

Executive Summary – Enforcement Matter – Case No. 65031
Enterprise Products Operating LLC
RN109447722
Docket No. 2023-1626-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Orla Gas Plant, located approximately 2,800 feet northwest of the U.S. Highway 285 and County Road 440 intersection, Orla, Reeves County

Type of Operation:

Natural gas processing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

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: \$25,000

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$12,500

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

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: November 16, 2022 through August 31, 2023

Date(s) of NOE(s): October 31, 2023

Executive Summary – Enforcement Matter – Case No. 65031
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Docket No. 2023-1626-AIR-E

Violation Information

Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), Standard Permit Registration No. 143458, Federal Operating Permit No. O4075, General Terms and Conditions and Special Terms and Conditions No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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:
 - a. Within 30 days, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that began on February 20, 2022 (Incident No. 374770);
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the February 20, 2022 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days, submit written certification to demonstrate compliance with a.;
 - d. Upon Executive Director approval of the CAP, implement the CAP; and
 - e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.

Executive Summary – Enforcement Matter – Case No. 65031
Enterprise Products Operating LLC
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Docket No. 2023-1626-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Christina Ferrara, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-5081; 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: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Jon Fields, Director, Field Environmental, 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

DATES	Assigned	7-Nov-2023	
	PCW	30-May-2024	Screening 14-Nov-2023 EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN109447722		
Facility/Site Region	7-Midland	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	65031	No. of Violations	1
Docket No.	2023-1626-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christina Ferrara
		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	\$25,000
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes

Since the reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,433
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,000
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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	\$25,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,000
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Screening Date

14-Nov-2023

Docket No.

2023-1626-AIR-E

PCW

Respondent

Enterprise Products Operating LLC

Case ID No.

65031

Reg. Ent. Reference No.

RN109447722

Media

Air

Enf. Coordinator

Christina Ferrara

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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)

0%

>> 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

Since the reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date

14-Nov-2023

Docket No.

2023-1626-AIR-E

PCW

Respondent

Enterprise Products Operating LLC

Policy Revision 5 (January 28, 2021)

Case ID No.

65031

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN109447722

Media

Air

Enf. Coordinator

Christina Ferrara

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.615(2) and 122.143(4), Standard Permit Registration No. 143458, Federal Operating Permit No. O4075, General Terms and Conditions and Special Terms and Conditions No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.35 pounds ("lbs") of hydrogen sulfide and 76,956.00 lbs of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 374770) that occurred on February 20, 2022 and lasted 41 minutes. The emissions event was determined to be an excessive emissions event.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

100.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Based on the Air Quality Analysis Audit performed on the air dispersion modeling provided by the Respondent, human health or the environment has been exposed to pollutants that exceeded levels that were protective of human health or environmental receptors as a result of the violation.

Adjustment

\$0

\$25,000

Violation Events

Number of Violation Events

1

Number of violation days

1

daily

x

weekly

monthly

quarterly

semiannual

annual

single event

Violation Base Penalty

\$25,000

One daily event is recommended.

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

\$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,433

Violation Final Penalty Total

\$25,000

This violation Final Assessed Penalty (adjusted for limits)

\$25,000

Economic Benefit Worksheet

Respondent Case ID No. Enterprise Products Operating LLC
65031
Reg. Ent. Reference No. RN109447722
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	20-Feb-2022	1-Jan-2025	2.87	\$1,433	n/a	\$1,433
Notes for DELAYED costs	Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on February 20, 2022 (Incident No. 374770). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.						

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	\$10,000	TOTAL	\$1,433
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The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN603211277, RN109447722, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

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

Regulated Entity: RN109447722, ORLA GAS PLANT
Classification: HIGH
Rating: 0.00

Complexity Points: 4
Repeat Violator: NO

CH Group: 03 - Oil and Gas Extraction

Location: APPROXIMATELY 2,800 FEET NORTHWEST OF THE UNITED STATES HIGHWAY 285 AND COUNTY ROAD 440 INTERSECTION NEAR ORLA, REEVES COUNTY, TEXAS

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):
AIR OPERATING PERMITS PERMIT 4075
AIR QUALITY NON PERMITTED ID NUMBER R07109447722
AIR NEW SOURCE PERMITS REGISTRATION 143458
AIR NEW SOURCE PERMITS AFS NUM 4838902282
AIR EMISSIONS INVENTORY ACCOUNT NUMBER RFA033F

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 26, 2019 to April 26, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Christina Ferrara
Phone: (512) 239-5081

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:

N/A

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 15, 2021	(1707697)
Item 2	July 28, 2021	(1745414)
Item 3	October 02, 2023	(1925658)
Item 4	February 01, 2024	(1951036)

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

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

N/A

F. Environmental audits:

Notice of Intent Date: 09/22/2021 (1765072)

