EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2006-1347-AIR-E TCEQ ID: RN100223007 CASE NO.: 30852

RESPONDENT NAME: Vopak Logistics Services USA Inc.

Page 1 of 3

ORDER TYPE: IMMINENT AND SUBSTANTIAL AMENDED ORDER FINDINGS AGREED ORDER X 1660 AGREED ORDER ENDANGERMENT ORDER EMERGENCY ORDER FINDINGS DEFAULT ORDER SHUTDOWN ORDER CASE TYPE: ___MUNICIPAL SOLID WASTE INDUSTRIAL AND HAZARDOUS WASTE AGRICULTURE XAIR RADIOACTIVE WASTE PUBLIC WATER SUPPLY ___PETROLEUM STORAGE TANKS OCCUPATIONAL CERTIFICATION UNDERGROUND INJECTION CONTROL USED OIL SEWAGE SLUDGE MULTI-MEDIA (check all that apply) WATER QUALITY USED OIL FILTER

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 X 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

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ComplaintX_ Routine Enforcement Follow-up Records Review	Total Assessed: \$55,328	Corrective Actions Taken:
Date of Complaint Relating to this Case: None	Total Deferred: \$11,066 X Expedited Settlement	1) The Executive Director recognizes that Vopak has implemented the following corrective measures at the Plant:
Date of Investigation Relating to this Case: March 2, 2006	Financial Inability to Pay	a. Installed a gasket on the maintenance hatch on the water separator associated with the centrifuge separation on March 2, 2006 to ensure
Date of NOE Relating to this Case: August 11, 2006 (NOE)	SEP Conditional Offset: \$22,131	there are no emissions to the atmosphere from the opening; and
Background Facts: This was a routine investigation. Seven violations were documented.	Total Paid to General Revenue: \$22,131 Site Compliance History Classification:HighX_AvgPoor	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.
1) Failed to ensure that all openings on the water separator	Person Compliance History Classification:High _X_AvgPoor	Ordering Provisions:
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	Major Source: X Yes No Applicable Penalty Policy: September 2002	2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).
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	n an	3) The Order will also require the Respondent to:
§ 382.085(b)].		a. Within 90 days after the effective date of this Agreed Order:
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		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
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		ii. Submit a request though the appropriate submittal and to the satisfaction of the TCEQ Air Permits Division to void the Title V Permit.
separator from emission control requirements [30 Tex. ADMN. CODE § 115.136(a)(1) and Tex. HEALTH & SAFETY CODE § 382.085(b)].		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.;
3) Failed to submit semiannual reports detailing the required fugitive monitoring information. Specifically, Vopak is required to	en i de seu de la companya de la	c. Within 180 days after the effective date of this Agreed Order:
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.		i. Submit a semiannual fugitive emissions report, including a reporting schedule stating the months that semiannual reports shall be submitted; and
1.A. and 16, Air Permit No. 6400, Special Condition No. 4.B., 40 CODE OF FEDERAL REGULATIONS § 61.247(b), and TEX. HEALTH &		n an
SAFETY CODE § 382.085(b)].	n na kalendar († 1935) - 1948 - Grand Britski, sveli Gradenski († 1948) 1949 - Standard Marine, skriger († 1948)	a de la calendaria de la composición de La calendaria de la composición de la c
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Page 2 of 3

Attachment: Site Compliance History

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

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4) Failed to represent all applicable emission sources in the Title V Permit application. Specifically, the odor removal scrubber was not		ii. Demonstrate that the odor removal scrubber has been incorporated into the Title V Permit, or
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 &		iii. Demonstrate that the Title V Permit has been voided.
SAFETY CODE § 382.085(b)]. 5) Failed to record flare observations in the flare operation log each		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.;
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		e. Within 180 days after the effective date of this Agreed Order:
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 &		i. Begin maintaining complete and up-to-date records to demonstrate continuous compliance with the applicable criteria exempting the water separator from emission
SAFETY CODE § 382.085(b)]. 6) Failed to record the pH of the scrubbing liquid each time a railcar is		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
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		operational information; or ii. Install emission controls on the water separator.
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 &		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
SAFETY CODE § 382.085(b)]. 7) Failed to record the vacuum system level during the purging of each		g. The certifications required by Ordering Provision Nos. 3.b., 3.d. and 3.f. shall include documentation demonstrating compliance and
railcar. Specifically, during the March 2, 2006 investigation it was documented that there was one instance of railcar purging operations		shall be notarized by a State of Texas Notary Public.
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)].		

<u>Attachment A</u> 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. <u>Project</u>

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 Ouality. 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.

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Vopac Logistics Services USA Inc. Agreed Order – Attachment A

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. <u>Minimum Expenditure</u>

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:

