|   | Rqmt Prov: General Terms and Conditions OP             |  |
|   | Special Condition 1 PERMIT                             |  |
|   | STC No. 19 OP  |  |
|   | Description: Failed to prevent unauthorized emissions. |  |
|   | 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: GTC OP                                      |  |
|   | NSR Permi No. 6798 PERMIT                              |  |
|   | STC No. 19 OP  |  |
|   | Description: Failed to prevent unauthorized emissions. |  |
| 2 | Effective Date: 07/20/2020                             | ADMINORDER 2017-1118-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate                               |  |
|   | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)   |  |
|   | 30 TAC Chapter 116, SubChapter B 116.115(c)            |  |

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT

Special Terms & Conditions 19 OP

Description: Failed to comply with the concentration limits and the emissions limits for EPN 44, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and New NSR Permit Nos. 20698 and PSDTX797M1, Special Conditions ("SC") No. 3. Specifically, the Respondent exceeded the CO concentration limit of 40 parts per million by volume dry ("ppmvd") at

Classification: Moderate

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

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: Special Condition 3 PERMIT

Special Terms & Conditions 19 OP

Description: Failed to comply with the concentration limits and the MAERs for EPN 42, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC Nos. 1 and 3. Specifically, for 161 days from July 14, 2012 through June 28, 2013, the Respondent exceeded the NOx MAER of 4.86 pounds per hour ("lbs/hr") by an average of 3.25 lbs/hr for 107 hours; the CO concen

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditons 19 OP

Description: Failed to comply with the MAER for EPN HR15.001, in violation of 30 TEX. ADMIN. CODE §§116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and Standard Permit Registration No. 87477. Specifically, the Respondent exceeded the NOx MAER of 7.0 lbs/hr by an average of 4.75 lbs/hr for three hours on November 11, 2012 and April 19, 2013 for the Hot Oil Heater, EPN HR15.001, resulting in the unauthorized release of 14.25 lbs of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms & Conditions 19 OP

Description: Failed to represent the correct applicable requirements in the FOP, in violation of 30 TEX. ADMIN. CODE §§122.142(b)(2)(A) and 122.143(4) and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, FOP No. O1641 incorrectly lists the NSR authorization for the Piping Components, Unit Identification ("ID") D5FU0124, as 30 TEX. ADMIN. CODE § 106.106 instead of NSR Permit No. 8418.

Classification: Minor

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: General Terms & Conditons OP

Description: Failed to comply with the MAER for EPNs 6/7, in violation of 30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit No. 8418, SC No. 1. Specifically, the Respondent exceeded the CO MAERs of 4.46 lbs/hr by an average of 6.64 lbs/hr for 4,255 hours from January 13, 2016 to May 28, 2016 and from July 6, 2016 to December 31, 2016 for the three DIB 300 Unit 501 KC5 Allison Turbines With 15 MMBtu

Classification: Minor

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, General Terms and Conditions OP

Description: Failed to comply with the MAER for EPNs 8/9, in violation of 30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit No. 8418, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 4.46 lbs/hr by an average 19.54 lbs/hr for 684 hours from January 1, 2016 to May 7, 2016 for the three DIB 400 Unit 501 KC5 Allison Turbines With 15 MMBtu/hr Duct Burner Contribution, EPNs 8/9, resulting in th

Classification: Moderate

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



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: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

Description: Failed to comply with the MAER for EPN HR15.615, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 0.54 lb/hr by an average of 1.21 lbs/hr for 4,318 hours from February 26, 2016 to December 31, 2016 for the ORU Heater, EPN HR15.615, resulting in the estimated unauthorized r

Classification: Moderate

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

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: Special Condition (SC) 17 PERMIT

Special Terms & Conditions (ST&C) 19 OP

Description: Failed to comply with the MAER for EPN HR15.616, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1641, GTC and STC No. 19, and NSR Permit Nos. 20698 and PSDTX797M1, SC No. 1. Specifically, the Respondent exceeded the CO MAER of 1.04 lbs/hr by an average of 5.14 lbs/hr for 5,733 hours from February 29, 2016 to December 31, 2016 for the RED Heater, EPN HR15.616, resulting in the estimated unauthorized

3 Effective Date: 11/20/2020 ADMINORDER 2020-0461-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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: GTC & STC No. 6 OP

NSR Special Condition 1 PA

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the CO MAER of 3.8 pounds per hour ("lbs/hr") by an average of 0.97 lb/hr for 208 hours on 36 days from August 16, 2017 to February 8, 2018 for the Regenerant Heater, EPN HR15002A, resulting in 201.76 lbs of unauthorized CO emissions.

