

Executive Summary – Enforcement Matter – Case No. 64836
ONEOK Hydrocarbon Southwest, LLC
RN100209949
Docket No. 2023-1368-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mont Belvieu Fractionator, 9900 Farm-to-Market Road 1942, Mont Belvieu, Chambers County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 1, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,050

Amount Deferred for Expedited Settlement: \$3,810

Total Paid to General Revenue: \$7,620

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,620

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 24, 2023 through July 31, 2023

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

Executive Summary – Enforcement Matter – Case No. 64836
ONEOK Hydrocarbon Southwest, LLC
RN100209949
Docket No. 2023-1368-AIR-E

Violation Information

Failed to comply with the concentration limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of not more than 400 parts per million by volume dry ("ppmvd") at three percent oxygen ("3% O2") on a rolling 24-hour averaging period by a range from 4 to 400 ppmvd at 3% O2 for a total of 266 24-hour periods that ended on 14 days from May 25, 2022 to July 7, 2022 and from November 17, 2022 to November 29, 2022 for Heater No. 1 [30 TEX. ADMIN. CODE §§ 117.310(c)(1)(A) and 122.143(4), Federal Operating Permit No. O107, General Terms and Conditions and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 29, 2022, the Respondent completed training to detect and prevent CO concentration exceedances using the operators display in order to comply with the CO concentration limit for Heater No. 1.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Krystina Sepulveda, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6045; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Shawn Sandefur, Director of Operations, ONEOK Hydrocarbon Southwest, LLC, P.O. Box 1780, Mont Belvieu, Texas 77580

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Sep-2023	Screening	5-Sep-2023	EPA Due	19-Feb-2024
	PCW	16-Apr-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	ONEOK Hydrocarbon Southwest, LLC				
Reg. Ent. Ref. No.	RN100209949				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	64836	No. of Violations	1
Docket No.	2023-1368-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Krystina Sepulveda
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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.

Compliance History	52.0%	Adjustment	Subtotals 2, 3, & 7	\$7,800
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Notes
Enhancement for one NOV with same/similar violations, five NOVs with dissimilar violations, and two orders containing a denial of liability.
Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$129
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,050
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$19,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,050
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,810
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,240
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Screening Date	5-Sep-2023	Docket No.	2023-1368-AIR-E	PCW
Respondent	ONEOK Hydrocarbon Southwest, LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	64836			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100209949			
Media	Air			
Enf. Coordinator	Krystina Sepulveda			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 52%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, five NOVs with dissimilar violations, and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 52%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 52%

Screening Date	5-Sep-2023	Docket No.	2023-1368-AIR-E	PCW
Respondent	ONEOK Hydrocarbon Southwest, LLC	Policy Revision 5 (January 28, 2021)		
Case ID No.	64836	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100209949			
Media	Air			
Enf. Coordinator	Krystina Sepulveda			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 117.310(c)(1)(A) and 122.143(4), Federal Operating Permit No. O107, General Terms and Conditions and Special Terms and Conditions No. 1.A, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the concentration limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of not more than 400 parts per million by volume dry ("ppmvd") at three percent oxygen ("3% O2") on a rolling 24-hour averaging period by a range from 4 to 400 ppmvd at 3% O2 for a total of 266 24-hour periods that ended on 14 days from May 25, 2022 to July 7, 2022 and from November 17, 2022 to November 29, 2022 for Heater No. 1.			
			Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm	Major	Moderate	Minor	
	Actual				x	
	Potential					

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	2	14	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty \$15,000

Two quarterly events are recommended for the instances of non-compliance that occurred from May 25, 2022 to July 7, 2022 and from November 17, 2022 to November 29, 2022.

Good Faith Efforts to Comply 25.0%

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

Notes

The Respondent completed the corrective measures by November 29, 2022, prior to the Notice of Enforcement dated August 23, 2023.

Violation Subtotal \$11,250

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

Estimated EB Amount	\$129	Violation Final Penalty Total	\$19,050
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This violation Final Assessed Penalty (adjusted for limits) \$19,050

Economic Benefit Worksheet

Respondent ONEOK Hydrocarbon Southwest, LLC
Case ID No. 64836
Reg. Ent. Reference No. RN100209949
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	25-May-2022	29-Nov-2022	0.52	\$129	n/a	\$129
Notes for DELAYED costs Estimated cost to complete training to detect and prevent CO concentration exceedances using the operators display in order to comply with the CO concentration limit for Heater No. 1. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.							