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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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Iiability. Penalty reduction due to one Notice of Audit submitted. Cu(tpability No Subtotal 4 Subtotal 4 The respondent does not meet the culpability criteria. Subtotal 4 Good Paith Effort to Comply 0% Reduction Subtotal 5 Before NOV NOV to EDPRP/Settlement Offer Subtotal 5 Extraordinary Image: Complexity of the small x) Notes The respondent does not meet the good faith criteria. Notes The respondent does not meet the good faith criteria. Subtotal 6 Subtotal 6 Total EB Amounts \$1,332 "Capped at the Total EB 3 Amount Subtotal 6 Approx. Cost of Compliance \$5,550 Subtotal Subtotal 6 DTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only: e.g30 for -30%.) Notes Final Penalty Amount STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20% Reduction Adjustment teduces the Final Assessed Penalty by the indicated percentage. (Enter number only: e.g. 20 for 20% (reduction.) Adjustment Stature only DEFERRAL 20% Reduction Adjustment Stature only Adjustment <td></td> <td></td>		
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Good Faith Effort to Comply 0% Reduction Subtotal 5 Before NOV NOV to EDPRP/Settlement Offer Extraordinary Subtotal 5 Extraordinary		ntotal 4
Before NOV NOV to EDPRP/Settlement Offer Extraordinary	The respondent does not meet the culpability criteria.	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary	omply:	ntotal 5
Ordinary X (mark with a small x) Notes The respondent does not meet the good faith criteria. Economic Benefit 0% Enhancement Total EB Amounts \$1,332 Approx. Cost of Compliance \$5,550 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment teduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) Notes STATUTORY LIMIT ADJUSTMENT Final Penalty Amount STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty Deferral recommended for expedited settlement. Adjustment Notes Deferral recommended for expedited settlement.		anna an ann an Anna an
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Total EB Amounts \$1,332 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$5,550 Final Subtotal SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment ceduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) Notes Notes	The respondent does not meet the good faith criteria.	
Total EB Amounts \$1,332 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$5,550 Final Subtotal SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment ceduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) Notes Notes	0% Enhancement [*]	ototal 6
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DTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment educes or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) Notes Notes Final Penalty Amount STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20% Reduction teduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Adjustment Notes Deferral recommended for expedited settlement. Image: Commended for expedited settlement.	bliance \$5,550	
educes or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) Notes Final Penalty Amount Final Assessed Penalty DEFERRAL 20% Reduction Adjustment Leduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral recommended for expedited settlement.	7 Final Sub	ubtotal \$55,
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Final Penalty Amount Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only: e.g. 20 for 20% reduction.) Notes Deferral recommended for expedited settlement.		
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20% Reduction Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Adjustment Notes Deferral recommended for expedited settlement.		·
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teduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral recommended for expedited settlement.	JSTMENT Final Assessed Pe	Penalty \$55.
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral recommended for expedited settlement.	20% Beduction	stment -\$11,
		manustana <u>na si </u>
PAYABLE PENALTY	Deferral recommended for expedited settlement.	
PAYABLE PENALTY	angener de Hermitte in der eine eine eine eine eine eine eine ei	
		\$44

	Res	Ing Date 18-Aug-2006 Docket No. 2006-1347-AIR-E sondent Vopak Logistics Services USA Inc.	•	lsion 2 (Sep	1 A.
Reg.	Ent. Refere	e ID No. 30852 ence No. RN100223007 Statute] Air Quality	PC	N Revision /	April 25, 2
		rdinator Rebecca Johnson	· · · · ·		<i></i>
	Enn. 000	·			
				n in der einen Norder die g	and Eachdraidh an
		Compliance History Worksheet			
	molionco His	story Sife Enhancement (Subtotal 2)	:		
S. 90					
	Component		Number Here	Adjust.	49 S. T.
	NOV-	Written NOVs with same or similar violations as those in the current	3	15%	(t
	NOVs	enforcement action (number of NOVs meeting criteria) Other written NOVs	4	8%	úli fi se
		Any agreed final enforcement orders containing a denial of liability	t manufacture and the second second	*******	in .
		(number of orders meeting criteria)	0	0%	
		Any adjudicated final enforcement orders, agreed final enforcement orders			7
	Orders	without a denial of liability, or default orders of this state of the federal		00/	
		government, or any final prohibitory emergency orders issued by the	0	0%	
		commission		1 (A.)	1990 - MAR - 19
		Any non-adjudicated final court judgments or consent decrees containing			1
	Judgments	a denial of liability of this state or the federal government (number of	1	30%	
	and	judgements or consent decrees meeting criteria)			
1. C. N.	Consent	Any adjudicated final court judgments and default judgments, or			
	Decrees	non-adjudicated final court judgments or consent decrees without a denial	0	0%	
		of liability, of this state or the federal government			"J
	Convictions	Any criminal convictions of this state or the federal government (number	0	0%	
		of counts)			_
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
		Letters notifying the executive director of an intended audit conducted			1.0
		under the Texas Environmental, Health, and Safety Audit Privilege Act,	[-1%	
	Audits	74th Legislature, 1995 (number of audits for which notices were	in a start a s		
	/ wallo	Disclosures of violations under the Texas Environmental, Health, and			
		Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	0	0%	
		which violations were disclosed)	ter Yes or No		
	[Environmental management systems in place for one year or more	No	0%	7
		Voluntary on-site compliance assessments conducted by the executive			-
	~	director under a special assistance program	No	0%	
	Other	Participation in a voluntary pollution reduction program	No	0%	~
		Early compliance with, or offer of a product that meets future state or	No.	0%	-
		federal government environmental requirements	No	0%	
		Adjustment Percen	·····		
· · -	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	Adjustment Percen	tage (Su	ptotal 2)	5
>> Re	peat Violator	· (Subtotal 3)			
		A. P	1 /0	1. 1 - 1 - 1 0	
	No	Adjustment Percen	tage (Su	btotal 3)	
>> Co	ompliance His	story Person Classification (Subtotal 7)			
	P			a is is is ia aa	. r
	Average Perf	ormer Adjustment Percen	tage (Su	btotal 7)	(
>> Co	mpliance His	story Summary	an di tirit di si si	destantin in and	
101000000000000000000000000000000000000			ununununununun	ingnoprieletynneuwe	(4) (4)
	Compliance	Penalty enhancement due to three NOVs for same or similar violations, fou	ir NOVs for	unrelated	
	Compliance listory Notes	violations, and one Court Order with a denial of liability. Penalty reduction	due to one	Notice of	
. j r	instory Notes	Audit submitted.			
				n an an Anna Anna Anna Anna Anna Anna A	aal .
	-	Total Adjustment Deveentary (Cubi	atala 2) 0 71	En
Lauran	unanantanan manangan sa	Total Adjustment Percentage (Subt	otais 2,	3, ō; 1)	52
and the second					
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Page 3 of 16	02/20/07 H:\Agreed Orders\VopakLogisticsServicesUSAInc\Vor	oak PCW.wb3
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.		PCW Revision April 25, 2006
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		
Violation Number		
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 association the centrifuge separation are totally sealed to ensure there are emissions to the atmosphere. Specifically, during the March 2, investigation the maintenance hatch on the separator was not see resulted in emissions to the atmosphere that were detected with vapor analyzer.	e no 2006 aled and
	Base	Penalty \$10,000
En direman antal Dur	perty and Human Health Matrix	
>> Environmental, Pro	Harm	
Release	Major Moderate Minor	
OR Actual Potential	Percent 25%	
>> Programmatic Mati	X	
Falsification	Major Moderate Minor	
	Percent	
Matrix Notes amounts	health or the environment has been exposed to insignificant of pollutants which did not exceed levels that are protective of health or environmental receptors as a result of the violation.	
	Adjustment	-\$7,500
	Base Penalty	Subtotal \$2,500
Violation Events		
Number of Violat	ion Events 1	ays
mark oniy one use a smail x	daily monthly guartery contannual amuel single event	e Penalty\$2,500
Ones	ingle event is recommended based on the investigation date.	
Economic Benefit	(EB) for this violation Statutory Limit Te	est
Estimated E	B Amount \$0 Violation Final Pen	alty Total \$3,800
	This violation Final Assessed Penalty (adjusted f	or limits) \$3,800

