

Executive Summary – Enforcement Matter – Case No. 66206
Kinder Morgan Production Company LLC
RN100226455
Docket No. 2024-0979-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:

Sacro Carbon Dioxide Treatment Plant, 3693 County Road 226, Snyder, Scurry County

Type of Operation:

Carbon dioxide treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 13, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Total Paid to General Revenue: \$25,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: \$3,750

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 1, 2024 through April 4, 2024

Date(s) of NOE(s): May 29, 2024

Executive Summary – Enforcement Matter – Case No. 66206
Kinder Morgan Production Company LLC
RN100226455
Docket No. 2024-0979-AIR-E

Violation Information

Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 80052, Special Conditions No. 1, Federal Operating Permit No. O2829, General Terms and Conditions and Special Terms and Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated May 29, 2024 to address the excessive emissions event that occurred on January 31, 2023 (Incident No. 394781);
- 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 January 31, 2023 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 in accordance with the approved schedule; and
- e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Benjamin B. Pool, Director, Kinder Morgan Production Company LLC, 6 Desta Drive, Suite 6000, Midland, Texas 79705

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jun-2024	Screening	6-Jun-2024	EPA Due	
	PCW	24-Jul-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Kinder Morgan Production Company LLC
Reg. Ent. Ref. No.	RN100226455
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	66206	No. of Violations	1
Docket No.	2024-0979-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		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	15.0% Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes: Enhancement for one order without a denial of liability. Reduction for High Performer classification.

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: \$1,084
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,750
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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	\$28,750
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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 6-Jun-2024

Docket No. 2024-0979-AIR-E

PCW

Respondent Kinder Morgan Production Company LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 66206

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100226455

Media Air

Enf. Coordinator Rajesh Acharya

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

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order without a denial of liability. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 6-Jun-2024 **Docket No.** 2024-0979-AIR-E **PCW**
Respondent Kinder Morgan Production Company LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 66206 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100226455
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 80052, Special Conditions No. 1, Federal Operating Permit No. O2829, General Terms and Conditions and Special Terms and Conditions No. 6, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 81.46 pounds ("lbs") of hydrogen sulfide ("H2S") and 4,625.77 lbs of volatile organic compounds ("VOC") from Unit 176 No. 1 Flare, Emissions Point Number ("EPN") FL 176-1; released 925.76 lbs of carbon monoxide ("CO"), 1,205.46 lbs of H2S, 25,282.63 lbs of VOC, 170.13 lbs of nitrogen oxides ("NOx"), and 770.34 lbs of sulfur dioxide ("SO2") from Unit 178 No. 1 Flare, EPN FL 178-1; and released 500.30 lbs of CO, 650.32 lbs of H2S, 81,310.12 lbs of VOC, 91.96 lbs of NOx, and 416.44 lbs of SO2 from Unit 178 No. 2 Flare, EPN FL 178-2, during an emissions event (Incident No. 394781) that occurred on January 31, 2023 and lasted 11 hours and five minutes. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 1 Number of violation days

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 \$1,084 **Violation Final Penalty Total** \$28,750

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent Kinder Morgan Production Company LLC
Case ID No. 66206
Reg. Ent. Reference No. RN100226455
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	31-Jan-2023	1-Apr-2025	2.17	\$1,084	n/a	\$1,084

Notes for DELAYED costs

Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on January 31, 2023 (Incident No. 394781). The Date Required is the date the emissions event occurred 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

\$10,000

TOTAL

\$1,084



Compliance History Report

Compliance History Report for CN603227380, RN100226455, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603227380, Kinder Morgan Production Company LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100226455, SACROC CARBON DIOXIDE TREATMENT PLANT	Classification: HIGH	Rating: 0.00
Complexity Points:	6	Repeat Violator: NO	
CH Group:	03 - Oil and Gas Extraction		
Location:	3693 County Road 226 Snyder, Scurry County, Texas		
TCEQ Region:	REGION 03 - ABILENE		
ID Number(s):			
AIR OPERATING PERMITS ACCOUNT NUMBER SG00060		AIR OPERATING PERMITS PERMIT 2829	
AIR OPERATING PERMITS PERMIT 2842		AIR NEW SOURCE PERMITS AFS NUM 4841500012	
AIR NEW SOURCE PERMITS REGISTRATION 45842		AIR NEW SOURCE PERMITS ACCOUNT NUMBER SG00060	
AIR NEW SOURCE PERMITS REGISTRATION 55512		AIR NEW SOURCE PERMITS PERMIT 80052	
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SG00060			
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	July 23, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	July 23, 2019 to July 23, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Rajesh Acharya		Phone: (512) 239-0577	