Avoided Costs

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

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

Approx. Cost of Compliance \$5,000

TOTAL \$129



Compliance History Report

Compliance History Report for CN601669849, RN100209949, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN601669849, ONEOK Hydrocarbon Southwest, LLC	Classification:	SATISFACTORY	Rating:	4.48
Regulated Entity:	RN100209949, Mont Belvieu Fractionator	Classification:	SATISFACTORY	Rating:	10.92
Complexity Points:	16	Repeat Violator:	NO		
CH Group:	03 - Oil and Gas Extraction				
Location:	9900 Farm to Market 1942 Mont Belvieu, Chambers County, Texas 77580				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s):					
AIR OPERATING PERMITS	ACCOUNT NUMBER CI0005A	AIR OPERATING PERMITS	PERMIT 107		
AIR NEW SOURCE PERMITS	PERMIT 3956B	AIR NEW SOURCE PERMITS	REGISTRATION 11843A		
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER CI0005A	AIR NEW SOURCE PERMITS	REGISTRATION 168391		
AIR NEW SOURCE PERMITS	REGISTRATION 139615	AIR NEW SOURCE PERMITS	REGISTRATION 151111		
AIR NEW SOURCE PERMITS	REGISTRATION 164500	AIR NEW SOURCE PERMITS	REGISTRATION 167121		
AIR NEW SOURCE PERMITS	REGISTRATION 146168	AIR NEW SOURCE PERMITS	REGISTRATION 151704		
AIR NEW SOURCE PERMITS	REGISTRATION 146169	AIR NEW SOURCE PERMITS	REGISTRATION 151110		
AIR NEW SOURCE PERMITS	REGISTRATION 156152	AIR NEW SOURCE PERMITS	REGISTRATION 161565		
AIR NEW SOURCE PERMITS	REGISTRATION 160725	AIR NEW SOURCE PERMITS	REGISTRATION 156151		
AIR NEW SOURCE PERMITS	REGISTRATION 156555	AIR NEW SOURCE PERMITS	REGISTRATION 159829		
AIR NEW SOURCE PERMITS	REGISTRATION 159123	AIR NEW SOURCE PERMITS	REGISTRATION 175051		
AIR NEW SOURCE PERMITS	REGISTRATION 175893	AIR NEW SOURCE PERMITS	REGISTRATION 172335		
AIR NEW SOURCE PERMITS	REGISTRATION 179460	AIR NEW SOURCE PERMITS	AFS NUM 4807100004		
WASTEWATER	PERMIT WQ0005353000	WASTEWATER	EPA ID TX0005886		
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER CI0005A	POLLUTION PREVENTION PLANNING	ID NUMBER P00446		
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID TXP490356525	INDUSTRIAL AND HAZARDOUS WASTE	OTS REQUEST 43586		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024

Date Compliance History Report Prepared: April 16, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 16, 2020 to April 16, 2025

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

Name: Krystina Sepulveda

Phone: (956) 430-6045

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: 06/19/2023 | ADMINORDER 2022-0372-IWD-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Rqmt Prov: Effluent Limits PERMIT | | |
| | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported | | |

data.

2 Effective Date: 10/16/2023 ADMINORDER 2021-1102-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: FOP No. O107, GTC and STC No. 13 OP

NSR Permit No. 3956B, SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.31 pound ("lb") of sulfur dioxide, 281.95 lbs of NOx, 562.88 lbs of CO, and 753.18 lbs of volatile organic compounds from Flare No. 1, EPN FL-1, during an emissions event (Incident No. 288052) that occurred on July 10, 2018 and lasted seven hours and two minutes. The emissions event occurred when a two-inch valve was inadvertently left open after a maintenance activity, resulting in flaring. Since the emissions e

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 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O107, GTC and STC Nos. 1.A, 13 OP

NSR Permit No. 3956B, SC No. 1 PERMIT

Description: Failed to comply with the MAERs and failed to comply with the emissions limit. Specifically, the Respondent exceeded the CO MAER of 50 pounds per hour ("lbs/hr") by a range from 1.76 lbs/hr to 126.30 lbs/hr for 36 hours on nine days from January 10, 2021 to August 7, 2021, exceeded the NOx MAER of 6.97 lbs/hr by 0.03 lb/hr and 0.53 lb/hr for two hours on November 4, 2021, and exceeded the CO emissions limit of 400 parts per million by volume ("ppmv") at 3.0 percent oxygen dry basis on a rolling