Page 4 of 16 (enefit Wo		esUSAInc\Vop t		
Respondent V	opak Logistics			1.0 1			
Case ID No. 30 Reg. Ent. Reference No. R						$(x_{i}^{1}, \gamma_{i}^{1}, \gamma_{i}^{1}, \gamma_{i}^{1}, \gamma_{i}^{1}, \gamma_{i}^{1}, \gamma_{i}^{1}, \ell)$	
Media [Statute] A				N - 5		Percent	Years of
Violation No. 1	, adding						epreciation
						5.0	15
	ltern	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description N	o commas or \$						
Delayed Costs		a Maria Indonesia. Maria					he naide - s
Equipment				0.0	\$0	\$0	\$(
Buildings	litale surface la			0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	<u>\$</u> (
Engineering/construction				0.0	\$0	\$0	\$(
Land	ne sloce en e la sur prime d	and a second	harran tarak da da karanga	0.0	\$0 ©0	n/a	\$(
Record Keeping System Training/Sampling		ł		0.0	\$0 \$0	n/a n/a	\$(\$(
Remediation/Disposal	n in sin si		had the statement	0.0	\$0 \$0	n/a	γ \$(
Permit Costs	\$1.000 0	2-Mar-2006	02-Mar-2006	0.0	\$0	n/a	\$(
			02-iviai-2000.		ΨU 📖		ው
Other (as needed)	1.1	2 Mai 2000	02-IVIAI-2000	0.0	\$0 \$0	n/a	եր Տ(
				0.0	\$0	n/a	\$ (
	stimated cost t	o properly sea	al the mainten	0.0 ance hatc	\$0 h on the sepa	n/a rator: Date rec	\$(
	stimated cost t	o properly sea	al the mainten	0.0 ance hatc	\$0 h on the sepa	n/a	\$ (
	stimated cost t	o properly sea	al the mainten	0.0 ance hatc	\$0 h on the sepa	n/a irator: Date rec npliance date.	\$ (
	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc date bas itering item	\$0 h on the sepa ed on the cor ha (except for one	n/a irator: Date rec npliance date.	Şı juired baser juired baser
Notes for DELAYED costs	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc date bas itering item	\$0 h on the sepa sed on the cor (except-for one \$0	n/a rator Date rec npliance date. - time avoided cost	ş(juired baser (s) Ş(
Notes for DELAYED costs Avoided Gosts Disposal Personnel	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	ance hatc date bas stering item	\$0 h on the sepa sed on the cor (except-for one \$0 \$0	n/a irator: Date rec npliance date; 	\$(juired baser (5) \$(\$(\$(
Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc date bas date bas 0.0 0.0 0.0	\$0 h on the sepa sed on the cor (except-for one \$0 \$0 \$0 \$0	n/a irator: Date rec npliance date, .time avoided cos \$0 \$0 \$0 \$0	\$(juired based (s) \$(\$(\$(\$(\$(\$(
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc I date bas ttering item 0.0 0.0 0.0	\$0 h on the sepa sed on the cor (except-for one \$0 \$0 \$0 \$0 \$0	n/a irator: Date rec npliance date, stime avoided cos \$0 \$0 \$0 \$0 \$0 \$0	\$(juired based (s) \$(\$(\$(\$(\$(\$(\$(\$(
Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc date bas date bas 0.0 0.0 0.0	\$0 h on the sepa sed on the cor (except-for one \$0 \$0 \$0 \$0	n/a irator: Date rec npliance date, .time avoided cos \$0 \$0 \$0 \$0	\$(juired baser (5) \$(\$(\$(
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc I date bas itering item 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 h on the sepa sed on the cor (except-for one \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a irator: Date rec npliance date, stime avoided cost \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$(juired based (s) \$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	stimated cost t on	o properly sea the investigati	il the mainten on date. Fina	0.0 ance hatc I date bas stering item 0.0 0.0 0.0 0.0 0.0	\$0 h on the sepa sed on the cor (except-for one \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a irator: Date rec npliance date; - time avoided cost \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ juired baser (s) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

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Page 5 of 16	02/20/07 H:\Agreed Orders\\	VopakLogisticsServicesUSAInc\V	opak PCW.wb3
Screening Date	18-Aug-2006	ocket 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.			
Media [Statute]			
Enf. Coordinator	(in the second s	• • •	
Violation Number			
Primary Rule Cite(s)	Construction of the second	nin. Code § 115.136(a)(1)	
Secondary Rule Cite(s)	Tex Health &	Safety Code § 382.085(b)	
Violation Description	exempting separator O1-C-A 1 the March 2, 2006 Investig operating a volatile organic co controls, however Vopak was true vapor pressures of all m demonstrate compliance with	uous compliance with the applicat from emission controls. Specifica gation it was documented that Vor ompound water separator without not maintaining records of the na aterials stored, processed, and ha the applicable criteria exempting mission control requirements.	lly, during oak is emission imes and andled to
		Bas	se Penalty \$10,000
>> Environmental, Pro	operty and Human Health	n Matrix	
Release	Harm Major Moderate Minor		
OR Actual	· · · · · · · · · · · · · · · · · · ·		
Potential	In the second state of the	Percent	
>> Programmatic Mat	VALUE V		
Falsification	Major Moderate Minor	Percent 25%	
	<u>n</u>		
Matrix Notes	100% of the rule requiren	nent was not met.	
		Adjustment	-\$7,500
		Base Penalt	
			\$ GUNIOU
Violation Events			
Number of Viola	tion Events	169 Number of violation	days
	doily	• •	
-	monthly X		
mark only one		Violation Ba	se Penalty \$15,000
use a small >			
-	ahnual singlo event		
	onthly events are recommende nvestigation date to the August		
Economic Benefit	(EB) for this violation	Statutory Limit	Test
Estimated E	EB Amount \$24	Violation Final Pe	nalty Total \$22,800
	This violation F	inal Assessed Penalty (adjusted	I for limits) \$22,800
			communication and the second

