

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1347-AIR-E **TCEQ ID:** RN100223007 **CASE NO.:** 30852
RESPONDENT NAME: Vopak Logistics Services USA Inc.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Vopak Logistics Services USA-Deer Park, 2759 Battleground Road, Deer Park, Harris County

TYPE OF OPERATION: Rail car cleaning and waste management

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Ms. Rebecca Johnson, Enforcement Division, Enforcement Section III, MC R-12, (713) 422-8931; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
- TCEQ Field Investigator:** Ms. Kiranmai Valluri, Houston Regional Office, MC R-12, (713) 767-3742
- Respondent:** Mr. Joey Anslum, General Manager, Vopak Logistics Services USA Inc., P.O. Box 897, Deer Park, Texas 77536
Mr. Jimmy W. Ritter, Facility Manager, Vopak Logistics Services USA Inc., P.O. Box 897, Deer Park, Texas 77536
- Respondent's Attorney:** Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 2, 2006</p> <p>Date of NOE Relating to this Case: August 11, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Seven violations were documented.</p> <p>AIR</p> <p>1) Failed to ensure that all openings on the water separator associated with the centrifuge separation are totally sealed to ensure there are no emissions to the atmosphere. Specifically, during the March 2, 2006 investigation the maintenance hatch on the separator was not sealed and resulted in emissions to the atmosphere that were detected with a toxic vapor analyzer [30 TEX. ADMIN. CODE § 115.132(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to demonstrate continuous compliance with the applicable criteria exempting the water separator from emissions controls. Specifically, during the March 2, 2006 investigation it was documented that Vopak is operating a volatile organic compound water separator without emission controls, however Vopak was not maintaining records of the names and true vapor pressures of all materials stored, processed, and handled to demonstrate compliance with the applicable criteria exempting the water separator from emission control requirements [30 TEX. ADMIN. CODE § 115.136(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to submit semiannual reports detailing the required fugitive monitoring information. Specifically, Vopak is required to submit reports semiannually with the initial semiannual report being due no later than August 23, 2003, however no semiannual reports have been submitted [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. O-01637, Special Condition Nos. 1.A. and 16, Air Permit No. 6400, Special Condition No. 4.B., 40 CODE OF FEDERAL REGULATIONS § 61.247(b), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$55,328</p> <p>Total Deferred: \$11,066 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$22,131</p> <p>Total Paid to General Revenue: \$22,131</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Vopak has implemented the following corrective measures at the Plant:</p> <p>a. Installed a gasket on the maintenance hatch on the water separator associated with the centrifuge separation on March 2, 2006 to ensure there are no emissions to the atmosphere from the opening; and</p> <p>b. Completed employee training on April 11, 2005 which reviewed the record keeping requirements for the flare observation log, the scrubber, and the railcar vacuum system.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Represent through the appropriate submittal and to the satisfaction of the TCEQ Air Permits Division the odor removal scrubber for inclusion in the Title V Permit; or</p> <p>ii. Submit a request through the appropriate submittal and to the satisfaction of the TCEQ Air Permits Division to void the Title V Permit</p> <p>b. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a.i. or 3.a.ii.;</p> <p>c. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Submit a semiannual fugitive emissions report, including a reporting schedule stating the months that semiannual reports shall be submitted; and</p>

RESPONDENT'S NAME: Vopak Logistics Services USA Inc.
 DOCKET NO.: 2006-1347-AIR-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4) Failed to represent all applicable emission sources in the Title V Permit application. Specifically, the odor removal scrubber was not represented in the Title V Permit application submitted on July 19, 1999 or in the Title V permit issued on September 12, 2003 [30 TEX. ADMIN. CODE §§ 122.132(e)(2) and 122.121, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to record flare observations in the flare operation log each time the flare is operated. Specifically, during the March 2, 2006 investigation it was documented that flare observations were not recorded for four times that Flare 02-FL-2 was operated during the September 12, 2004 to September 12, 2005 deviation reporting periods [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), Air Permit No. O-01637, Special Condition No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to record the pH of the scrubbing liquid each time a railcar is cleaned while utilizing the scrubber as the emission control device. Specifically, during the March 2, 2006 investigation it was documented that there were eight railcars for which the pH of the scrubbing liquid was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 6400, Special Condition No. 28, Air Permit No. O-01637, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failed to record the vacuum system level during the purging of each railcar. Specifically, during the March 2, 2006 investigation it was documented that there was one instance of railcar purging operations for which the vacuum system level was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 6400, Special Condition No. 16, Air Permit No. O-01637, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>ii. Demonstrate that the odor removal scrubber has been incorporated into the Title V Permit, or</p> <p>iii. Demonstrate that the Title V Permit has been voided.</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.c.i., and 3.c.ii. or 3.c.iii.;</p> <p>e. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining complete and up-to-date records to demonstrate continuous compliance with the applicable criteria exempting the water separator from emission controls, including, but not limited to, the names and true vapor pressures of all such materials stored, processed, or handled at the affected property, and any other necessary operational information; or</p> <p>ii. Install emission controls on the water separator.</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.e.i. or 3.e.ii.; and</p> <p>g. The certifications required by Ordering Provision Nos. 3.b., 3.d. and 3.f. shall include documentation demonstrating compliance and shall be notarized by a State of Texas Notary Public.</p>