Disclosure Date: 03/30/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)

Rqmt Prov: PERMIT NRSP (a)(3) and (c)(4)(B)

Description: Failed to comply with the PM, SO₂, and VOC emission limits for Turbines 1-7, SO₂ emission limit in the NRSP for the TO1, TO2, and TO3, and the VOC emission limit in the NRSP for rod packings.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT General Conditions

PERMIT NRSP (g)

Description: Failed to comply with the permit representations to route the TEG flash streams to TO1, TO2, and TO3.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)

Rqmt Prov: PERMIT NRSP (f)(4)

Description: Failed to submit the notification of TEG flash representation prior to the implementation of the change.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)

Description: Failed to submit the PI-1S registration within 90 days after the TEG flash change was implemented.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 4/26/2019 and 4/26/2024

1	Date: 02/25/2022 (1782653)		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(2)		
	Description: Failure to monitor a valve found to be leaking monthly until a leak is not detected for two successive months. Specifically, eleven valves in Train 3 did not have the two consecutive follow-ups conducted as required. This is an alleged violation of 40 CFR 60.482-7a(c)(2), 30 TAC 122.143(4) and Permit O-4075 Special Terms and Conditions 1.A.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(d)(1)		
	Description: Failure to repair a leak following detection no later than 15 calendar days after the leak is detected. Specifically, four valves and two relief valves were not repaired within 15 days after leaks were discovered. This is an alleged violation of 40 CFR 60.482-7a(d)(1), 30 TAC 122.143(4) and Permit O-4075 Special Terms and Conditions 1.A.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 116, SubChapter B 116.110(a) 30 TAC Chapter 116, SubChapter F 116.615(2) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Description: Failure to comply with representations with regard to construction plans, operating procedures and maximum emission rates. Specifically, the regulated entity exceeded VOC emissions from the methanol tanks represented in Standard Permit No. 143458. This is an alleged violation of 30 TAC 116.110(a), 30 TAC 116.615(2), 30 TAC 122.143(4), Permit O-4075 Special Terms and Conditions 7 and Standard Permit No. 143458.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)		
	Description: Failure to report, in writing, to the executive director all instances of deviations for each emission unit addressed in the permit in the semiannual deviation report for the reporting period from October 1, 2020 – March 31, 2021. Specifically, Deviation Item No. 1, page 21 was not reported as a deviation from Standard Permit No. 143458 representations. This is a violation of 30 TAC 122.145(2)(A), 5C THSC 382.085(b) and the General Terms and Conditions of Permit O-4075.		

2*	Date: 10/14/2022 (1847671)		
	Self Report? NO	Classification: Minor	
	Citation:		
	143458 PERMIT 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 4075 OP 5C THSC Chapter 382 382.085(b)		
	Description: Failure to report, in writing, to the executive director all instances of deviations for each emission unit addressed in the permit in the semiannual deviation report for the reporting period of October 1, 2021 through March 31, 2022.		

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period April 26, 2019 and April 26, 2024

Item 1* April 15, 2021** (1707697)

Item 2*	July 28, 2021**	(1745414)
Item 3	February 18, 2022**	(1782653)
Item 4	March 31, 2022**	(1804230)
Item 5	October 13, 2022**	(1847671)
Item 6	January 13, 2023**	(1861971)
Item 7*	October 02, 2023	(1925658)
Item 8	October 31, 2023	(1904448)
Item 9*	February 01, 2024	(1951036)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN109447722

§
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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1626-AIR-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a natural gas processing plant located approximately 2,800 feet northwest of the United States Highway 285 and County Road 440 intersection near Orla, Reeves 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. During a record review for the Plant conducted from November 16, 2022 through August 31, 2023, an investigator documented that the Respondent released 5.35 pounds ("lbs") of hydrogen sulfide and 76,956.00 lbs of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 374770) that occurred on February 20, 2022 and lasted 41 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), Standard Permit Registration No. 143458, Federal Operating Permit No. O4075, General Terms and Conditions and Special Terms and Conditions No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$12,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2023-1626-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 Conclusion of Law No. 4. The amount of \$12,500 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 undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that began on February 20, 2022 (Incident No. 374770).
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the February 20, 2022 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.e.
 - d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. 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:

Air Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
10 Desta Drive, Suite 350E
Midland, Texas 79705

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 Plant 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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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. 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.
10. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/1/2024

Date

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

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

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

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



Signature

06/05/2024

Date

Bradley J. Cooley

Senior Director

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

Title

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

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

Attachment A
Docket Number: 2023-1626-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$25,000
SEP Offset Amount:	\$12,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 218: Midland-Odessa-San Angelo - Preference for Reeves 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 SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 it has no prior commitment to make this contribution and that it is being contributed solely 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 which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

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 due 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 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.