Page 6 of 16	02/20/07 H	:Vagreed Order	rs\VopakLogist	lcsServi	cesUSAInc\Vo	pak PCW.wb3	1 · · ·
	Ec	onomic B	enefit Wo	rkshe	et		
	Vopak Logistic	s Services US	A Inc.	1			
Case ID No.	\$ '				•		
Reg. Ent. Reference No.				•			
Media [Statute]						Percent	Years of
Violation No.	12					Interest 5.0	Depreciation 15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
	No commas or \$						
· · · ·	4.2.						
Delayed Costs			a ana dala na mana	а Г		- 1	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)		And the second standard		0.0	\$0	\$0	\$0
Engineering/construction	and the second second			0.0	\$0 \$0	\$0	\$0
Land	£200	02-Mar-2006	08-Oct-2007	0.0	\$0 \$24	n/a n/a	\$0 \$24
Record Keeping System Training/Sampling	Φ3001	02-10181-2000	004001-2007	0.0	φ <u>24</u> \$0	n/a	\$0
Remediation/Disposal		h sa tang managang karang k		0.0	\$0	n/a	\$0 \$0
Permit Costs	bombereden with the first strategy and			0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	Estimated a	ost to impleme	ent a record kee		etem to maint	ain records der	nonstration
Notes for DELAYED costs			on criteria. Da				
			based on the p			where the second s	
		en men en e				เร็มการเป็นที่ได้ได้เสียงปลายแรงเรา	a na ana ang ang ang ang ang ang ang ang
		5				44-34 ¹ - 1	н. С.
Avoided Costs	ANNI	UALIZE [1] avoide	ed costs before er	itering ite	m (except for on	e-time avoided co	osts)
Disposal	hanness and south a second second	a transmitta format		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]	Contemporate content of the two contents of the content of the con			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		leit werdole meter opriverie binduturgen eters opriverie	Repairing	0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
	Bannanananan			0.2.0.2.0.2.0.0.0.0.0.0.0.0.0.0.0.0.0.0		ารการการการทั้งประเทศการการการการการการการการการการการการการก	hannannannannan d
	\$300				82	TOTAL	\$24

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Page 7 of 16	02/20/07 H:\Agree	ed Orders\VopakLogisticsServicesUSAInc\	Vopak PCW.wb3
Screening Date	18-Aug-2006	Docket No. 2006-1347-AIR-E	PCW
	Vopak Logistics Serv	vices USA Inc.	Policy Revision 2 (September 2002)
Case ID No.		4	PCW Revision April 25, 2006
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number	(01.01.01.01.01.01.01.01.01.01.01.01.01.0		
	[]	1637, Special Condition Nos. 1.A. and 16,	Air Permit
		ondition No. 4.B., and 40 Code of Federal	
Primary Rule Cite(s)		§ 61.247(b)	
	30 Tex. Admin. Cod	e §§ 116.115(c), 122.143(4), and Tex. Hea	Ith & Safety
Secondary Rule Cite(s)		Code § 382.085(b)	
	Ecilure to outomi	t semiannual reports detailing the required	fucility of
		tion. Specifically, Vopak is required to sub	
Violation Description	semiannually with	the initial semiannual report being due no	later than
	August 23, 2003, ho	owever no semiannual reports have been s	ubmitted.
		n her i die de lander de merste le de merste de la die her her de de de de die de die de die de die de die de d	
		B	ase Penalty \$10,000
>> Environmental, Pro	perty and Huma	n Health Matrix	
	Harm		
OR Actual	Major Moderate	Minor	
Potential		Percent	
>> Programmatic Mat			
Falsification	Major Moderate	Minor Percent 255	%
	<u>1</u>		
Matrix Nataa	100% of the rule	manife ware not make	
Matrix Notes	100% 01 018 1016	e requirements were not met.	
		• ··· ·	
		Adjustmer	nt -\$7,500
		Base Pena	Ity Subtotal \$2,500
Violation Events			
Number of Viola	tion Events 7	1091 Number of violation	n days
	daily		
mark only one	monthly	Violation B	ase Penalty \$17,500
use a small >			
	annual single event		
	single event X		
		mmended based on the seven reports that	
were req	uired to be submitted	and were not, starting with the semiannua	
l · · · · ·	Joir mar should have	been submitted by August 23, 2003.	
Economic Benefit	(EB) for this viol	ation Statutory Limit	Test
Estimated E	B Amount \$408	8 Violation Final P	enalty Total \$26,600
	This v	iolation Final Assessed Penalty (adjuste	d for limits) \$26,600