Attachment A

Docket Number: 2006-1347-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Vopac Logistics Services USA Inc.

Payable Penalty Amount: Forty-Four Thousand Two Hundred Sixty-Two Dollars
(\$44,262)

SEP Amount: Twenty-Two Thousand One Hundred Thirty-One Dollars
(\$22,131)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles
Program

Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in establishing a strong data culture. It emphasizes that data should be treated as a valuable asset that requires careful management and oversight.

6. The sixth part of the document provides a summary of the key findings and recommendations. It reiterates the importance of data in driving organizational success and provides actionable steps for implementing the proposed data management framework.

7. The seventh part of the document includes a list of references and sources used in the research. It provides a comprehensive overview of the literature and resources that informed the analysis and conclusions of the document.

8. The eighth part of the document contains a list of appendices and supplementary materials. These include detailed data tables, charts, and additional information that supports the main text of the document.

9. The ninth part of the document provides a list of contact information for the authors and stakeholders. It includes email addresses and phone numbers for those who may have questions or need further information.

10. The tenth part of the document is a concluding statement that summarizes the overall purpose and findings of the document. It expresses the authors' commitment to transparency and their hope that the document will be a valuable resource for the organization.

11. The eleventh part of the document includes a list of acknowledgments. It thanks the individuals and organizations that provided support, resources, and feedback throughout the process of developing the document.

12. The twelfth part of the document contains a list of definitions and abbreviations. It clarifies the meaning of key terms and symbols used throughout the document to ensure consistency and understanding.

13. The thirteenth part of the document provides a list of references to external sources. It includes links to relevant articles, books, and websites that were consulted during the research process.

14. The fourteenth part of the document includes a list of appendices. These provide additional data and information that are not included in the main text but are relevant to the document's findings and conclusions.

15. The fifteenth part of the document contains a list of contact information for the authors. It includes email addresses and phone numbers for those who may have questions or need further information.

16. The sixteenth part of the document provides a list of references. It includes links to relevant articles, books, and websites that were consulted during the research process.

17. The seventeenth part of the document includes a list of appendices. These provide additional data and information that are not included in the main text but are relevant to the document's findings and conclusions.

18. The eighteenth part of the document contains a list of contact information for the authors. It includes email addresses and phone numbers for those who may have questions or need further information.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Vopac Logistics Services USA Inc.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	14-Aug-2006	Screening	18-Aug-2006	EPA Due	08-May-2007
	PCW	30-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Vopak Logistics Services USA Inc.
Reg. Ent. Ref. No.	RN100223007
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	30852	No. of Violations	7
Docket No.	2006-1347-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$36,400
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	52% Enhancement	Subtotals 2, 3, & 7	\$18,928
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Notes Penalty enhancement due to three NOVs for same or similar violations, four NOVs for unrelated violations, and one Court Order with a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent does not meet the good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,332	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,550	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,328
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$55,328
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$55,328
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DEFERRAL	20% Reduction	Adjustment	-\$11,066
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral recommended for expedited settlement.

