

Enterprise Terminals & Storage (ET&S)
El Paso

RATE SHEET

FOR
TRUCK TERMINAL LOADING CHARGES
Effective February 1, 2021

Charges for loading propane into transport trucks will be as follows:

<u>ET&S El Paso Terminal</u>	<u>Charge per Barrel</u>
El Paso, TX	168.0 ¢

The Charge per Barrel noted above includes charges for odorization, whether or not odorant is added.

ODORIZATION STATEMENT:

Unless otherwise mutually agreed by Enterprise Terminals and Storage ("ETS") and Customer, in writing, all propane delivered hereunder shall be stench by ETS utilizing ethyl mercaptan or other appropriate malodorants (the "Odorant"). Propane delivered hereunder shall meet minimum odor standards applicable on the date of delivery as stated in both the Department of Transportation Code of Federal Regulations, 49 CFR § 173.315(b)(1) or any successor or related regulations, and the State and local requirements of the State where the stenching is performed.

Customer acknowledges and confirms to ETS that customer is familiar with the properties of odorized propane, and the properties of the chemical stench ethyl mercaptan, and of the method for safely using and handling odorized propane. Customer agrees to inform its customers of the key properties of odorized propane.

Customer represents that its instructions regarding the use or nonuse of Odorant shall comply with any and all legal requirements applicable to customer's use, storage, handling or transportation of propane. **CUSTOMER ACKNOWLEDGES THAT THE PROPANE STORED AND DISPENSED AT THE TERMINALS IS VOLATILE AND THAT ITS VAPORS ARE FLAMMABLE, COMBUSTIBLE AND EXPLOSIVE. CUSTOMER REPRESENTS THAT IT IS FAMILIAR WITH THE METHODS FOR SAFELY USING AND HANDLING ODORIZED PROPANE; THE ALLEGED PROBLEMS ASSOCIATED WITH ODORANTS AND ODORIZATIONS; THE ABILITY OF ODORANT TO FADE OVER A PERIOD OF TIME OR FADE IF SUBJECTED TO CERTAIN METAL OR CONDITIONS OF METALS AND MAY THEREFORE BE UNDETECTABLE; THE INABILITY OF PEOPLE WITH NASAL PRECEPTION PROBLEMS TO BE ABLE TO SMELL THE ODORANT; AND THE ABILITY OF OTHER ODORS TO MASK OR HIDE THE ODORANT OR OTHERWISE MAKE IT UNDETECTABLE. CUSTOMER REPRESENTS THAT IT IS FAMILIAR WITH THE ALLEGED PROBLEMS ASSOCIATED WITH ODORANTS AND ODORIZATIONS PARTICULARLY THE PROBLEM OF ODOR FADE AND THAT CUSTOMER HAS TAKEN ALL NECESSARY STEPS TO WARN ITS CUSTOMERS OF ODOR FADE PROBLEMS AS WELL AS THE MATTERS**

PERTAINING TO ODORIZATION OF PROPANE. ETS shall have no further responsibility to monitor the propane or take any further action after delivery thereof to customer or its agent to ensure that the propane remains properly odorized after delivery to customer.

Prior to transporting any propane received hereunder, Customer's driver or its agent's driver shall inspect the propane for Odorant and determine if the propane is odorized utilizing industry accepted test performed in accordance with industry accepted standards. Customer's driver or its agent's driver shall not take any propane which it discovers; should have discovered; or has reason to believe is not odorized or sufficiently odorized. As between ETS and Customer, if customer or its agent's fail to inspect for Odorant, the propane is deemed to be properly odorized. Before transporting any propane from ETS's Terminal, customer's driver or its agent's driver shall make the following certification on ETS's bill of lading or meter ticket, as the case may be:

This is to certify that (i) the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable Department of Transportation ("DOT") regulations as well as any applicable state and local laws, rules or regulations; (ii) the tank truck utilized for shipment are a proper transportation container, according to the applicable DOT regulations as well as any applicable state and local laws, rules or regulations and (iii) the delivered Propane meets the applicable E.P.A. and A.S.T.M. standards for the time and place of loading .