Reg. Ent. Reference No. Media [Statute] Violation No.	Air Quality	7				Interest De	Years of apreciation
	ltem	Date	Final	Yrs b	nterest	5.0	18 EB
Item Description	Cost No commas or \$	Required	Date	and the second	Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0 \$0	\$0 \$0	\$1 \$1
Buildings Other (as needed)	\$1 500	23-Aug-2003	10-Jul-2007	3.9	ەرە \$19	پ و \$388	م \$40
Engineering/construction	\$1,000	20100	10 001 2007	0.0	\$0	\$0	\$1
Land				0.0	\$0	n/a	\$
Record Keeping System				0.0	\$0 \$0	n/a .	\$
Training/Sampling Remediation/Disposal				0.0	\$0 \$0	n/a n/a	\$(\$(
Permit Costs				0.0	\$0 \$0	n/a	ş(
Other (as needed)	le de la complete de	a provide the second					
						n/a ually. Date requ	ired based
Notes for DELAYED costs			lation of non-co	oring repor	ts semiannı Final date i		ired based
	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date itering item (e	ts semiannu Final date i xcept for one	ially. Date requ based on the pro 다 아이 대 아이 -time avoided cost	ired based ojected
Notes for DELAYED costs Avolded Costs Disposal	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date itering item (e	ts semiannt Final date i scept for one \$0	ially. Date requidesed on the provident of the providence of the providence of the provided cost of the provided cost states and sta	ired based ojected s) \$
Notes for DELAYED costs Avolded Costs Disposal Personnel	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date itering item (e 0.0 0.0	ts semiannu Final date i • •xcept for one \$0 \$0	ially. Date required on the pro- section of th	ired based ojected s) \$
Notes for DELAYED costs Avolded Costs Disposal Personnel	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date itering item (e	ts semiannt Final date i scept for one \$0	ially. Date requidesed on the provident of the providence of the providence of the provided cost of the provided cost states and sta	ired based ojected s) \$ \$ \$ \$ \$
Notes for DELAYED costs Avolded Costs Disposal Personnel Inspection/ReportIng/Sampling	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date 0.0 0.0 0.0 0.0 0.0 0.0	ts semiannu Final date •xcept for one \$0 \$0 \$0 \$0 \$0 \$0 \$0	ially. Date required on the product of the product	pjected s) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Notes for DELAYED costs Avoided Costs Disposai Personnei Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	on the ea	irliest document	ation of non-ex comp	oring report ompliance. Marce date 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ts semiann. Final date •xcept for one \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ially. Date required on the provident of the provided cost \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ired based pjected s) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Notes for DELAYED costs Avoided Costs Disposai Personnei Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	on the ea	irliest document	ation of non-ex comp	oring report ompliance illance date 0.0 0.0 0.0 0.0 0.0 0.0	ts semiannu Final date •xcept for one \$0 \$0 \$0 \$0 \$0 \$0 \$0	ially. Date required on the product of the product	ired based ojected s) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Notes for DELAYED costs Avoided Costs Disposai Personnei Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	on the ea	irliest document	ation of non-ex comp	oring report ompliance. Marce date 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ts semiann. Final date •xcept for one \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ially. Date required on the provident of the provided cost \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ired based pjected s) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

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Page 9 of 16	02/20/07 H:\Agreed Orders\VopakLogisticsServicesUSA	Inc\Vopak PCW.wb3
Screening Date	18-Aug-2006 Docket No. 2006-1347-AIR-	E PCW
	√opak Logistics Services USA Inc.	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision April 25, 2006
Reg. Ent. Reference No.		
Media [Statute]	•	
Enf. Coordinator		
Violation Number		
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 application. Specifically, the odor removal scrubber was n in the Title V Permit application submitted on July 19, 199 V permit issued on September 12, 2003.	lot represented
		Base Penalty \$10,000
>> Environmental, Pro	perty and Human Health Matrix	
	Harm	
OR Actual	Major Moderate Minor	
Potential	Percent	
>> Programmatic Mat		
Falsification	Major Moderate Minor X Percent	1%
less that	30% of the required information was not included in the Tit	tle V
Matrix Notes	application.	
	Adjust	ment -\$9,900
	Base P	enalty Subtotal \$100
Violation Events		
Number of Violat	on Events 1 1 1 2587 Number of viola	ation days
	daliy monthiy	
mark only one		on Base Penalty \$100
use a small x	somistinual	
-	anoual	
	anaa≪onaanaanaana <mark>l</mark>	
One sing	e event is recommended based on the one piece of equipr	nent
	that was not represented.	nuklijiju pi
Economic Benefit	EB) for this violation Statutory Li	mit Test
Estimated E	3 Amount \$878 Violation Fin	al Penalty Total \$152
	This violation Final Assessed Penalty (adju	usted for limits) \$152
	ing totalion i mai Assessed renaity (duji	φ102

Respondent Case ID No. 30852 Reg. Ent. Reference No. Media [Statute] Violation No. 4	23007 ty Date Required	en de service par de setter en	rkshee _{Yrs}	≥t Jnterest Sayed	Percent Interest [5.0] Onetime Costs	Years of Depreciation 15 EB Amount
Case ID No. 30852 Reg. Ent. Reference No. RN1002: Media [Statute] Violation No. 4 Item Cost Description Ne comment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	ogistics Services US 23007 ty Date Required	A Inc. Final	• • •	Interest	Interest E 5.0 Onetime	Depreciation 15 EB
Reg. Ent. Reference No. RN1002: Media [Statute] Air Quali Violation No. 4 Item Cost Description Ne command Delayed Gosts Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	ty . Date Required		Yrs		Interest E 5.0 Onetime	Depreciation 15 EB
Media [Statute] Violation No. Air Quali 4 Item Liem Item Cost Description Ne comma Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	ty . Date Required		Yrs		Interest E 5.0 Onetime	Depreciation 15 EB
Violation No. 4 Item Item Cost Description Ne comma Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Date Required		Yrs		Interest E 5.0 Onetime	Depreciation 15 EB
liem tem Cost Description Necomma Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Required		Yrs		5.0 Onetime	15 ЕВ
Item Cost Description Ne comme Delayed Costs Equipment Buildings Other (as needed) Englneering/construction Land Record Keeping System Training/Sampling	Required		Yrs		Onetime	EB
Item Cost Description Ne comme Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Required		115			
Description No common Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	and the second			2 March 200	oodits	
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	alantin Alantin Alanta armanan Alanta Alanta araa araa Alanta Alanta alanti da					Contra all'it
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	alariti Antoni Alaritanin and Antoni Balanin an ana Antoni Antonia ana ang Antonia (Presidente ana ang				and the second second	Security A. C. S.
Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Alandaria Landaria Landaria Landaria (Landaria) Landaria (Landaria)					
Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling			0.0	\$0	\$0	\$0
Engineering/construction Land Record Keeping System Training/Sampling	No. A State	1	0.0	\$0	\$0	\$0
Land Record Keeping System Training/Sampling			0.0	\$0	\$0	\$0
Record Keeping System			0.0	\$0	\$0	\$0
Training/Sampling			0.0	<u>\$0</u>	n/a	\$0
		i di bankan terrenen di	0.0	\$0	n/a	\$0
Remediation/Disposal	in the second		0.0	\$0 ©0	n/a	<u>\$0</u>
			0.0	\$0	n/a	\$0
	2,000 19-Jul-1999	28-Apr-2008	8.8	\$878 \$0	n/a	\$878 \$0
Other (as needed)	and a horizon a state of the second		0.0]	ភូប 📰	n/a	aU (
Notes for DELAXED south Estimal	ted cost to include o	dor removal scr	ubber in	the Title V Pe	rmit. Date req	uired based
Notes for DELAYED costs	ne application submi	ttal date. Final	date bas	ed on the proj	ected complia	nce date.
I. I						
				a de la constante de la constan	San Angel San	
Avoided Costs	ANNUALIZE [1] avoid	ed costs before en	itering Iten	n (except for one	-time avoided cos	sts)
Disposal		I	0.0	\$0	\$0	\$0
Personnel		1	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	f in the second s		0.0	\$0	\$0	\$0
Supplies/equipment		L	0.0	\$0	\$0	\$0
Financial Assurance [2]	en e	la and a state of the second s	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						
l.e	en e					llessonementer concernes
Annual Cast of Compliance	2,000	a sector de		ain.		
Approx. Cost of Compliance \$					TOTAL	\$878