PAYABLE PENALTY	\$44,262
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Screening Date	18-Aug-2006	Docket No.	2006-1347-AIR-E	PCW
Respondent	Vopak Logistics Services USA Inc.		Policy Revision 2 (September 2002)	
Case ID No.	30852	PCW Revision April 25, 2006		
Reg. Ent. Reference No.	RN100223007			
Media [Statute]	Air Quality			
Enf. Coordinator	Rebecca Johnson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

>> Repeat Violator (Subtotal 3)

<input type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

<input type="text" value="Average Performer"/>	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes Penalty enhancement due to three NOVs for same or similar violations, four NOVs for unrelated violations, and one Court Order with a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date	18-Aug-2006	Docket No.	2006-1347-AIR-E	PCW
Respondent	Vopak Logistics Services USA Inc.		Policy Revision 2 (September 2002)	
Case ID No.	30852	PCW Revision April 25, 2006		
Reg. Ent. Reference No.	RN100223007			
Media [Statute]	Air Quality			
Enf. Coordinator	Rebecca Johnson			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.132(a)(1)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to ensure that all openings on the water separator associated with the centrifuge separation are totally sealed to ensure there are no emissions to the atmosphere. Specifically, during the March 2, 2006 investigation the maintenance hatch on the separator was not sealed and resulted in emissions to the atmosphere that were detected with a toxic vapor analyzer.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended based on the investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vopak Logistics Services USA Inc.
 Case ID No. 30852
 Reg. Ent. Reference No. RN100223007
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	02-Mar-2006	02-Mar-2006	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to properly seal the maintenance hatch on the separator. Date required based on the investigation date. Final date based on the compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date 18-Aug-2006 **Docket No.** 2006-1347-AIR-E **PCW**
Respondent Vopak Logistics Services USA Inc. *Policy Revision 2 (September 2002)*
Case ID No. 30852 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100223007
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Violation Number
Primary Rule Cite(s) 30 Tex. Admin. Code § 115.136(a)(1)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description
 Failure to demonstrate continuous compliance with the applicable criteria exempting separator O1-C-A from emission controls. Specifically, during the March 2, 2006 investigation it was documented that Vopak is operating a volatile organic compound water separator without emission controls, however Vopak was not maintaining records of the names and true vapor pressures of all materials stored, processed, and handled to demonstrate compliance with the applicable criteria exempting the water separator from emission control requirements.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="25%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>

single event

Violation Base Penalty

Six monthly events are recommended based on the March 2, 2006 investigation date to the August 18, 2006 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$24"/>	Violation Final Penalty Total <input type="text" value="\$22,800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$22,800"/>	

Economic Benefit Worksheet

Respondent Vopak Logistics Services USA Inc.
 Case ID No. 30852
 Reg. Ent. Reference No. RN100223007
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
No. commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	02-Mar-2006	08-Oct-2007	1.6	\$24	n/a	\$24
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement a record keeping system to maintain records demonstrating compliance with the exemption criteria. Date required based on the investigation date. Final date based on the projected compliance date.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	One/Time Costs	EB Amount
Avoided Costs					
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0
Other (as needed)		0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

Screening Date 18-Aug-2006 **Docket No.** 2006-1347-AIR-E **PCW**
Respondent Vopak Logistics Services USA Inc. *Policy Revision 2 (September 2002)*
Case ID No. 30852 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100223007
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Violation Number 3
Primary Rule Cite(s) Air Permit No. O-01637, Special Condition Nos. 1.A. and 16, Air Permit No. 6400, Special Condition No. 4.B., and 40 Code of Federal Regulations § 61.247(b)
Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to submit semiannual reports detailing the required fugitive monitoring information. Specifically, Vopak is required to submit reports semiannually with the initial semiannual report being due no later than August 23, 2003, however no semiannual reports have been submitted.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			

Matrix Notes 100% of the rule requirements were not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 7 1091 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$17,500

Seven single events are recommended based on the seven reports that were required to be submitted and were not, starting with the semiannual report that should have been submitted by August 23, 2003.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$408 **Violation Final Penalty Total** \$26,600

This violation Final Assessed Penalty (adjusted for limits) \$26,600

Economic Benefit Worksheet

Respondent: Vopak Logistics Services USA Inc.
 Case ID No. 30852
 Reg. Ent. Reference No. RN100223007
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	23-Aug-2003	10-Jul-2007	3.9	\$19	\$388	\$408
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to submit the fugitive monitoring reports semiannually. Date required based on the earliest documentation of non-compliance. Final date based on the projected compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,500** TOTAL **\$408**