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: 07/16/2024 ADMINORDER 2023-0607-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
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(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Permit No. 45842 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,995.76 pounds ("lbs") of anhydrous ammonia from Fugitive Area GP176, Emissions Point Number FUG 176, during an emissions event (Incident No. 390864) that occurred on November 20, 2022 and lasted three hours. The emissions event occurred due to a 1-inch nipple connection to a weld-o-let on the suction line of the north refrigeration compressor within the GP176 Topping Unit experiencing an unplanned/unexpected fail

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 30, 2019	(1604293)
Item 2	January 24, 2020	(1622327)
Item 3	June 03, 2020	(1644534)
Item 4	July 29, 2020	(1664118)
Item 5	September 15, 2020	(1664614)
Item 6	November 24, 2020	(1690258)
Item 7	February 08, 2021	(1700594)
Item 8	May 27, 2021	(1711316)
Item 9	September 13, 2021	(1745362)
Item 10	March 31, 2022	(1804991)
Item 11	May 24, 2022	(1817575)
Item 12	May 31, 2022	(1817882)
Item 13	January 11, 2023	(1846223)
Item 14	July 14, 2023	(1910356)
Item 15	July 19, 2023	(1911634)
Item 16	August 08, 2023	(1887061)
Item 17	May 24, 2024	(1987894)
Item 18	June 05, 2024	(1988388)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KINDER MORGAN PRODUCTION
COMPANY LLC
RN100226455

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0979-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kinder Morgan Production Company 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 carbon dioxide treatment plant located at 3693 County Road 226 in Snyder, Scurry County, Texas (the "Plant"). The Plant consist or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003.
2. During a record review for the Plant conducted from April 1, 2024 through April 4, 2024, an investigator documented that the Respondent released 81.46 pounds ("lbs") of hydrogen sulfide ("H₂S") and 4,625.77 lbs of volatile organic compounds ("VOC") from Unit 176 No. 1 Flare, Emissions Point Number ("EPN") FL 176-1; released 925.76 lbs of carbon monoxide ("CO"), 1,205.46 lbs of H₂S, 25,282.63 lbs of VOC, 170.13 lbs of nitrogen oxides ("NO_x"), and 770.34 lbs of sulfur dioxide ("SO₂") from Unit 178 No. 1 Flare, EPN FL 178-1; and released 500.30 lbs of CO, 650.32 lbs of H₂S, 81,310.12 lbs of VOC, 91.96 lbs of NO_x, and 416.44 lbs of SO₂ from Unit 178 No. 2 Flare, EPN FL 178-2, during an emissions event (Incident No. 394781) that occurred on January 31, 2023 and lasted 11 hours and five 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 § 382.003 and 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 §§ 116.115(c) and 122.143(4), New Source Review Permit No. 80052, Special Conditions No. 1, Federal Operating Permit No. O2829, General Terms and Conditions and Special Terms and Conditions No. 6, 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 the \$25,000 penalty.

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: Kinder Morgan Production Company LLC, Docket No. 2024-0979-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 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 May 29, 2024 to address the excessive emissions event that occurred on January 31, 2023 (Incident No. 394781).
 - 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 January 31, 2023 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. 2.a., as described in Ordering Provision No. 2.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. 2.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
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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. Extension requests shall be sent to the Enforcement Division at the address listed above.

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 in this Order.
7. 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.
8. 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.
9. 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.
10. 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
Date
9/18/2024

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
08/07/2024

Benjamin B. Pool
Title
Director
Name (Printed or typed)
Authorized Representative of
Kinder Morgan Production Company LLC

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.