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April 29, 2011

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

U.S. Environmental Protection Agency, Region 2  
Regional Hearing Clerk  
290 Broadway, 16th Floor  
New York, New York 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
MAY 3 10 41 AM '11  
2011 APR 29 A 11:55  
REGIONAL HEARING  
CLERK

Re: In the Matter of: Enterprise Terminals and Storage, LLC and Enterprise Products Operating, LLC

Docket Number: SDWA-02-2011-8902

Dear Regional Hearing Clerk:

I have enclosed an Answer and Request for Hearing on behalf of Enterprise Terminals and Storage, LLC and Enterprise Products Operating, LLC in the above-referenced mater. Please file-stamp that additional copy enclosed and return to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact me at (713) 651-3760.

Very truly yours,



Edward Lewis

ECL/mm

Enclosure

Regional Hearing Clerk  
April 29, 2011  
Page 2

cc: Lauren Fischer Esq.  
Assistant Regional Counsel  
Water & General Law Branch  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th Floor  
New York, New York 10007-1866

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

DOCKET NO. SDWA-02-2011-8902

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
MAY 3 11:55  
2011 APR 24  
REGIONAL HEARING  
CLERK

<b>IN THE MATTER OF</b>	§	
	§	
Enterprise Terminals and Storage, LLC	§	
1100 Louisiana Street	§	Proceedings Under Section 1423(c) of the
Houston, Texas 77002	§	Safe Drinking Water Act,
	§	42 U.S.C. § 300h-2(c)
Enterprise Products Operating, LLC	§	
1100 Louisiana Street	§	
Houston, Texas 77002	§	
	§	
Respondents	§	

**Answer and Request for Hearing**

Enterprise Terminals and Storage, LLC (“Enterprise Terminals”) and Enterprise Products Operating, LLC (“Enterprise Products”) (collectively, “Respondents”) file this Answer and Request for Hearing (“Answer”) in response to the Complaint, Notice of Violation, Proposed Administrative Order with Civil Penalty and Opportunity to Request a Hearing (“Complaint”) filed by the United States Environmental Protection Agency, Region 2 (“EPA”) on March 31, 2011.

Respondents acknowledge receipt of the Complaint on April 7, 2011 and file this Answer pursuant to 40 C.F.R. § 22.15.

Respondents deny each and every factual allegation, jurisdictional finding and finding of violation contained in the Complaint.

In particular, Respondents deny that the injection of brine into an injection well utilized to inject Liquefied Petroleum Gas (“LPG”) for storage purposes causes the well to be subject to regulation under the EPA’s Underground Injection Control (“UIC”) Program. EPA’s UIC regulations state that certain *wells* are “not covered by [the UIC] regulations. 40 C.F.R. § 144.1(g)(2). Among these are “injection wells used for injection of hydrocarbons which are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage.” 40 C.F.R. § 144.1(g)(2)(iv). The provision does not refer to the injection of hydrocarbons as being what is excluded; rather, what is excluded are injection wells used for injection of hydrocarbons. The use of brine to facilitate the injection of hydrocarbons does not bring a well

otherwise clearly excluded – i.e., one used for hydrocarbon storage – within the scope of the regulations.

Further, Respondents contest the proposed penalty and compliance measures included in the Complaint, based on the applicability of the exemption from regulation set forth at 40 C.F.R. § 144.1(g)(2)(iv).

Finally, Respondents request that a hearing be held on the issues raised by the Complaint and this Answer.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: Eddie Lewis

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Attorneys for ENTERPRISE TERMINALS  
AND STORAGE, LLC and ENTERPRISE  
PRODUCTS OPERATING, LLC