Screening Date	18-Aug-2006	Docket No.	2006-1347-AIR-E	PCW
Respondent	Vopak Logistics Services USA Inc.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	30852	<i>PCW Revision April 25, 2006</i>		
Reg. Ent. Reference No.	RN100223007			
Media [Statute]	Air Quality			
Enf. Coordinator	Rebecca Johnson			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 122.132(e)(2) and 122.121			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to represent all applicable emission sources in the Title V Permit application. Specifically, the odor removal scrubber was not represented in the Title V Permit application submitted on July 19, 1999 or in the Title V permit issued on September 12, 2003.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Vopak Logistics Services USA Inc.
 Case ID No: 30852
 Reg. Ent. Reference No: RN100223007
 Media [Statute]: Air Quality
 Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	19-Jul-1999	28-Apr-2008	8.8	\$878	n/a	\$878
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to include odor removal scrubber in the Title V Permit. Date required based on the application submittal date. Final date based on the projected compliance date.						

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs					
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0
Other (as needed)		0.0	\$0	\$0	\$0
Notes for AVOIDED costs					

Approx. Cost of Compliance \$2,000

TOTAL \$878

Screening Date 18-Aug-2006 **Docket No.** 2006-1347-AIR-E **PCW**
Respondent Vopak Logistics Services USA Inc. *Policy Revision 2 (September 2002)*
Case ID No. 30852 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100223007
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Violation Number 5
Primary Rule Cite(s) Air Permit No. O-01637, Special Condition No. 1.A. and 30 Tex. Admin. Code §§ 111.111(a)(4)(A)(ii) and 122.143(4)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to record flare observations in the flare operation log each time the flare is operated. Specifically, during the March 2, 2006 investigation it was documented that flare observations were not recorded for four times that Flare 02-FL-2 was operated during the September 12, 2004 to September 12, 2005 deviation reporting periods.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification			X	Percent 1%

Matrix Notes Less than 30% of the required flare observations were not recorded.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$400

Four single events are recommended based on the four times the required flare observations were not recorded.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$7 **Violation Final Penalty Total** \$608

This violation Final Assessed Penalty (adjusted for limits) \$608

Economic Benefit Worksheet

Respondent: Vopak Logistics Services USA Inc.
 Case ID No: 30852
 Reg. Ent. Reference No: RN100223007
 Media [Statute]: Air Quality
 Violation No: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	12-Sep-2004	11-Apr-2005	0.6	\$7	n/a	\$7
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct employee training on flare log completion. Date required based on the initial date of the deviation reporting period. Final date based on the compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$250

TOTAL \$7

Screening Date 18-Aug-2006 **Docket No.** 2006-1347-AIR-E **PCW**
Respondent Vopak Logistics Services USA Inc. *Policy Revision 2 (September 2002)*
Case ID No. 30852 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100223007
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Violation Number 6
Primary Rule Cite(s) Air Permit No. 6400, Special Condition No. 28 and Air Permit No. O-01637, Special Condition No. 16
Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to record the pH of the scrubbing liquid each time a railcar is cleaned while utilizing the scrubber as the emission control device. Specifically, during the March 2, 2006 investigation it was documented that there were eight railcars for which the pH of the scrubbing liquid was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification			X	Percent 1%

Matrix Notes The pH was not recorded less than 30% of the time.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 8 **Number of violation days** 8

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$800

Eight single events are recommended based on the eight times the required information was not recorded.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$7	Violation Final Penalty Total \$1,216
This violation Final Assessed Penalty (adjusted for limits) \$1,216	

Economic Benefit Worksheet

Respondent: Vopak Logistics Services USA Inc.
 Case ID No: 30852
 Reg. Ent. Reference No: RN100223007
 Media [Statute]: Air Quality
 Violation No: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	12-Sep-2004	11-Apr-2005	0.6	\$7	n/a	\$7
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct employee training on the record keeping requirements for the scrubber. Date required based on the initial date of the deviation reporting period. Final date based on the compliance date.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$250

TOTAL \$7

Screening Date 18-Aug-2006 **Docket No.** 2006-1347-AIR-E **PCW**
Respondent Vopak Logistics Services USA Inc. *Policy Revision 2 (September 2002)*
Case ID No. 30852 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100223007
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Violation Number 7
Primary Rule Cite(s) Air Permit No. 6400, Special Condition No. 16 and Air Permit No. O-01637, Special Condition No. 16
Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to record the vacuum system level during the purging of each railcar. Specifically, during the March 2, 2006 investigation it was documented that there was one instance of railcar purging operations for which the vacuum system level was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes The vacuum system level was not recorded less than 30% of the time.
Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events
Number of Violation Events 1 1 Number of violation days

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100
One single event is recommended based on the one time the required information was not recorded.

