

From: [Jonathan Walling](#)
To: [Cain, Peter](#); [Fields, Jon](#)
Cc: [OCE](#)
Subject: Enforcement Discretion Request LDAR Requirements Morgan's Point Complex (CN603211277/RN100210665)_July 2020
Date: Thursday, July 2, 2020 8:18:28 AM
Attachments: [Morgan's Point Applicable LDAR rules.pdf](#)

Good morning, Mr. Cain:

Your request for enforcement discretion, as presented, relating to LDAR monitoring by Method 21, as prescribed by 40 CFR subparts, 30 TAC 115, and permit conditions is approved with the following qualifications:

- Enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations; and
- This enforcement discretion will be in effect until September 30, 2020. The required monitoring should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please submit a new request for consideration.

This approval supersedes the enforcement discretion granted on March 26, 2020 for the same activities at this facility.

Regulated entities must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply. Enterprise is encouraged to develop strategies to safely implement LDAR monitoring in the event challenges relating to COVID-19 continue to persist.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: Cain, Peter <[REDACTED]>
Sent: Tuesday, June 30, 2020 1:28 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Fields, Jon <[REDACTED]>
Subject: Enforcement Discretion Request LDAR Requirements Morgan's Point Complex (CN603211277/RN100210665)

Mr. Garcia,

Enterprise Products Operating LLC, Morgan's Point Complex, and its affiliates (collectively, "Enterprise") are requesting continued enforcement discretion for skipped LDAR monitoring

activities at our Morgan's Point Complex, as follows:

- Actions for which enforcement discretion is requested: Enterprise will not be able to conduct the required LDAR monitoring by Method 21 on fugitive components throughout the facilities listed in the attached table. A preliminary list of regulatory citations for which enforcement discretion is requested is in the attached table; all citations relate to periodic Method 21 monitoring of fugitive components.
- Anticipated duration of need for enforcement discretion: Enterprise is requesting that enforcement discretion be exercised for missed Method 21 monitoring activities beginning upon TCEQ approval of this request and continuing through September 30, 2020.
- Basis for requesting enforcement discretion: Enterprise intends to prevent its LDAR contractors from coming on site for the time period subject to this request as part of our effort to assure continued reliable operation of our facilities during the COVID-19/Coronavirus pandemic.
 - Continued temporary exclusion of the approximately 3-4 LDAR contractor staff at issue is an essential component in assuring that Enterprise's mission-critical personnel are healthy and available in sufficient numbers to continue to operate the facilities. In addition to temporarily excluding LDAR contractors, Enterprise is also taking other measures such as excluding other contractors and visitors when possible, requiring office employees to wear masks, placing our employees on alternating shifts, prohibiting substantially all business travel for our employees, and enforcing quarantines when employees appear ill or have close contact with someone who has tested positive for COVID-19.
 - Ensuring the health and availability of our mission-critical employees at these facilities, even at the cost of deferred LDAR monitoring tasks, is appropriate because the facilities are critical infrastructure in assuring the reliable delivery of energy and related products to the public.
 - Enterprise's efforts to limit personnel exposure are similar in spirit to Governor Abbott's remarks on June 26, 2020 which calls for minimizing most person-to-person contact in an effort to reduce the spread of COVID-19.
- Efforts to mitigate environmental impacts: We believe that missed monitoring for a short period of time will have little or no environmental impact. In the meantime, leaks will be monitored by plant operators conducting audio/visual/olfactory inspections when possible under limited staffing, and any leaks noted will be addressed in accordance with the applicable LDAR programs. When it appears safe to allow LDAR contractors and other visitors back on site, Enterprise will promptly resume regular method 21 monitoring.

If you have questions, please contact me at my contact address below. Enterprise is not stipulating that our planned conduct would violate the law, and we reserve our right to assert in the future that deferred LDAR monitoring is either legally compliant or excused or

mitigated by an Act of God, necessity, or other defense or justification.

Thank you,

Peter L. Cain | Manager, Environmental

Enterprise Products | 1100 Louisiana St. , Houston, Texas 77002-5227

713.381.6640 office | 346.241.2418 cell | [REDACTED]

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Morgan's Point Applicable LDAR rules				
Operator Name Enterprise Products Operating LLC Morgan's Point Complex CN603211277 RN100210665	Federal Requirements		40 CFR 60 Subpart VV	40 CFR 60.480-485
			40 CFR 63 Subpart EEEE	40 CFR 63.2346 (c)
	State Requirements		30 TAC 115 Subchapter D	30 TAC 115.354-355
	Permits		NSR Permit	NSR Special Conditions
			20289	SC13, SC14, SC15
Permit By Rule		Registration No.	LDAR Conditions	
		152673	28LAER	