

**From:** [Jonathan Walling](#)  
**To:** [REDACTED]  
**Cc:** [OCE](#)  
**Subject:** Enforcement Discretion Request LDAR Requirements Enterprise Products Operating LLC (CN603211277/RN100224740)-Oiltanking Terminal  
**Date:** Friday, April 3, 2020 8:55:01 AM  
**Attachments:** [EO-GA-14 Statewide Essential Service and Activity COVID-19 IMAGE 03-31-2020.pdf](#)  
[Oiltanking Houston Terminal Applicable LDAR rules.pdf](#)

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Good morning, Mr. Fields :

Your request for enforcement discretion at Enterprise's Oiltanking Houston Terminal, as presented, relating to LDAR monitoring by Method 21 of fugitive components and visual emissions checks, as prescribed by 40 CFR 63.2346(c), 40 CFR 63.563(c)(1)-(3), 30 TAC 111.111(a) and Special Condition 40 of New Source Review Permit 5631, 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 June 30, 2020. The required monitoring and visual emissions checks should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please re-submit your request.

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.

Regards,

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

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**From:** Fields, Jon <[REDACTED]>  
**Sent:** Thursday, April 2, 2020 3:59 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; Fields, Jon <[REDACTED]>  
**Subject:** Enforcement Discretion Request LDAR Requirements Enterprise Products Operating LLC (CN603211277/RN100224740))

Mr. Garcia,

Enterprise Products Operating LLC, Enterprise Houston Ship Channel, L.P., and their affiliates (collectively, "Enterprise") are requesting enforcement discretion for skipped LDAR monitoring activities at our Enterprise Houston Terminal, 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 visible emission (VE) checks and periodic Method 21 monitoring of fugitive components.

- Anticipated duration of need for enforcement discretion: Enterprise is requesting that enforcement discretion be exercised for missed VE and Method 21 monitoring activities beginning upon TCEQ approval of this request and continuing through June 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.
  - 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, placing our employees on alternating shifts, directing some employees to work from home, prohibiting substantially all business travel for our employees, and enforcing mandatory 14-day quarantines when employees appear ill or return from travel.
  - Ensuring the health and availability of our mission-critical employees at these facilities, even at the cost of deferred VE and 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 March 31, 2020 Executive Order GA-14 which calls for minimizing most person-to-person contact in an effort to reduce the spread of COVID-19 (attached).
- 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 VE and 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 VE and LDAR monitoring is either legally compliant or excused or mitigated by an Act of God, necessity, or other defense or justification.

Thank you,

Jon E. Fields | Director, Field Environmental  
Enterprise Products | 1100 Louisiana St., Houston, Tx 77002-5227  
(713) 381- 6684 office | (832) 596-7176 cell | [REDACTED]

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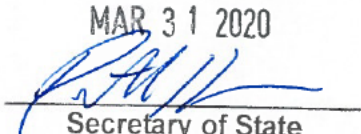


GOVERNOR GREG ABBOTT

March 31, 2020

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SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

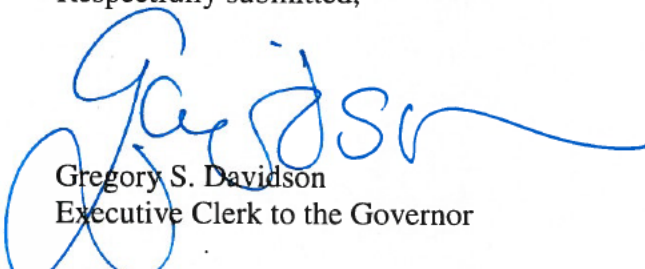
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-14 relating to statewide continuity of essential services  
and activities during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
March 31, 2020

## EXECUTIVE ORDER GA 14

*Relating to statewide continuity of essential services and activities  
during the COVID-19 disaster.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

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MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from

home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

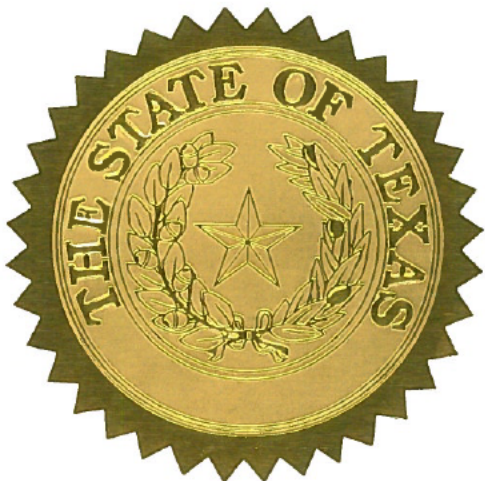
This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of  
March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

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SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

ATTESTED BY:

  
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RUTH R. HUGHS  
Secretary of State

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SECRETARY OF STATE  
2 PM O'CLOCK  
MAR 31 2020



**Oiltanking Houston Terminal Applicable LDAR rules**

<b>Operator Name</b> Enterprise Products Operating LLC Oiltanking Houston Terminal CN603211277 RN100224740	<b>Federal Requirements</b>  <b>State Requirements</b>  <b>Permits</b>	MACT EEEE MACT Y 30 TAC 111.111 <b>NSR Permit</b> 5631	40 CFR 63.2346 (c) 40 CFR 63.563 (c) (1)-(3) 30 TAC 111.111 (a) <b>NSR Special Conditions</b> SC40 (28MID)
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