

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Enforcement Discretion Request LDAR Requirements Enterprise Products Operating LLC (CN603211277/RN102323268)
Date: Tuesday, March 24, 2020 6:05:14 PM
Attachments: [Enforcement Discretion Table.pdf](#)
[Chambers County Judge Executive Order.pdf](#)

Good afternoon, Mr. Fields :

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 June 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 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

From: Fields, Jon <[REDACTED]>
Sent: Tuesday, March 24, 2020 2:35 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Fields, Jon <[REDACTED]>
Subject: Enforcement Discretion Request LDAR Requirements Enterprise Products Operating LLC (CN603211277/RN102323268)

Mr. Garcia,

Enterprise Products Operating LLC and its affiliates (collectively, "Enterprise") are requesting enforcement discretion for skipped LDAR monitoring activities at our assets in Mont Belvieu, Texas, 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 for a period of 14 days. We will evaluate whether it is appropriate to extend the request as the end of the 14-day period approaches.
- 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 40 LDAR contractor staff at issue is an essential component in assuring that Enterprise's mission-critical personnel are health 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 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 the local jurisdiction's (Chambers County) March 18, 2020 executive order banning social gatherings of 10 persons or more and taking other exposure-limiting measures in light of the declared state of disaster in the jurisdiction (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 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,

Jon E. Fields | Director, Field Environmental
Enterprise Products | 1100 Louisiana St., Houston, Tx 77002-5227

(713) 381- 6684 office | (832) 596-7176 cell | [REDACTED]

This message (including any attachments) is confidential and intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately and delete this message.

Operator Name
 Enterprise Products Operating LLC
 Mont Belvieu Complex
 RN102323268
 CN603211277

Mont Belvieu Complex Applicable LDAR rules

Federal Requirements	40 CFR 60 Subpart VV 40 CFR 60 Subpart Vva 40 CFR 60 Subpart KKK 40 CFR 60 Subpart OOOO 40 CFR 60 Subpart OOOOa 40 CFR 61 Subpart J 40 CFR 61 Subpart V 40 CFR 63 Subpart H 40 CFR 63 Subpart HH 40 CFR 63 Subpart EEEE 40 CFR 63 Subpart FFFF	40 CFR 60.480-485 40 CFR 60.480a-60-485a 40 CFR 60.630-633 40 CFR 60.5400-5401 40 CFR 60.5400a-5401a 40 CFR 61.110-112 40 CFR 61.240-245 40 CFR 63.160-180 40 CFR 63.769 40 CFR 63.2346 (c) 40 CFR 63.2480
State Requirements	30 TAC 115 Subchapter D 30 TAC 115 Subchapter H	30 TAC 115.354-355 30 TAC 115.781-783
Permits	NSR Permits 20698 19930 8707 6798 22113 93973 5581 22114 8418 22105 21945 107523 20289 Standard Permits 87477 93268 95777 150604 152723	NSR Special Conditions SC13, SC10 SC2, SC3, SC4 SC6, SC7 SC3, SC4 SC8 SC8, SC9, SC10 SC11, SC12 SC6, SC7 SC3, SC4 SC7, SC8 SC10, SC11 SC9, SC21 SC13, SC14 Texas 28 Series Program/Conditions 28MID, Quarterly Connector Monitoring 28MID, Quarterly Connector Monitoring 28MID, Quarterly Connector Monitoring 28LAER, Quarterly Connector Monitoring 28LAER, Quarterly Connector Monitoring
Permit By Rule	Registration No.	LDAR Conditions
	108147	28LAER, 28MID
	152673	28LAER
	106844	28LAER
	110727	28LAER
	111147	28LAER
	108247	28MID, 28CNTQ
	82436	28LAER
	81822	28LAER
	115013	28LAER
	10346	28LAER
	110027	28LAER
	154647	28LAER
	155109	28LAER
	94067	28MID
	124545	28MID, Quarterly Connector Monitoring
	152673	28LAER
GHG Permit	PSD-TX 1286-GHG	Special Conditions
	100091	SCA3

CHAMBERS COUNTY

EXECUTIVE ORDER

March 18, 2020

EXECUTIVE ORDER OF CHAMBERS COUNTY JUDGE MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

WHEREAS, by Commissioners Court Order issued March 17, 2020, the Commissioners Court of Chambers County declared a state of disaster for Chambers County, resulting from:

COVID-19; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management;

WHEREAS, Texas Government Code Sec. 418.018(c) states 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;

WHEREAS, Texas Government Code Sec. 418.1015 states:

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.
- (b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

WHEREAS, The CDC and President of the United States have issued guidelines to slow the spread of COVID-19;

NOW, THEREFORE, the following regulations shall take effect immediately upon issuance of this order and shall remain in effect until the state of disaster is terminated:

MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- (a) A person shall not occupy or allow to be occupied premises for social gatherings of ten (10) or more persons, including but not limited to places of assembly, restaurants, bars, theatres, and entertainment venues. "Premises" shall include land and buildings and structures upon it.
- (b) Food service establishments are encouraged to provide take-out, curbside, and delivery services, while following CDC guidance on routine hygiene practices.
- (c) This order does not apply to Critical Infrastructure Industries, such as healthcare services, pharmaceutical and food supply, as these businesses must remain open.

PENALTIES

- (a) These regulations shall have the effect of ordinances when duly filed with the County Clerk.
- (b) A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not more than five hundred dollars (\$500.00).

This Proclamation shall take effect at 12:01AM on March 19, 2020, **ORDERED THIS 18th DAY OF March 2020.**



Jimmy Sylvia
County Judge



Attest: Heather Hawthorne
County Clerk

