

Executive Summary – Enforcement Matter – Case No. 66535
Enterprise Products Operating LLC
RN100210665
Docket No. 2024-1283-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Morgan's Point Complex, 1200 North Broadway Street, La Porte, Harris County

Type of Operation:

Marine loading facility and petroleum bulk storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1689-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,647

Amount Deferred for Expedited Settlement: \$5,929

Total Paid to General Revenue: \$11,859

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$11,859

Name of SEP: City of Morgan's Point (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: April 16, 2024

Date(s) of NOE(s): May 13, 2024

Executive Summary – Enforcement Matter – Case No. 66535
Enterprise Products Operating LLC
RN100210665
Docket No. 2024-1283-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for oil and grease and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 003 and 103].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 31, 2024, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0000440000.

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

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

SEP Third-Party Administrator: City of Morgan's Point, 510 Bayridge Road, Morgan's Point, Texas 77571

Respondent: Bradley J. Cooley, Senior Director, Enterprise Products Operating LLC, 1100 Louisiana Street, Houston, Texas 77002

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-May-2024	Screening	28-May-2024	EPA Due	5-Sep-2024
	PCW	7-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC				
Reg. Ent. Ref. No.	RN100210665				
Facility/Site Region	12-Houston	Major / Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	66535	No. of Violations	2
Docket No.	2024-1283-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government / Non-Profit	No
Multi-Media		Enf. Coordinator	Taylor Williamson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,750
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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	87.0 %	Adjustment	Subtotals 2, 3, & 7	\$14,572
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Notes

Enhancement for five months of self-reported effluent violations, two NOVs for dissimilar violations, and three agreed orders containing a denial of liability. Reduction for 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	-\$1,675
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Economic Benefit	0.0 %	Enhancement*	Subtotal 6	\$0
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Total EB Amounts
Estimated Cost of Compliance

\$501
\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,647
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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	\$29,647
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,647
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DEFERRAL	20.0 %	Reduction	Adjustment	-\$5,929
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,718
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Screening Date	28-May-2024	Docket No.	2024-1283-IWD-E	PCW
Respondent	Enterprise Products Operating LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	66535			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100210665			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			

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>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 87%

>> 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 five months of self-reported effluent violations, two NOVs for dissimilar violations, and three agreed orders containing a denial of liability. Reduction for one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 87%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 87%

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

28-May-2024
Enterprise Products Operating LLC
66535
RN100210665
Water Quality
Taylor Williamson

Docket No.

2024-1283-IWD-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 003

Violation Description

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

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			x
Potential			

Percent30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent0.0%

Matrix Notes

Oil and grease was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants 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

62

Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty\$15,000

Two quarterly events are recommended for the quarters containing the months of October 2023 and January 2024.

Good Faith Efforts to Comply

10.0%

Reduction

\$1,500

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by October 31, 2024.

Violation Subtotal

\$13,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$501

Violation Final Penalty Total

\$26,550

This violation Final Assessed Penalty (adjusted for limits)

\$26,550

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 66535
Reg. Ent. Reference No. RN100210665
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2023	31-Oct-2024	1.00	\$501	n/a	\$501

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitaitons. The Date Required is the end date of the first month of noncompliance, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$501

Screening Date	28-May-2024	Docket No.	2024-1283-IWD-E	PCW
Respondent	Enterprise Products Operating LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	66535			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100210665			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 103			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm	Minor
	Actual			
	Potential			x
Percent				7.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$23,250
				\$1,750
Violation Events				
Number of Violation Events		1	31	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
Violation Base Penalty \$1,750				
One single event is recommended.				
Good Faith Efforts to Comply		10.0 %	Reduction	\$175
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance by October 31, 2024.		
Violation Subtotal				\$1,575
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$0	Violation Final Penalty Total	\$3,098
This violation Final Assessed Penalty (adjusted for limits)				\$3,098

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC
Case ID No. 66535
Reg. Ent. Reference No. RN100210665
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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