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 21, 2020	(1776649)
Item 2	April 24, 2020	(1639347)
Item 3	July 21, 2020	(1776664)
Item 4	January 14, 2021	(1776695)
Item 5	April 27, 2021	(1776650)
Item 6	July 21, 2021	(1776670)
Item 7	August 23, 2021	(1686631)
Item 8	August 31, 2021	(1756629)
Item 9	October 27, 2021	(1776685)
Item 10	January 24, 2022	(1790639)
Item 12	April 28, 2022	(1813374)
Item 13	July 09, 2022	(1824288)
Item 14	July 26, 2022	(1835077)
Item 15	October 28, 2022	(1856212)
Item 16	January 20, 2023	(1875332)
Item 17	April 27, 2023	(1898528)
Item 18	July 13, 2023	(1919102)
Item 19	October 26, 2023	(1939166)
Item 20	November 15, 2023	(1943063)
Item 21	January 04, 2024	(1951710)
Item 22	January 18, 2024	(1932027)
Item 23	March 18, 2024	(1983696)
Item 24	April 18, 2024	(1977131)
Item 25	May 16, 2024	(1996683)
Item 26	September 19, 2024	(2023808)
Item 27	November 13, 2024	(2036252)
Item 28	December 11, 2024	(2049191)
Item 29	January 30, 2025	(1974208)

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: 05/31/2024 (2003634)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 06/30/2024 (2011187)
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: 07/31/2024 (2016791)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 08/08/2024 (1989690)
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 & Condition 13 OP
Description: Failure to prevent exceedances of the hourly volatile organic compound (VOC) Maximum Allowable Emission Rate (MAER) limit for Heater 1 (EPN: E-1E, E-1M, and E-1W). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to prevent exceedance of the 24-hour block average carbon monoxide (CO) concentration limit for Heater 1 (EPN: E-1E, E-1M, and E-1W). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Term and Condition 13 OP
Description: Failure to prevent exceedance of the 24-hour average firing rate limit for Heater 1 (EPN: E-1E, E-1M, and E-1W). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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 15C PERMIT
Special Term & Condition 1A OP
Special Term and Condition 13 OP
Description: Failure to prevent visible emissions for Flare 1 (EPN: FL-1). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term and Condition 13 OP
Description: Failure to prevent exceedances of the filling rate limit for Tank SV-1 (EPN: SV-1). (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 19D PERMIT
Special Term and Condition 13 OP

Description: Failure to prevent exceedance of total dissolved solids (TDS) concentration limit for Cooling Tower 1 (EPN: CT-1). (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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 0000a 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 Condition 17(A)(3) PERMIT
Special Condition 20E PERMIT
Special Term & Condition 1A OP
Special Term and Condition 13 OP

Description: Failure to prevent an open-ended line (OEL). (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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 20E PERMIT
Special Term & Condition 1A OP
Special Term and Condition 13 OP

Description: Failure to monitor components within 15 days of being returned to service. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all deviations for the reporting periods from July 1, 2022 through December 31, 2022. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)
5C THSC Chapter 382 382.085(b)
Special Condition 15A PERMIT
Special Term & Condition 1A OP
Special Term and Condition 13 OP

Description: Failure to maintain the exit velocity for Flare 1 (EPN: FL-1) within permitted limits. (Category B18(g)(1))

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 13 OP

Description: Failure to prevent exceedance of the carbon monoxide (CO) Maximum Allowable Emission Rate (MAER) limit for Heater 1 (EPN: E-1E, E-1M, and E-1W). (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 Term & Condition 1 PERMIT
Special Term & Condition 13 OP

Description: Failure to prevent exceedance of the nitrogen oxide (NOx) Maximum Allowable Emission Rate (MAER) limit for Heater 1 (EPN: E-1E, E-1M, and E-1W). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Special Term & Condition 6E OP