4 Effective Date: 02/01/2021 ADMINORDER 2020-0777-AIR-E (1660 Order-Agreed Order With Denial)

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: GTC and STC No. 19 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 155.73 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 276754) that began on January 19, 2018 and lasted 26 hours. The emissions event occurred due to accumulated water in the heat exchanger tubes that froze and expanded during freezing weather conditions and caused the tubes to leak at the Splitter I Junior Sub Cooler, resulting in the release to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the best known cause of the emissions event at the time of reporting on the final record for Incident No. 276754.

5 Effective Date: 07/14/2021 ADMINORDER 2020-0878-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 19 OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

6 Effective Date: 11/29/2021 ADMINORDER 2019-1644-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term & Condition 19 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER") for EPN FL-2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term & Condition 19 OP

Description: Failed to comply with the MAER for EPN 45.

Classification: Minor

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

Rqmt Prov: General Terms and Conditions OP  
Special Term & Condition 1A OP

Description: Failed to record at least 98% of the required daily flare observations in the flare operation log.

Classification: Minor

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 & Conditions OP

Description: Failed to report all instances of deviations.

7 Effective Date: 11/29/2021 ADMINORDER 2020-1542-AIR-E (Findings Order-Agreed Order Without 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 all instances of deviations. The deviation report for the January 1, 2019 through June

30, 2019 reporting period did not include the deviations for failing to comply with the carbon monoxide ("CO") and nitrogen oxides ("NOx") hourly maximum allowable emissions rates ("MAERs") for the North Storage Flare and for failing to maintain records for the daily flare observations for the South Plant (Main) Flare.

8 Effective Date: 01/19/2022 ADMINORDER 2020-1161-AIR-E (1660 Order-Agreed Order With Denial)

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 29th, 2020, TCEQ/STEERS Incident No. 332968. Category A12(i)6.

Classification: Moderate

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

Rqmt Prov: FOP No. 01641, GTC and STC No. 19 OP  
 Standard Permit Registration No. 95777 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 20, 2018, STEERS Incident No. 279079. (A12(i)(6)).

9 Effective Date: 07/27/2023 ADMINORDER 2021-1262-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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(a)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 16 OP

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 16 OP  
 Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O4004 GTC OP  
 FOP O4004 SC 11 OP  
 NSR 107523 SC 1 PERMIT

Description: Failure to prevent unauthorized emissions.

## 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 23, 2019	(1554746)	Item 21	April 28, 2020	(1645429)
Item 2	June 05, 2019	(1556633)	Item 22	May 05, 2020	(1632182)
Item 3	July 17, 2019	(1569191)	Item 23	May 20, 2020	(1661511)
Item 4	August 19, 2019	(1601770)	Item 24	June 15, 2020	(1668882)
Item 5	September 09, 2019	(1579412)	Item 25	June 18, 2020	(1668044)
Item 6	September 17, 2019	(1608670)	Item 26	June 23, 2020	(1632214)
Item 7	October 16, 2019	(1615549)	Item 27	August 04, 2020	(1665907)
Item 8	October 28, 2019	(1597006)	Item 28	August 05, 2020	(1632161)
Item 9	November 18, 2019	(1604906)	Item 29	September 14, 2020	(1689169)
Item 10	December 18, 2019	(1628687)	Item 30	September 17, 2020	(1506302)
Item 11	January 16, 2020	(1622480)	Item 31	September 22, 2020	(1630339)
Item 12	February 12, 2020	(1512794)	Item 32	October 19, 2020	(1695533)
Item 13	February 14, 2020	(1626053)	Item 33	November 11, 2020	(1719194)
Item 14	February 18, 2020	(1618502)	Item 34	November 30, 2020	(1690629)
Item 15	February 19, 2020	(1642924)	Item 35	December 15, 2020	(1719195)
Item 16	March 17, 2020	(1648597)	Item 36	December 21, 2020	(1697468)
Item 17	March 20, 2020	(1649430)	Item 37	February 08, 2021	(1701966)
Item 18	April 15, 2020	(1631913)	Item 38	February 18, 2021	(1732266)
Item 19	April 16, 2020	(1654950)	Item 39	February 23, 2021	(1692387)
Item 20	April 20, 2020	(1655795)	Item 40	February 26, 2021	(1703433)