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Page 11 of 16	02/20/07 H:\Agreed (Orders\VopakLogi	sticsServicesUSAInc\V	opak PCW.wb3	
Screening Date	18-Aug-2006	Docket No.	2006-1347-AIR-E		PCW
	Vopak Logistics Service	s USA Inc.		Policy Revision 2 (September 2002)
Case ID No.				PCW Revisi	on April 25, 2006
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator					
Violation Number	5				
	Air Permit No. O-0163	7, Special Conditio 111.111(a)(4)(A)(i		c Admin.	
Primary Rule Cite(s)	Code 33	(1)(A)(H)(A)(H)	1) and 122.143(4)		
	Tex. H	ealth & Safety Coo	le § 382.085(b)		
Secondary Rule Cite(s)					
Violation Description		cifically, during the are observations as operated durin	March 2, 2006 invest	igation it our times	• • • • • • • • • • • • • • • • • • •
			Bas	se Penalty	\$10,000
>> Environmental, Pro		lealth Matrix			• • •
Release	Harm Major Moderate	Minor			
OR Actual	Entrance E			,	
Potential			Percent]	
Description attaching the	•				
>> Programmatic Mate Falsification	Najor Moderate	Minor	1		
		x	Percent 1%]	
				-	
Matrix Notes	an 30% of the required f	lare observations	were not recorded.		
			Adjustment	-\$9,900	
			Base Penalt	y Subtotal	\$100
Violation Events					
Number of Violat	ion Events	4	Number of violation of	days	
mark only one use a small x	dally monifuly quarterly sumibmual annuel single event		Violation Ba	se Penalty	\$400
	e events are recommend	ns were not record			
		*!!			+
Estimated E	B Amount \$7		Violation Final Pe	nalty Total	\$608
	This viola	tion Final Assess	ed Penalty (adjusted	for limits)	\$608

Page 12 of 16	02/20/07 H	:VAgreed Orde	rs\VopakLogist	icsServ	vicesUSAInc\Vc	pak PCW.wb3	
			enefit Wor	kshe	et		
	Vopak Logistics	s Services US	A Inc.				
Case ID No.							
Reg. Ent. Reference No.				χ.·		D4	N
Media [Statute] Violation No.			· · · ·			Percent Interest De	Years of epreclation
violation No.	5					5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date	3. A.S. 4.3	Saved	Costs	Amount
Description	No commas or \$						
				ana ana amin'ny solat		-ustanosal ys.	(8)) ⁽¹
Delayed Costs			president and the second second	v a al	4 51	*	A .c.
Equipment				0.0	\$0 \$0	\$0 \$0	\$0
Buildings				0.0			²⁰¹² \$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	<u>\$0</u>
Engineering/construction			and the second second	0.0	ភូមិ \$0	n/a	\$0 \$0
Land Record Keeping System				0.0	\$0	n/a	\$0 \$0
	\$250	12-Sep-2004	11-Apr-2005	0.6	\$7	n/a	\$7
Training/Sampling Remediation/Disposal	φ230	12-3ep-2004	-Api-2005	0.0	\$0	n/a	\$1 \$0
Permit Costs				0.0	\$0 \$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	E -0			()			
Notes for DELAYED costs						on. Date require I on the complia	
		e-or-me-deviat	ion reporting pe	51100. 1	inal date baset	on the complia	nice date,
				a penniku ana ana ana ana ana ana ana ana ana an			
	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	es de					
Avoided Costs	ANNU	JALIZE [1] avoide	d costs before en	Service and the second second		-time avoided cost	grand the second second and the second s
Disposal			and a constraint of the	0.0	<u>\$0</u> \$0	\$0 \$0	\$0 ¢0
Personnel Inspection/Reporting/Sampling			landan anadalaringa.	0.0	\$01 \$0	50 \$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0 \$0	
Financial Assurance [2]	presentation and	rinerezie zonato		0.0	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]			ľ	0.0	\$0	\$ 0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
NOTAS IN AVOIDED COSTS			1				

Approx. Cost of Compliance	\$250	·			l.	TOTAL	\$7
							-

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 $= \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_$

 $\frac{1}{2} \sum_{i=1}^{n} \frac{1}{2} \sum_{i=1}^{n} \frac{1}$

Page 13 of 16	02/20/07 H:\Agreed Orders\VopakLogisticsServicesUS	AInc\Vopak PCW.wb3
Screening Date	18-Aug-2006 Docket No. 2006-1347-AIR	R-E PCW
"你们,你你们不可以,我们你不是""你,你不是你?""你,你们还是你们,你你们你你?""你你,你你们不是你?""你?""你?""你?""你?""你?""你?"	Vopak Logistics Services USA Inc.	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision April 25, 2006
Reg. Ent. Reference No.	RN100223007	
Media [Statute]	-	
Enf. Coordinator	Rebecca Johnson	
Violation Number	6	
Primary Rule Cite(s)	Air Permit No. 6400, Special Condition No. 28 and Air O-01637, Special Condition No. 16	r Permit No.
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and Tex. Code § 382.085(b)	Health & Safety
••••••••••••••••••••••••••••••••••••••	Failure to record the pH of the scrubbing liquid each tin	
Violation Description	cleaned while utilizing the scrubber as the emission co Specifically, during the March 2, 2006 investigation it wa that there were eight railcars for which the pH of the scrut not recorded during the September 12, 2004 to Septem deviation reporting periods.	ntrol device. Is documented bbing liquid was
		Base Penalty \$10,000
>> Environmental, Pro	perty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent	
>> Programmatic Mat	ix	
Falsification	Major Moderate Minor Major Moderate Minor X Percent	1%]
Matrix Notes	The pH was not recorded less than 30% of the time.	
	Adjus	tment -\$9,900
	Base F	Penalty Subtotal \$100
Violation Events		
Number of Violat	on Events 8 Number of viol	lation days
mark only one use a small x	daily monitily quarterly semiannual annual annual	on Base Penalty \$800
Eight	single events are recommended based on the eight times to required information was not recorded.	
Economic Benefit	(EB) for this violation Statutory L	imit Test
Estimated E	B Amount \$7 Violation Fir	nal Penalty Total \$1,216
	This violation Final Assessed Penalty (adj	justed for limits) \$1,216