Description: Failure to conduct daily nitrogen oxide (NOx) and oxygen (O2) calibration drift check for the continuous emission monitoring system (CEMS) of Heater 1 (EPN: E-1E, E-1M, and E-1W). (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 13 OP
 Description: Failure to prevent exceedance of the nitrogen oxide (NOx) Maximum Allowable Emission Rate (MAER) limit for Heater 2 (EPN: E-2E, E-2M, and E-2W). (Category B13)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19D PERMIT
 Special Term and Condition 13 OP
 Description: Failure to prevent exceedance of total dissolved solid (TDS) concentration for Cooling Tower 3 (EPN: CT-3). (Category B13)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13 OP
 Special Term and Condition 19A PERMIT
 Description: Failure to conduct monthly volatile organic compound (VOC) monitoring for Cooling Tower 1, Cooling Tower 2, and Cooling Tower 3 (EPNs: CT-1, CT-2, and CT-3). (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13 OP
 Special Term and Condition 14 PERMIT
 Description: Failure to conduct quarterly visible emission observation (VEO) for Turbine 5 (EPN: ST-5). (Category B1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.177(b)(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 20H PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP
 Description: Failure to repair a component within the required timeframe. (Category C4)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 17A(3) PERMIT
 Description: Failure to submit 40 CFR 60, Subpart KKK semiannual reports within the required timeframe. (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13 OP
 Description: Failure to maintain records of surface coating. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report all deviations for the reporting periods from January 1, 2023 through June 30, 2023. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15D PERMIT
 Special Term & Condition 1A OP
 Special Term and Condition 13 OP
 Description: Failure to maintain pilot light monitoring data on the distributed control system (DCS) for Flare 1 (EPN: FL-1). (Category B18(g)(1))

- | | | | |
|---|--|-----------------|----------|
| 5 | Date: 09/30/2024 (2029932) | | |
| | 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 | | |
| 6 | Date: 11/30/2024 (2042363) | | |
| | Self Report? YES | Classification: | Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |

F. Environmental audits:

Notice of Intent Date: 03/24/2022 (1806000)
Disclosure Date: 08/29/2022

Viol. Minor
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: Six (6) components were found without tags and appear to have been overlooked from the LOAR inventory.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: The 2018, 2019, and 2020 annual Emissions Inventory (EI) report submitted by the facility LOAR contractor did not include component type sources; connectors, flanges, and open- ended lines. Additionally, the "other" correlation equation was used to estimate light liquid pump emissions.

Viol. Minor
Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.14
40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOO 60.5430

Description: CapEx evaluation indicates that with an updated cost per component basis the NSPS CapEx Modification allowance was exceeded in 2017 based on the 2017 turnaround cost associated with emissions increases.

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

ONEOK HYDROCARBON SOUTHWEST,
LLC

RN100209949

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1368-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 9900 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$19,050 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,620 of the penalty and \$3,810 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,620 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by November 29, 2022, the Respondent completed training to detect and prevent carbon monoxide ("CO") concentration exceedances using the operators display in order to comply with the CO concentration limit for Heater No. 1.

II. ALLEGATIONS

During a record review for the Plant conducted from May 24, 2023 through July 31, 2023, an investigator documented that the Respondent failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 117.310(c)(1)(A) and 122.143(4), Federal Operating Permit No. O107, General Terms and Conditions and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO concentration limit of not more than 400 parts per million by volume dry ("ppmvd") at three percent oxygen ("3% O₂") on a rolling 24-hour averaging period by a range from 4 to 400 ppmvd at 3% O₂ for a total of 266 24-hour periods that ended on 14 days from May 25, 2022 to July 7, 2022 and from November 17, 2022 to November 29, 2022 for Heater No. 1.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

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

and shall be sent with the notation "Re: ONEOK Hydrocarbon Southwest, LLC, Docket No. 2023-1368-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,620 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Kristi Mello-Jurach

09/07/2025

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]

Signature

6/6/2025

Date

SHAWN JANDERUM

Name (Printed or typed)
Authorized Representative of
ONEOK Hydrocarbon Southwest, LLC

DIRECTOR OF OPERATIONS

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: 2023-1368-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ONEOK Hydrocarbon Southwest, LLC
Payable Penalty Amount:	\$15,240
SEP Offset Amount:	\$7,620
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Total Project Budget:	\$1,590,000
Location of SEP:	Chambers County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOC”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Megan Gallien, Chief Financial Officer
Griffith, Moseley, Johnson & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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