Item 41	March 01, 2021	(1703440)	Item 94	December 19, 2022	(1861701)
Item 42	March 31, 2021	(1703683)	Item 95	December 20, 2022	(1876741)
Item 43	April 12, 2021	(1698069)	Item 96	January 19, 2023	(1868729)
Item 44	April 30, 2021	(1701311)	Item 97	February 14, 2023	(1878974)
Item 45	May 12, 2021	(1743418)	Item 98	February 15, 2023	(1891365)
Item 46	May 13, 2021	(1638202)	Item 99	February 16, 2023	(1892467)
Item 47	May 18, 2021	(1711810)	Item 100	February 23, 2023	(1879873)
Item 48	May 19, 2021	(1742176)	Item 101	March 05, 2023	(1881211)
Item 49	June 08, 2021	(1724940)	Item 102	March 14, 2023	(1879756)
Item 50	June 16, 2021	(1723342)	Item 103	March 17, 2023	(1901048)
Item 51	June 17, 2021	(1703746)	Item 104	March 28, 2023	(1893469)
Item 52	July 16, 2021	(1739690)	Item 105	April 06, 2023	(1881898)
Item 53	August 03, 2021	(1749252)	Item 106	April 14, 2023	(1860801)
Item 54	August 12, 2021	(1744905)	Item 107	April 18, 2023	(1906738)
Item 55	August 30, 2021	(1755050)	Item 108	April 19, 2023	(1907844)
Item 56	September 03, 2021	(1756158)	Item 109	May 12, 2023	(1868672)
Item 57	September 15, 2021	(1638248)	Item 110	May 18, 2023	(1914712)
Item 58	September 20, 2021	(1690869)	Item 111	May 25, 2023	(1886711)
Item 59	September 23, 2021	(1763224)	Item 112	June 15, 2023	(1888386)
Item 60	September 29, 2021	(1638259)	Item 113	June 22, 2023	(1840680)
Item 61	October 13, 2021	(1690637)	Item 114	June 23, 2023	(1904343)
Item 62	October 14, 2021	(1638226)	Item 115	June 27, 2023	(1855097)
Item 63	October 18, 2021	(1638219)	Item 116	July 11, 2023	(1840685)
Item 64	October 19, 2021	(1638263)	Item 117	July 19, 2023	(1927485)
Item 65	November 11, 2021	(1686627)	Item 118	August 14, 2023	(1916721)
Item 66	November 16, 2021	(1686168)	Item 119	August 17, 2023	(1935504)
Item 67	November 17, 2021	(1686741)	Item 120	August 18, 2023	(1934427)
Item 68	November 18, 2021	(1785935)	Item 121	August 21, 2023	(1923415)
Item 69	December 02, 2021	(1761681)	Item 122	August 29, 2023	(1909204)
Item 70	December 03, 2021	(1459314)	Item 123	August 30, 2023	(1909207)
Item 71	December 20, 2021	(1781746)	Item 124	August 31, 2023	(1924527)
Item 72	January 19, 2022	(1800747)	Item 125	September 15, 2023	(1922715)
Item 73	February 15, 2022	(1807746)	Item 126	September 19, 2023	(1940604)
Item 74	February 22, 2022	(1788513)	Item 127	September 20, 2023	(1912339)
Item 75	February 24, 2022	(1788411)	Item 128	October 04, 2023	(1879759)
Item 76	February 28, 2022	(1795714)	Item 129	October 10, 2023	(1796243)
Item 77	March 01, 2022	(1795483)	Item 130	October 17, 2023	(1948229)
Item 78	March 10, 2022	(1797433)	Item 131	October 18, 2023	(1948508)
Item 79	March 17, 2022	(1814788)	Item 132	October 27, 2023	(1881872)
Item 80	April 19, 2022	(1821358)	Item 133	November 20, 2023	(1953909)
Item 81	May 17, 2022	(1830255)	Item 134	December 14, 2023	(1887181)
Item 82	May 27, 2022	(1812194)	Item 135	December 15, 2023	(1963987)
Item 83	June 17, 2022	(1837353)	Item 136	December 18, 2023	(1942992)
Item 84	July 08, 2022	(1775733)	Item 137	December 20, 2023	(1962876)
Item 85	July 15, 2022	(1824364)	Item 138	January 18, 2024	(1969455)
Item 86	July 19, 2022	(1844780)	Item 139	January 22, 2024	(1950127)
Item 87	July 28, 2022	(1824510)	Item 140	February 08, 2024	(1958270)
Item 88	August 18, 2022	(1849852)	Item 141	February 09, 2024	(1950132)
Item 89	August 25, 2022	(1816921)	Item 142	February 27, 2024	(1917968)
Item 90	September 19, 2022	(1858483)	Item 143	March 11, 2024	(1903387)
Item 91	October 12, 2022	(1846202)	Item 144	March 15, 2024	(1967233)
Item 92	October 18, 2022	(1864820)	Item 145	April 03, 2024	(1955937)
Item 93	October 19, 2022	(1863975)			