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$7 **Violation Final Penalty Total** \$152
This violation Final Assessed Penalty (adjusted for limits) \$152

Economic Benefit Worksheet

Respondent: Vopak Logistics Services USA Inc.
 Case ID No: 30852
 Reg. Ent. Reference No: RN100223007
 Media [Statute]: Air Quality
 Violation No: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	12-Sep-2004	11-Apr-2005	0.6	\$7	n/a	\$7
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct employee training on record keeping requirements for the vacuum system. Date required based on the initial date of the deviation reporting period. Final date based on the compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$250 TOTAL \$7

Compliance History

Customer/Respondent/Owner-Operator: CN601527955 Vopak Logistics Services USA Inc. Classification: AVERAGE Rating: 2.37
 Regulated Entity: RN100223007 VOPAK LOGISTICS SERVICES USA- DEER PARK Classification: AVERAGE Site Rating: 4.65

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0224P
	AIR OPERATING PERMITS	PERMIT	1637
	AIR NEW SOURCE PERMITS	PERMIT	6400
	AIR NEW SOURCE PERMITS	PERMIT	7569
	AIR NEW SOURCE PERMITS	PERMIT	9081
	AIR NEW SOURCE PERMITS	PERMIT	12082
	AIR NEW SOURCE PERMITS	PERMIT	13169
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0224P
	AIR NEW SOURCE PERMITS	AFS NUM	0372
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW157
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW407
	WASTEWATER	PERMIT	WQ001731000
	WASTEWATER	EPA ID	TX0030937
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD097673149
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50025
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	SOLID WASTE REGISTRATION # (SWR)	30567
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50025
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD097673149
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30567
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD097673149
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	EPA ID	TXD097673149

Location: 2759 BATTLEGROUND ROAD, DEER PARK, TX, 77536 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 17, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 14, 2001 to August 14, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

- | | |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/23/2003 COURTORDER
 Classification: Moderate

Rqmt Prov: Not specified PERMIT
 Description: Unauthorized discharge of COD, Arsenic, TSS, Ammonia and nickel.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 07/30/2003 (146388)
- 2 10/23/2001 (137195)
- 3 01/23/2003 (22147)
- 4 08/17/2001 (137194)
- 5 12/18/2003 (257368)
- 6 01/17/2003 (21186)
- 7 12/06/2004 (342151)
- 8 12/02/2003 (251456)
- 9 07/16/2004 (272860)
- 10 07/09/2003 (11823)
- 11 12/20/2005 (436825)
- 12 12/16/2004 (343647)
- 13 08/30/2005 (404236)
- 14 01/23/2003 (22133)
- 15 12/21/2004 (344590)
- 16 05/12/2006 (464571)
- 17 10/23/2001 (128798)
- 18 08/17/2001 (128797)
- 19 11/08/2005 (433192)
- 20 05/12/2004 (271567)
- 21 02/27/2004 (262909)
- 22 01/23/2003 (22112)
- 23 02/06/2004 (261373)
- 24 06/29/2003 (119040)
- 25 09/19/2003 (249332)
- 26 09/03/2003 (263175)
- 27 11/12/2003 (251875)
- 28 01/24/2006 (440337)
- 29 08/11/2006 (457193)
- 30 05/05/2003 (33566)
- 31 03/11/2004 (262168)
- 32 11/01/2004 (338366)
- 33 08/17/2001 (123786)
- 34 10/23/2001 (123787)
- 35 02/12/2004 (259993)
- 36 03/30/2004 (332892)
- 37 05/12/2004 (271580)
- 38 11/19/2004 (341462)
- 39 01/12/2004 (257970)
- 40 10/23/2001 (121805)
- 41 08/17/2001 (121804)
- 42 08/14/2003 (113046)
- 43 11/12/2003 (254290)
- 44 04/06/2005 (376371)
- 45 08/17/2001 (103158)
- 46 09/30/2003 (249925)
- 47 07/16/2003 (141121)
- 48 10/23/2001 (103159)
- 49 01/14/2005 (345658)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/13/2003 (254290)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: Failure to meet required 99% removal efficiency for total chlorides as required by TCEQ permit 6400 during compliance testing on June 30, 2003.

Date: 07/31/2003 (146388)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Failure to meet the stack testing extension period for SO2 on the Thermal Oxidizer.