\$0

TOTAL

\$0

Morgan's Point Complex TPDES Permit No. WQ0000440000 Case No. 66535 Docket No. 2024-1283-IWD-E		
Effluent Violation Table		
	Outfall No. 003 Oil & Grease Daily Maximum Concentration	Outfall No. 103 Total Suspended Solids Daily Average Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 30 mg/L
October 2023	68.4	c
December 2023	c	36.22
January 2024	87.9	c

mg/L = milligrams per liter c = compliant



Compliance History Report

Compliance History Report for CN603211277, RN100210665, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN603211277, Enterprise Products Operating LLC	Classification:	SATISFACTORY	Rating:	5.56
Regulated Entity:	RN100210665, MORGANS POINT COMPLEX	Classification:	SATISFACTORY	Rating:	7.84
Complexity Points:	19	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1200 North Broadway Street, La Porte, Harris County, Texas				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0714Q	AIR OPERATING PERMITS PERMIT 1339
AIR NEW SOURCE PERMITS REGISTRATION 4819	AIR NEW SOURCE PERMITS REGISTRATION 7999
AIR NEW SOURCE PERMITS REGISTRATION 8711	AIR NEW SOURCE PERMITS REGISTRATION 12142
AIR NEW SOURCE PERMITS REGISTRATION 13977	AIR NEW SOURCE PERMITS PERMIT 20289
AIR NEW SOURCE PERMITS REGISTRATION 28990	AIR NEW SOURCE PERMITS REGISTRATION 42407
AIR NEW SOURCE PERMITS REGISTRATION 14239	AIR NEW SOURCE PERMITS REGISTRATION 45044
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0714Q	AIR NEW SOURCE PERMITS AFS NUM 4820100051
AIR NEW SOURCE PERMITS REGISTRATION 77166	AIR NEW SOURCE PERMITS REGISTRATION 78575
AIR NEW SOURCE PERMITS REGISTRATION 78580	AIR NEW SOURCE PERMITS REGISTRATION 115233
AIR NEW SOURCE PERMITS REGISTRATION 111735	AIR NEW SOURCE PERMITS REGISTRATION 169627
AIR NEW SOURCE PERMITS REGISTRATION 164611	AIR NEW SOURCE PERMITS REGISTRATION 160370
AIR NEW SOURCE PERMITS REGISTRATION 152673	AIR NEW SOURCE PERMITS REGISTRATION 154999
STORMWATER PERMIT TXR05DN26	WASTEWATER PERMIT WQ0000440000
WASTEWATER EPA ID TX0106721	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0714Q
POLLUTION PREVENTION PLANNING ID NUMBER P00196	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008084238
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30282	TAX RELIEF ID NUMBER 17680
TAX RELIEF ID NUMBER 20903	TAX RELIEF ID NUMBER 27195
TAX RELIEF ID NUMBER 27198	

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: January 23, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 23, 2020 to January 23, 2025

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

Name: Taylor Williamson

Phone: (512) 239-2097

Site and Owner/Operator History:

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

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

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

- | | | |
|---|----------------------------|--|
| 1 | Effective Date: 01/16/2021 | ADMINORDER 2020-0752-AIR-E (1660 Order-Agreed Order With Denial) |
|---|----------------------------|--|

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 13 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period

2 Effective Date: 03/19/2021 ADMINORDER 2020-0458-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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze pH samples for the monthly monitoring period ending October 31, 2019.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: WQ0000440000 PERMIT

Description: Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the quarterly DMR for biochemical oxygen demand (5-day) for the monitoring period ending September 30, 2019 was not submitted by the 20th day of the following month.