#### 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: 04/11/2023 (1861795)  
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)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Special Conditions 1 & 10 PERMIT  
Special Terms & Conditions 1A & 11 OP

Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for the Reactor Charge Heater (EPN: HR15.101) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 23(E) PERMIT  
Special Terms & Conditions 1A & 11 OP

Description: Failure to prevent open ended lines (Category C10).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition F(3) PERMIT  
Special Term & Condition 19 OP

Description: Failure to maintain digital images of the Process Flare (EPN: SK25.801) (Category B3).

2 Date: 04/30/2023 (1913891)

Self Report? YES Classification: Moderate

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

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

3 Date: 05/18/2023 (1880515)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8A PERMIT  
Special Term and Condition 12 OP  
Special Term and Condition 1A OP

Description: Failure to maintain the net heating value within the permitted limits for the Flare (EPN: SK25.901) (Category B17).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8C PERMIT  
Special Term and Condition 12 OP  
Special Term and Condition 1A OP

Description: Failure to prevent visible emissions for Flare (EPN: SK25.901) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 9C PERMIT  
Special Term and Condition 12 OP

Description: Failure to maintain the oxidation reduction potential (ORP) for the CCR Scrubber (EPN: PV17.805) within permitted limits (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 9D PERMIT  
Special Term and Condition 12 OP

Description: Failure to maintain the flow rate for the CCR Scrubber (EPN: PV17.805) within permitted limits (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 13F PERMIT Special Term and Condition 12 OP Special Term and Condition 1A OP		
	Description: Failure to prevent seven open-ended lines (OELs) on Tag Numbers: 02508.01; 02625.02; 01406.01; 00938.01; 01165.03; 04460.09; and 06655.05 (Category C10).		
4	Date: 05/24/2023 (1880517) Self Report? NO Citation: 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOOa 60.5400a(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions 1A and 8 OP Description: Failure to prevent open-ended lines (OELs). (Category C10) Self Report? NO Citation: 30 TAC Chapter 116, SubChapter F 116.620(a)(12) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions 1A and 8 OP Description: Failure to maintain net heating value for Flare (EPN: SK25.003). (Category B18.g(1))) Self Report? NO Citation: 30 TAC Chapter 116, SubChapter F 116.615(10) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions PERMIT Special Term and Condition 8 OP Description: Failure to maintain emissions within the Maximum Allowable Emissions Rate (MAER) for Frac X Hot Oil Heater (EPN: HR21.001). (Category B13) Self Report? NO Citation: 30 TAC Chapter 116, SubChapter F 116.615(10) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions PERMIT Special Term and Condition 8 OP Description: Failure to maintain emissions within the Maximum Allowable Emissions Rate (MAER) for Frac XI Hot Oil Heater (EPN: HR22.001) (Category B13)	Classification: Minor Classification: Moderate Classification: Moderate	
5	Date: 05/31/2023 (1921610) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	
6	Date: 05/31/2023 (1920501) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	
7	Date: 06/30/2023 (1928317) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	
8	Date: 07/31/2023 (1935508) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	
9	Date: 08/31/2023 (1941478)		