Date: 08/14/2003 (113046) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(22)
Description: Failure to properly complete waste manifests

Date: 05/12/2004 (271580) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: Failure to update/correct Notice of Registration to accurately reflect waste stream and waste management unit changes.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)[G]
Description: Failure to accurately report waste generation and disposal on Annual Waste Summary for 2003.

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)
Rqmt Prov: PERMIT IA
Description: Failure to repair damage to secondary containment wall in a timely manner.

Date: 03/30/2004 (332892) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: SPECIFIC NON-RPT VIOLATION

Date: 03/12/2004 (262168) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Regulated entity failed to maintain HCL emissions from EPN No. 02-FL-1 below the Maximum Allowable Emission Rate Table (MAER) as described in Permit No. 6400.

Date: 09/03/2003 (263175) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
30 TAC Chapter 101, SubChapter A 101.10(f)
Description: The respondent failed to submit an emissions inventory for calendar year 2002 on or before 6/26/2003.

F. Environmental audits.

Notice of Intent Date: 03/06/2006 (459060)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is as accurate and reliable as possible.

The third part of the document focuses on the results of the analysis. It shows that there is a clear trend in the data, which is consistent with the initial hypothesis. This finding is significant as it provides strong evidence for the proposed model.

Finally, the document concludes with a summary of the findings and a list of recommendations. It suggests that further research should be conducted to explore the underlying causes of the observed trends.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VOPAK LOGISTICS SERVICES USA
INC.
RN100223007**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1347-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Vopak Logistics Services USA Inc. ("Vopak") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Vopak appear before the Commission and together stipulate that:

1. Vopak owns and operates a rail car cleaning and waste management facility at 2759 Battleground Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Vopak agree that the Commission has jurisdiction to enter this Agreed Order, and that Vopak is subject to the Commission's jurisdiction.
4. Vopak received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Vopak of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Five Thousand Three Hundred Twenty-Eight Dollars (\$55,328) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Vopak has paid Twenty-Two Thousand One Hundred Thirty-One Dollars (\$22,131) of the administrative penalty and Eleven Thousand Sixty-Six Dollars (\$11,066) is deferred contingent upon Vopak's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If

- Vopak fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Vopak to pay all or part of the deferred penalty. Twenty-Two Thousand One Hundred Thirty-One Dollars (\$22,131) shall be conditionally offset by Vopak's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and Vopak have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that Vopak has implemented the following corrective measures at the Plant:
 - a. Installed a gasket on the maintenance hatch on the water separator associated with the centrifuge separation on March 2, 2006 to ensure there are no emissions to the atmosphere from the opening; and
 - b. Completed employee training on April 11, 2005 which reviewed the record keeping requirements for the flare observation log, the scrubber, and the railcar vacuum system.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Vopak has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Vopak is alleged to have:

1. Failed to ensure that all openings on the water separator associated with the centrifuge separation are totally sealed to ensure there are no emissions to the atmosphere, in violation of 30 TEX. ADMIN. CODE § 115.132(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, during the March 2, 2006 investigation the maintenance hatch on the separator was not sealed and resulted in emissions to the atmosphere that were detected with a toxic vapor analyzer.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and processing, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document discusses the importance of data governance and the role of various stakeholders in ensuring that data is used ethically and in compliance with relevant regulations and standards.

6. The sixth part of the document explores the future of data management and analysis, highlighting emerging trends such as artificial intelligence, machine learning, and big data. It discusses how these technologies will continue to shape the way organizations manage and utilize their data.

7. The seventh part of the document provides a summary of the key findings and recommendations. It emphasizes the need for a holistic approach to data management that integrates all aspects of the organization's operations and ensures that data is used to drive positive outcomes.

8. The eighth part of the document discusses the importance of ongoing monitoring and evaluation of data management practices. It highlights the need for regular audits and assessments to ensure that the organization remains up-to-date with the latest best practices and technologies.

9. The ninth part of the document provides a conclusion and a call to action. It encourages all stakeholders to take ownership of their data and work together to create a data-driven culture that fosters innovation and growth.

10. The final part of the document provides a list of references and resources for further reading. It includes links to relevant articles, books, and industry reports that provide additional insights into the topics discussed in the document.