3 Effective Date: 08/22/2023 ADMINORDER 2021-0915-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1339, Special Condition (13) OP

PBR 152673 , 106.6(b) PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 23, 2021, for TCEQ/STEERS Incident Number (No.) 353200. Specifically, the Respondent released 77.79 pounds ("lbs") of CO, 141.46 lbs of VOC, and 38.96 lbs of nitrogen oxides ("NOx") from the LP Tank Flare, Emissions Point Number ("EPN") Flare-2, during an emissions event (Incident No. 353200) that occurred on March 23, 2021 and lasted 4 hours and 9 minutes.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition (13) OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on July 31, 2021, TCEQ/STEERS Incident No. 363919. Specifically, the Respondent released 71.48 lbs of CO, 127.08 lbs of VOC, and 34.57 lbs of NOx from the Flare, EPN FLARE-I, during an emissions event (Incident No. 363919 that began on July 27, 2020 and lasted four hours and 30 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1339, Special Condition (13) OP

PBR 152673 , 106.6(b) PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was

discovered on August 3, 2020, at 0600 hours, TCEQ/STEERS Incident No. 339977.

Specifically, the Respondent released 168.82 lbs of CO, 271.59 lbs of VOC, and 69.56 lbs of NOx from the Flare, EPN FLARE-1, during an emissions event

(Incident No. 339977) that occurred on August 3, 2020 and lasted 14 hours.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 30 TAC 106.6(b) PERMIT
 O1339, Special Condition (13) OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on July 27, 2020, at 1930 hours, TCEQ/STEERS Incident No. 339664. Specifically, the Respondent released 71.48 lbs of CO, 127.08 lbs of voe, and 34.57 lbs of NOx from the Flare, EPN FLARE-1, during an emissions event (Incident No. 339664) that began on July 27, 2020 and lasted four hours and 30 minutes.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 17, 2020	(1648689)	Item 26	October 18, 2022	(1864064)
Item 2	April 16, 2020	(1655043)	Item 27	November 17, 2022	(1870974)
Item 3	May 20, 2020	(1661602)	Item 28	December 20, 2022	(1876830)
Item 4	July 16, 2020	(1675085)	Item 29	January 19, 2023	(1883641)
Item 5	November 17, 2020	(1716954)	Item 30	February 15, 2023	(1891454)
Item 6	December 15, 2020	(1716955)	Item 31	March 17, 2023	(1900026)
Item 7	February 11, 2021	(1692364)	Item 32	March 28, 2023	(1893931)
Item 8	February 19, 2021	(1730036)	Item 33	April 18, 2023	(1906828)
Item 9	March 01, 2021	(1703874)	Item 34	May 17, 2023	(1913980)
Item 10	March 19, 2021	(1730037)	Item 35	June 15, 2023	(1920588)
Item 11	April 19, 2021	(1730038)	Item 36	July 19, 2023	(1927574)
Item 12	April 23, 2021	(1710121)	Item 37	July 20, 2023	(1912289)
Item 13	May 19, 2021	(1742305)	Item 38	August 17, 2023	(1934515)
Item 14	June 18, 2021	(1748357)	Item 39	September 19, 2023	(1940692)
Item 15	July 23, 2021	(1745383)	Item 40	September 21, 2023	(1930459)
Item 16	August 18, 2021	(1758593)	Item 41	October 17, 2023	(1947494)
Item 17	October 19, 2021	(1778452)	Item 42	December 15, 2023	(1962966)
Item 18	December 14, 2021	(1756851)	Item 43	March 26, 2024	(1981188)
Item 19	January 18, 2022	(1800003)	Item 44	April 17, 2024	(1991726)
Item 20	March 17, 2022	(1814878)	Item 45	July 17, 2024	(2012694)
Item 21	April 19, 2022	(1821447)	Item 46	August 13, 2024	(2001708)
Item 22	June 17, 2022	(1836594)	Item 47	September 17, 2024	(2025296)
Item 23	July 19, 2022	(1843779)	Item 48	October 16, 2024	(2031406)
Item 24	August 17, 2022	(1849940)	Item 49	November 14, 2024	(2037726)
Item 25	September 19, 2022	(1857711)			