Page 14 of 16 0 Respondent Vo Case ID No, 30 Reg. Ent. Reference No. RN	Economi pak Logistics Service 852	Orders\VopakLogis c Benefit W o s USA Inc.			pak PCW wb3	
Media [Statute] Air Violation No. 6			1975 		Percent Interest D	Years of epreciation 15
Item Description No	Item Date Cost Require commas or \$	Final d Date		nterest Saved	Onetime Costs	EB Amount
Delayed Costs		e de la construction de la definition de la construction de la construction de la construction de la construction La construction de la construction d			landis and waa	S.C.
Èquipment		(0.0	\$0	\$0	\$(
Buildings			0.0	\$0	\$0	onosoe \$ (
Other (as needed)			0.0	\$0	\$0	\$(
Engineering/construction			0.0	\$0 \$0	\$0 n/a	\$(\$(
Record Keeping System			0.0	\$0 \$0	n/a	<u> </u>
Training/Sampling	\$250 12-Sep-(2004 11-Apr-2005	0.6	\$7	n/a	\$7
Remediation/Disposal			0.0	\$0	n/a	\$(
Permit Costs			0.0	\$0	n/a	\$(
Other (as needed)			0.0	\$0	n/a	\$(
	Estimated cost to cor					
Notes for DELAYED costs SC	rubber. Date required				eporting period.	. Final date
		based on th	e complian	ce date,		
theread	rato a proto a primera a constructiona de la factoria da la constructión de la constructión de la constructión					
4		- 1				
Avoided Costs	ANNUALIZE [1]	avoided costs before er	itering item (i	except for one	time avoided cost	s)
Avoided Gosts	ANNUALIZE [1]	avoided costs before er	ntering item (i	except for one \$0	-time avoided cost \$0	\$(
20000	ANNUALIZE [1]	avoided costs before er	0.0	\$0 · \$0	\$0 \$0	\$(\$(
Disposal Personnel Inspection/ReportIng/Sampling	ANNUALIZE [1] 	avoided costs before en	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$(\$(\$(
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		avoided costs before ei	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$(\$(\$(\$(\$(
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		avoided costs before er avoided costs before er avoided international avoid avoided costs before er avoided costs bef	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$(\$(\$(\$(\$(\$(\$(\$(
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		avoided costs before ei	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		avoided costs before el avoide d'article avoide avoi avoide avoide avo	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$(\$
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUALIZE [1]	avoided costs before er	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(5) (5) (5) (5) (5) (5) (5) (5) (5) (5)

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Page 15 of 16	02/20/07 H	H:VAgreed Orders	s\VopakLogis	ticsServicesUSAInc\V	opak PCW.wb3	
Screening Date	18-Aug-2006	D	ocket No.	2006-1347-AIR-E		PCW
CENTRE FOR A CONTRACTOR AND A REAL		ics Services USA	A Inc.		Policy Revision 2 (September 2002)
Case ID No.					PCW Revis	ion April 25, 2006
Reg. Ent. Reference No.		7				
Media [Statute]						
Enf. Coordinator	(nson				
Violation Number	[]					
Primary Rule Cite(s)	Air Perm		cial Condition Special Cond	n No. 16 and Air Perm Iition No. 16	it No.	
Concerdant Dula Cita(a)	30 Tex. Admi		115(c), 122.1 ode § 382.08	43(4), and Tex. Healtr 5(b)	n & Safety	vanish diversity direction diversity of the second direction of the second direction di direction direction directio
Secondary Rule Cite(s)						
Violation Description	railcar. 5 documented which the va	Specifically, durir I that there was c acuum system le	ng the March one instance evel was not r	rel during the purging 2, 2006 investigation i of railcar purging oper- ecorded during the Se viation reporting perio	It was ations for ptember	
				Bas	e Penalty	\$10,000
>> Environmental, Pro	operty and	Human Healt	h Matrix		· ·	
		Harm				
Release	(pursers of the second s	loderate Minor				
OR Actual				Percent	1	
Potential				rereent	1	
>> Programmatic Mat	rix					
Falsification		Ioderate Minor			1	
		X		Percent 1%		
					1	
Matrix Notes The vac	uum system l	evel was not rec	orded less th	an 30% of the time.	-	:
				A di ushasaast	\$0.000	-
				Adjustment	-\$9,900	
3				Base Penalt	y Subtotal	\$100
Violation Events						
Number of Viola	tion Events	1	1	Number of violation o	days	
	dally.					
	monthly				,	
mark only one				Violation Bas	se Penalty	\$100
use a small x					•	
	annual single event	X			·	
	Bautane and I					
One sir		ecommended ba nformation was r		time the required		
Economic Benefit	(EB) for thi	is violation		Statutory Limit	Test	
Estimated E	B Amount	\$7		Violation Final Pe	nalty Total	\$152
		This violation F	-inal Assess	ed Penalty (adjusted	for limits)	\$152
		The rolation i		· ·································		