2. Failed to demonstrate continuous compliance with the applicable criteria exempting the water separator from emissions controls, in violation of 30 TEX. ADMIN. CODE § 115.136(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, during the March 2, 2006 investigation it was documented that Vopak is operating a volatile organic compound water separator without emission controls, however Vopak was not maintaining records of the names and true vapor pressures of all materials stored, processed, and handled to demonstrate compliance with the applicable criteria exempting the water separator from emission control requirements.
3. Failed to submit semiannual reports detailing the required fugitive monitoring information, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. O-01637, Special Condition Nos. 1.A. and 16, Air Permit No. 6400, Special Condition No. 4.B., 40 CODE OF FEDERAL REGULATIONS § 61.247(b), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, Vopak is required to submit reports semiannually with the initial semiannual report being due no later than August 23, 2003, however no semiannual reports have been submitted.
4. Failed to represent all applicable emission sources in the Title V Permit application, in violation of 30 TEX. ADMIN. CODE §§ 122.132(e)(2) and 122.121, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, the odor removal scrubber was not represented in the Title V Permit application submitted on July 19, 1999 or in the Title V permit issued on September 12, 2003.
5. Failed to record flare observations in the flare operation log each time the flare is operated, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), Air Permit No. O-01637, Special Condition No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, during the March 2, 2006 investigation it was documented that flare observations were not recorded for four times that Flare 02-FL-2 was operated during the September 12, 2004 to September 12, 2005 deviation reporting periods.
6. Failed to record the pH of the scrubbing liquid each time a railcar is cleaned while utilizing the scrubber as the emission control device, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 6400, Special Condition No. 28, Air Permit No. O-01637, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, during the March 2, 2006 investigation it was documented that there were eight railcars for which the pH of the scrubbing liquid was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods.
7. Failed to record the vacuum system level during the purging of each railcar, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 6400, Special Condition No. 16, Air Permit No. O-01637, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 2, 2006. Specifically, during the March 2, 2006 investigation it was documented that there was one instance of railcar purging operations for which the vacuum system level was not recorded during the September 12, 2004 to September 12, 2005 deviation reporting periods.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of internal controls in ensuring the reliability of the data.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and regulators, have a right to know the true financial position of the organization. This requires the implementation of robust reporting standards and the use of independent auditors to verify the information.

Furthermore, the text addresses the challenges posed by technological advancements in the financial sector. While digitalization offers numerous benefits, it also introduces new risks, such as cyber threats and data breaches. The document suggests that organizations should invest in cybersecurity measures and ensure that their IT systems are secure and resilient.

Finally, the document concludes by stressing the importance of a strong corporate governance framework. It argues that a clear set of policies and procedures, supported by a committed board of directors, is crucial for the long-term success and sustainability of the organization. The text encourages the adoption of best practices and the continuous improvement of the governance structure.

The document also touches upon the role of ethics in financial decision-making. It notes that ethical considerations should be an integral part of the organization's strategy and operations. By promoting a culture of integrity and ethical behavior, organizations can build trust and enhance their reputation in the market.

In summary, the document provides a comprehensive overview of the key factors that influence the effectiveness of financial reporting and internal controls. It offers practical insights and recommendations for organizations seeking to improve their financial management practices and ensure the highest standards of accuracy and transparency.

III. DENIALS

Vopak generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Vopak pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Vopak's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Vopak Logistics Services USA Inc., Docket No. 2006-1347-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. Vopak shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Two Thousand One Hundred Thirty-One Dollars (\$22,131) of the assessed administrative penalty shall be offset with the condition that Vopak implement the SEP defined in Attachment A, incorporated herein by reference. Vopak's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Vopak shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order:
 - i. Represent through the appropriate submittal and to the satisfaction of the TCEQ Air Permits Division the odor removal scrubber for inclusion in the Title V Permit; or
 - ii. Submit a request through the appropriate submittal and to the satisfaction of the TCEQ Air Permits Division to void the Title V Permit.
 - b. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a.i. or 3.a.ii. The certification should include documentation demonstrating compliance and shall be submitted in accordance with Ordering Provision No. 3.g.;
 - c. Within 180 days after the effective date of this Agreed Order:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

It is the policy of this organization to maintain the highest standards of accuracy and transparency in all financial reporting. This includes the timely preparation and review of financial statements, as well as the prompt resolution of any discrepancies or errors that may arise.

The second part of the document outlines the specific procedures for the collection, processing, and reporting of financial data. It details the responsibilities of various departments and individuals involved in the financial reporting process, as well as the timelines and formats for submitting reports. The text also discusses the use of technology in financial reporting and the importance of data security and confidentiality.