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: 01/31/2024 (1978622)
 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: 02/29/2024 (1985182)
 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: 03/01/2024 (1945187)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 13 OP

	FOP, Special Term & Condition 1A OP NSR, Special Condition 9B PERMIT		
	Description: Failure to continuously monitor the pilot flame on the NGST Flare (EPN: NGST-FLARE) (Category C1).		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 106, SubChapter K 106.261 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 1A OP		
	Description: Failure to prevent open-ended lines (OELs)(EPN:FUG-3) (Category C10 Violation)		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1) 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) FOP, Special Term & Condition 13 OP FOP, Special Term & Condition 1A OP NSR, Special Condition, 9B PERMIT		
	Description: Failure to maintain a constant pilot flame for the Ethylene Storage Tank Flare (EPN: FLARE-2) (Category C4)		
4	Date: 04/30/2024 (1998160)		
	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		
5	Date: 05/31/2024 (2005127)		
	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: 07/31/2024 (2018510)		
	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		
7	Date: 12/04/2024 (2021791)		
	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 22(C)(2) PERMIT Special Term & Condition 13 OP		
	Description: Failure to perform a successful functionality test of the lower explosive limit (LEL) detector within 24 hours of use during maintenance activities. (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 21(D)(1) PERMIT Special Term & Condition 13 OP		
	Description: Failure to maintain the volatile organic compound (VOC) concentration below 10 percent of the LEL during maintenance activities. (Category B18.g.1)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
	Description: Failure to collect a daily sample of the flare header for Process Flare (EPN: FLARE-1) within ten hours of monitor downtime of the on-line analyzer. (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 7(C)(2) PERMIT
Special Term & Condition 13 OP

Description: Failure to collect and submit a weekly sample of the Wet Surface Air Cooler (EPN: WSAC1) cooling water for total dissolved solids (TDS) analysis. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 13 OP

Description: Failure to prevent an exceedance of the 24-hour ethylene emissions limit for the Process Flare (EPN: FLARE-1) during a routine maintenance activity. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7(C)(2) PERMIT
Special Term & Condition 13 OP

Description: Failure to collect and submit a weekly sample of the Wet Surface Air Cooler (EPN: WSAC2) cooling water for total dissolved solids (TDS) analysis. (Category B1)

F. Environmental audits:

Disclosure Date: 12/15/2020

Viol. Minor

Viol.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(6)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to accurately calculate in accordance with the equation in 40 CFR § 60.18(f)(6), the flare (EPN-FLARE-1), maximum permitted velocity (VMAX) for the air assisted flare.

Viol. Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)(2)
30 TAC Chapter 115, SubChapter H 115.725(d)(7)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to meet the 40 CFR § 60.18 specification of maximum tip velocity under normal, upset, and maintenance flow conditions for 67 hours due to errors in the data acquisition system for the flare system (EPN-FLARE-1).

Viol. Minor

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

Rqmt Prov: PERMIT Special Conditions No. 7.D.2

Description: Failed to maintain associated calibration records annually for the WSAC-1 and WSAC-2 conductivity meters (EPN WSAC-1, WSAC-2).

Viol. Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failed to ensure flare observations are at least 98% for the Flare-1 and NGST-Flare. Specifically, daily notations on the flare observation logs for 2018 and 2019 recorded observations less than the required 98% for the Flare-1 and HGST-Flare.

Viol. Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PERMIT Special Conditions No. 9.A

Description: Failed to properly report a start time minimum net heating value excursion on a Title V Deviation report dated December 12, 2018. Specifically, FLARE-1 operated below the minimum net heating value of 300 Btu/scf for three occurrences totaling three hours starting on July 31, 2018 as 12:00 and

the December 18, 2018 deviation report included two occurrences totaling two hours with a start time of 1600.

Viol. Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

Rqmt Prov: PERMIT Special Conditions No. 9.B

Description: Failed to monitor and record data in regards to the presence of a pilot flame for EPN NGST-FLARE.
Viol. Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 9.D

Description: Failed to install a continuous flow monitor that provides a record of the vent stream flow to the flare (NGST-FLARE) in which readings should have been taken at least once every 15 minutes and the average hourly value of the flow recorded for each hour.