	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
10	Date: 09/30/2023 (1947406)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
11	Date: 10/31/2023 (1954179)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
12	Date: 10/31/2023 (1953093)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
13	Date: 02/02/2024 (1925960)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 3A PERMIT Special Term and Condition 16 OP Special Term and Condition 1A OP	
	Description: Failure to maintain the net heating value for the South Plant Flare (EPN: FL-1) (Category C4).	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 3A PERMIT Special Term and Condition 16 OP Special Term and Condition 1A OP	
	Description: Failure to maintain the net heating value for the North Plant Flare (EPN: 45) (Category C4).	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 9 PERMIT Special Term and Condition 16 OP	
	Description: Failure to maintain records of conductivity sampling for the Splitter 1 Cooling Tower (EPN: CO1) (Category C3).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term and Condition 16 OP	
	Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Oxygenate Removal Unit (ORU) Heater (EPN: HR15.615) (Category B13).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter F 116.615(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP	
	Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the South Plant Hot Oil Heater (EPN: SHOH) (Category B13).	
	Self Report? NO	Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Frac IV Regenerant Heater (EPN: HR15.002) (Category B13).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Frac V Regenerant Heater (EPN: HR16.002) (Category B13).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 4 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain the concentration limit for the Solar Taurus Turbine (EPN: 64/64A) (Category B18(g)(1)).  
 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 14B PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain the minimum flow rate for the Continuous Catalyst Regeneration (CCR) (EPN: 43) (Category C4).  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain the minimum scrubber pH for the Continuous Catalyst Regeneration (CCR) (EPN: 43) (Category C4).  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain records of conductivity sampling for the Isobutane Cooling Tower (EPN: CT-1) (Category C3).  
 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 20C PERMIT  
 Special Term and Condition 16 PERMIT  
 Description: Failure to maintain records of total dissolved solids (TDS) sampling for the Cooling Tower (EPN: 46) (Category C3).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Term and Condition 1A OP  
 Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Cooling Tower (EPN: CT-2) (Category B13).  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.620(c)(1)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11E PERMIT  
 Special Condition 2E PERMIT



Special Condition 5E PERMIT  
 Special Condition 6E PERMIT  
 Special Condition 7E PERMIT  
 Special Condition 8E PERMIT  
 Special Condition 9E PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP  
 Description: Failure to prevent open-ended lines (Category C10).  
 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 4 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain the firing rate for the Solar Centaur Turbines and HRU (EPN: 27) (Category C4).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PERMIT  
 Special Condition 21 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to sample the isomerization off gas (IOG) fuel (Category B1).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 18 OP  
 Special Term and Condition 1A OP  
 Description: Failure to maintain the British thermal unit (BTU) analyzer for the North Storage Degasser Flare (EPN: FL1) (Category B18(g)(1)).  
 Date: 02/26/2024 (1944803)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23E PERMIT  
 Special Terms and Conditions 1A and 11 OP  
 Description: Failure to prevent open-ended lines. (Category C10)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 16A PERMIT  
 Special Terms and Conditions 1A and 11 OP  
 Description: Failure to maintain Process Flare (EPN: SK25.801) exit velocity within permit limits. (Category B17)  
 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 16A PERMIT  
 Special Term and Condition 11 OP  
 Description: Failure to maintain net heating value within permit requirements for Process Flare (EPN: SK25.801). (Category B17)  
 Self Report? NO 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)  
 Special Condition 1 and 10 PERMIT  
 Special Term and Condition 11 OP  
 Description: Failure to maintain emissions from Reactor Charge Heater (EPN: HR15.101) within permit limits. (Category B13)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 10 PERMIT  
Special Term and Condition 11 OP

Description: Failure to maintain NH3 concentration within permit limits for Reactor Charge Heater (EPN: HR15.101). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11 PERMIT  
Special Term and Condition 11 OP

Description: Failure to maintain NH3 concentration within permit limits for Waste Heat Boiler (EPN: DW37.101). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 and 12 PERMIT  
Special Term and Condition 11 OP

Description: Failure to maintain emissions from Auxiliary Boiler A (EPN: BO10.103A) within permit limits. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 PERMIT  
Special Term and Condition 11 OP

Description: Failure to maintain NH3 concentration within permit limits for Auxiliary Boiler A (EPN: BO10.103A). (Category B13)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16C PERMIT  
Special Condition F (3) PERMIT  
Special Term and Condition 1A and 11 OP