Finally, the document concludes with a statement of commitment to the highest standards of financial reporting and a call to action for all employees to adhere to these standards in their daily work.

We are committed to providing our stakeholders with accurate, timely, and transparent financial information. We will continue to work with our auditors and other stakeholders to improve our financial reporting processes and to ensure the highest level of integrity and transparency in all our financial reporting.

Thank you for your attention and cooperation. We look forward to your continued support and feedback.

Sincerely,
[Signature]

Financial Reporting Department

- i. Submit a semiannual fugitive emissions report, as required by 40 CODE OF FEDERAL REGULATIONS § 61.247(b), including a reporting schedule stating the months that semiannual reports shall be submitted, in accordance with 40 CODE OF FEDERAL REGULATIONS § 61.247(c); and
 - ii. Demonstrate that the odor removal scrubber has been incorporated into the Title V Permit, as required by 30 TEX. ADMIN. CODE §122.121; or
 - iii. Demonstrate that the Title V Permit has been voided.
- d. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.c.i., and 3.c.ii. or 3.c.iii. The certification should include documentation demonstrating compliance and shall be submitted in accordance with Ordering Provision No. 2.g.;
- e. Within 180 days after the effective date of this Agreed Order:
- i. Begin maintaining complete and up-to-date records to demonstrate continuous compliance with the applicable criteria exempting the water separator from emission controls, including, but not limited to, the names and true vapor pressures of all such materials stored, processed, or handled at the affected property, and any other necessary operational information, as required by 30 TEX. ADMIN. CODE § 115.136(a)(1); or
 - ii. Install emission controls on the water separator, in accordance with 30 TEX. ADMIN. CODE § 115.132(a).
- f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.e.i. or 3.e.ii. The certification should include documentation demonstrating compliance and shall be submitted in accordance with Ordering Provision No. 2.g.; and
- g. The certifications required by Ordering Provision Nos. 3.b., 3.d. and 3.f. shall include documentation demonstrating compliance and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify that under the penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtained the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

And shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Air Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023

4. The provisions of this Agreed Order shall apply to and be binding upon Vopak. Vopak is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Vopak fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Vopak's failure to comply is not a violation of this Agreed Order. Vopak shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Vopak shall notify the Executive Director within seven days after Vopak becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Vopak shall be made in writing to the Executive Director. Extensions are not effective until Vopak receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Vopak in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Vopak, or three days after the date on which the Commission mails notice of the Order to Vopak,

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whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/26/07

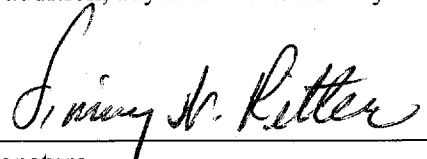
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

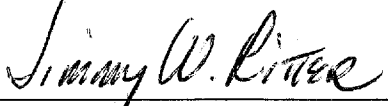
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/10/06

Date



Name (Printed or typed)
Authorized Representative of
Vopak Logistics Services USA Inc.

Facility Manager - Ball Court

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Attachment A
Docket Number: 2006-1347-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Vopac Logistics Services USA Inc.

Payable Penalty Amount: Forty-Four Thousand Two Hundred Sixty-Two Dollars
(\$44,262)

SEP Amount: Twenty-Two Thousand One Hundred Thirty-One Dollars
(\$22,131)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles
Program

Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

LECTURE NOTES

LECTURE 1

THE

UNIVERSITY OF CHICAGO

PHILOSOPHY

PHILOSOPHY 101

LECTURE 1

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UNIVERSITY OF CHICAGO

PHILOSOPHY

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Section 1

Text describing the first section of the document, including details about the project and its objectives.

Text describing the second section of the document, detailing the methodology and data collection process.

Text describing the third section of the document, focusing on the results and analysis of the data.

Text describing the fourth section of the document, which includes conclusions and recommendations.

Text describing the fifth section of the document, providing a summary of the findings.

Text describing the sixth section of the document, discussing the implications of the research and future work.

Text describing the seventh section of the document, detailing the limitations of the study and the scope of the research.

Text describing the eighth section of the document, which includes a list of references and sources.

Text describing the ninth section of the document, providing a final summary and closing remarks.

Text describing the tenth section of the document, which includes a list of appendices and supplementary materials.

Vopac Logistics Services USA Inc.
Agreed Order – Attachment A

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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