Viol. Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviation (Disclosed Violations Nos. 15 through 22 on letter dated December 15, 2020) on the Semiannual Deviation Report.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to certify all instances of deviations (Disclosed Violation Nos. 15 through 22 on the letter dated December 15, 2020) on the Annual Permit Compliance Certification.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS OPERATING
LLC
RN100210665

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

AGREED ORDER DOCKET NO. 2024-1283-IWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a marine loading facility and petroleum bulk storage terminal located at 1200 North Broadway Street in La Porte, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$29,647 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,859 of the penalty and \$5,929 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 or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$11,859 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 October 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000.

II. ALLEGATIONS

During a record review for the Facility conducted on April 16, 2024, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 003 and 103, as shown in the effluent violation table below:

Effluent Violation Table		
	Outfall No. 003 Oil & Grease Daily Maximum Concentration	Outfall No. 103 Total Suspended Solids Daily Average Concentration
Monitoring Period	Limit = 15 mg/L	Limit = 30 mg/L
October 2023	68.4	c
December 2023	c	36.22
January 2024	87.9	c

mg/L = milligrams per liter c = compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2024-1283-IWD-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 \$11,859 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 Facility 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.

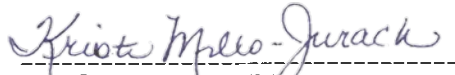
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

08/08/2025

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:

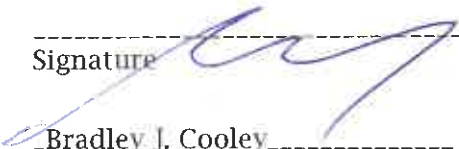
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic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

03/11/2025

Date



Bradley J. Cooley

Senior Director

Name (Printed or typed)

Title

Authorized Representative of
Enterprise Products Operating
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.

Attachment A
Docket Number: 2024-1283-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Payable Penalty Amount:	\$23,718
SEP Offset Amount:	\$11,859
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	City of Morgan's Point
Project Name:	<i>Colonel James Morgan New Washington Prairie</i>
Location of SEP:	Harris 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, **City of Morgan's Point**, for the *Colonel James Morgan New Washington Prairie* project (the "Project"). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project. Specifically, the SEP Offset Amount will be used to preserve in perpetuity 52 acres of land within the City of Morgan's Point in Harris County. Sixteen acres shall be preserved as palustrine emergent and palustrine forested wetlands. Thirty-six acres shall be maintained by the Third-Party Administrator as open space for public use.

The Third-Party Administrator shall use SEP Funds to restore the 36 acres of the property to its original native Texas Coastal Prairie grasslands. The Third-Party Administrator shall clear and eradicate the existing non-native grasses and trees and reestablish native prairie grasses and shrubs.

The Third-Party Administrator shall use SEP Funds to mitigate stormwater runoff from the 36 acres of the property through construction of one storm water management pond. The stormwater management pond will collect and train the property's stormwater runoff and prevent offsite discharge. 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 implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

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

b. Environmental Benefit

Permanently preserving 36 acres of the property as open space will prevent future development and maintain a natural barrier between residential communities and the industrial Barbours Cut Shipping Terminal. Restoring the 36 acres back to its natural Texas Coastal Prairie grasslands will enhance the quality of the Property's natural resources and wildlife. The restored natural prairie will provide habitats for a wide range of animals including the Monarch butterfly which has a significant population in the area during its migration to Mexico. Further, the stormwater management pond will mitigate the offsite discharge of runoff which will reduce the amount of pollutants reaching the surrounding environment.

c. Minimum Expenditure

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

2. Performance Schedule

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

City of Morgan's Point
Attention: City Administrator
510 Bayridge Road
Morgan's Point, Texas 77571

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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