Description: Failure to prevent visible emissions from Process Flare (EPN: SK25.801). (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition F(3) PERMIT  
Special Term and Condition 19 OP

Description: Failure to maintain digital images of the Process Flare (EPN: SK25.801). (Category C3)

15

Date: 02/29/2024 (1955181)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms & Conditions 1A OP  
FOP, Special Term & Condition 8 OP  
NSR. Special Condition 6E PERMIT

Description: Failure to prevent open-ended lines (OELs). (CATEGORY C10 Violation)

Self Report? NO Classification: Minor

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

Description: Failure to conduct weekly total dissolved solids (TDS) sampling (Unit ID: HT16.028A ,HT16.028B). (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

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

5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 8 OP  
NSR, Special Condition 14 PERMIT  
Description: Failure to conduct daily cooling water sampling for conductivity (Unit ID:  
HT16.028A). (CATEGORY C1 Violation)

**F. Environmental audits:**

Notice of Intent Date: 11/12/2019 (1612845)  
No DOV Associated

Notice of Intent Date: 06/29/2022 (1832162)

Disclosure Date: 06/05/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: Failed to submit complete 40 CFR 63, HON and 40 CFR Part 60, Subparts NNN and RRR reports. Specifically, the contents of the reports did not include required information for all affected equipment subject to regulation (O1641).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(a)

Description: Failed to submit complete 40 CFR 63, Subpart FFFF (MON) reports. Specifically, the content of the reports did not include required information for process wastewater streams subject to the regulation (O4187).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(a)

Description: Failed to submit complete 40 CFR 63, Subpart FFFF (MON) reports. Specifically, the content of the reports did not include required information for process wastewater streams subject to the regulation (O4004).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(e)(1)

Description: Failed to maintain records of CPMU analysis (O1487)..

**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  
RN102323268

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

## AGREED ORDER DOCKET NO. 2023-1365-IWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 12901 Hatcherville Road, on the west side of Hatcherville Road, 0.9 mile north of the intersection of Hatcherville Road and Farm-to-Market Road 1942, north of the City of Baytown in Chambers County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$90,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$36,000 of the penalty and \$18,000 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 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.

Pursuant to TEX. WATER CODE § 7.067, \$36,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally

offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review for the Facility conducted on June 29, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0005014000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below.

Effluent Violation Table							
	Outfall No. 003	Outfall No. 003	Outfall No. 005	Outfall No. 006	Outfall No. 006	Outfall No. 001	Outfall No. 001
Monitoring Period	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	pH Max.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	WET <i>C. dubia</i> 7- day Min.	WET <i>C. dubia</i> Mo. Avg. Min.
Month/Year	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 9.0 S.U.	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 80%	Limit = 80%
June 2022	33.8	115	c	c	c	c	c
October 2022	40.8	122	c	c	c	c	c
November 2022	39.9	c	c	c	c	c	c
December 2022	32	c	10.6	45.9	267	66	66

January 2023	c	c	c	47.4	177	c	c
February 2023	41.6	c	c	c	c	c	c

No. = number TSS = total suspended solids Avg. = average Conc. = concentration Max. = maximum  
WET = whole effluent toxicity *C. dubia* = *Ceriodaphnia dubia* Min. = minimum  
Mo. = monthly mg/L = milligrams per liter c = compliant S.U. = standard units

### 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. 2023-1365-IWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$36,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with TPDES Permit No. WQ0005014000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

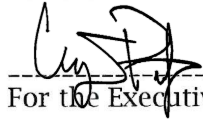


**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date



7/8/2024

-----  
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

-----  
Date

Bradley J. Cooley

6/4/24  
-----  
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: 2023-1365-IWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$72,000</b>
<b>SEP Offset Amount:</b>	<b>\$36,000</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>City of Baytown</b>
<b>Project Name:</b>	<b>Residential Sewer Line Repair and Replacement Program</b>
<b>Total Project Budget:</b>	<b>\$19,959,000</b>
<b>Location of SEP:</b>	<b>Fort Bend, Grimes, Harris, Liberty, Montgomery, San Jacinto, Walker, and Waller Counties</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

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

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

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

**B. Environmental Benefit**

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

C. Minimum Expenditure

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Recognition**

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

**7. Other SEPs by TCEQ or Other Agencies**

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