Page 16 of 16	02/20/07 H	I:\Agreed Orde	rs\VopakLogist	icsServic	esUSAInc\Vo	pak PCW.wb3	
			enefit Wor	kshee	t		
Respondent Case ID No.		s Services US/	4 Inc.	ria de la composición de la composición La composición de la c	in an Alatini Alatini	en en teles Secondo	
Reg. Ent. Reference No.				.1.6	taani Karata 🗰	Percent	Versee
Media [Statute] / Violation No.					ata da da		Years of epreciation
	ltem	Date	Final	Yrs	Interest	5.0 Onetime	15 EB
ltem	Cost	Required	Date	(13	Saved	Costs	Amount
Description	No commas or \$					VISA DEMIVE	rans.
Delayed Costs							
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Other (as needed)				0.0	پ و \$0	\$0 \$0	φ0 \$0
Engineering/construction				0.0	\$0	\$0	• \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		40.0.0004	44.4 - 0005	0.0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal	\$250	12-Sep-2004	11-Apr-2005	0.6	\$7 \$0	n/a n/a	<u>\$7</u> \$0
Permit Costs				0.0	\$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs						quirements for porting period.	
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Avoided Costs	ANNI	JALIZE [1] avoide	d costs before en	terina item	(except for one	-time avoided cos	(s)
Disposal				0.0	\$0	\$0]	\$0
Personnel				0.0	- \$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]	an a			0.0	به ون \$0	ع ن \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	a and the contract	ະ ທີ່ກະບຽງກະວາດຮູບເວທຸດ ສາມາ		0.0	\$0]	\$0	\$0
Notes for AVOIDED costs					· ·		
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Compliance History

Customer/Respondent/Owner-Operator: CN601527955 Vopak Logistics Services USA Inc. Classification: AVERAGE Rating: 2.37 Regulated Entity: RN100223007 VOPAK LOGISTICS SERVICES USA-Classification: AVERAGE Site Rating: 4.65 DEER PARK HG0224P AIR OPERATING PERMITS ACCOUNT NUMBER ID Number(s): 1637 PERMIT AIR OPERATING PERMITS AIR NEW SOURCE PERMITS PERMIT 6400 7569 AIR NEW SOURCE PERMITS PERMIT PERMIT 9081 AIR NEW SOURCE PERMITS PERMIT 12082 AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS PERMIT 13169 HG0224P AIR NEW SOURCE PERMITS ACCOUNT NUMBER 0372 AIR NEW SOURCE PERMITS AFS NUM WDW157 UNDERGROUND INJECTION CONTROL PERMIT PERMIT WDW407 UNDERGROUND INJECTION CONTROL WQ001731000 WASTEWATER PERMIT TX0030937 EPA ID WASTEWATER TXD097673149 EPA ID INDUSTRIAL AND HAZARDOUS WASTE STORAGE 50025 PERMIT INDUSTRIAL AND HAZARDOUS WASTE STORAGE 30567 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) STORAGE 50025 PERMIT INDUSTRIAL AND HAZARDOUS WASTE STORAGE TXD097673149 INDUSTRIAL AND HAZARDOUS WASTE FPA ID GENERATION SOLID WASTE REGISTRATION # 30567 INDUSTRIAL AND HAZARDOUS WASTE (SWR) GENERATION INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD097673149 PROCESSING INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD097673149 DISPOSAL Rating Date: 9/1/2005 Repeat Violator: NO 2759 BATTLEGROUND ROAD, DEER PARK, TX, 77536 Location: **REGION 12 - HOUSTON** TCEQ Region: August 17, 2006 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement August 14, 2001 to August 14, 2006 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (713) 422-8931 Name: Rebecca Johnson Phone: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes No 2. Has there been a (known) change in ownership of the site during the compliance period? N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site : Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A COURTORDER Effective Date: 04/23/2003 Classification: Moderate Rgmt Prov: Not specified PERMIT Description: Unauthorized discharge of COD, Arsenic, TSS, Ammonia and nickel. Any criminal convictions of the state of Texas and the federal government. Β. N/A Chronic excessive emissions events. C. N/A

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Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 21. . . . 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. 5. St. 1985 $\mathcal{F}^{(1)}$, a subscript $\mathcal{F}^{(1)}$. So a gradient strategy of the (146388) Date: 07/31/2003 Classification: Moderate Self Report? NO 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: PERMIT IA Rqmt Prov: 12.14 Description:

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Failure to meet the stack testing extension period for SO2 on the Thermal Oxidizer.

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		Date: 08/14/2003	(113046)	Classification, Minor
		Self Report? NO	20 TAO Charles 225 Cut Charles & 225 10(h)(22)	Classification: Minor
		Citation: Description:	30 TAC Chapter 335, SubChapter A 335.10(b)(22) Failure to properly complete waste manifests	
		Description.	i andre to propeny complete waste manifesto	
		Date: 05/12/2004	(271580)	
		Self Report? NO		Classification: Minor
		Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)[G]	
		Description:	Failure to update/correct Notice of Registration to a and waste management unit changes.	accurately reflect waste stream
		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 d Summary for 2003.	Isposal on Annual Waste
		Self Report? NO	40 CEP Chanter 264 SubChanter DT 264 SubD	· · · · · · · · · · · · · · · · · · ·
		Citation:	40 CFR Chapter 264, SubChapter I, PT 264, SubP	1 3 204.195(9)(1)(11)
		Rqmt Prov:	PERMIT IA Failure to repair damage to secondary containment	t wall in a timely manner
		Description:	Failure to repair damage to secondary containment	
		Date: 03/30/2004	(332892)	
		Self Report? NO		Classification: Minor
		Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
		Description:	30 TAC Chapter 305, SubChapter F 305.125(17) SPECIFIC NON-RPT VIOLATION	
		Date: 03/12/2004	(262168)	
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		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 Maximum Allowable Emission Rate Table (MAER)	
		Date: 09/03/2003	(263175)	
		Self Report? NO		Classification: Moderate
		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 inve or before 6/26/2003.	entory for calendar year 2002 on
E.	Environm	nental audits.		
	Not	ice of Intent Date: 03/ No DOV Associated	06/2006 (459060)	
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G.	Type of e	-	ment systems (EMSs).	
Н.	Voluntar	y on-site compliance a	ssessment dates.	
	N/A			· · · · · · · · · · · · · · · · · · ·
۱.	Participat	ion in a voluntary pollu	tion reduction program.	
	N/A	A ¹		
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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

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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 Logistics Services USA Inc. DOCKET NO. 2006-1347-AIR-E Page 2

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.

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Vopak Logistics Services USA Inc. DOCKET NO. 2006-1347-AIR-E Page 3

- 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.

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III. DENIALS

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

IV. ORDERING PROVISIONS

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 though 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:

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- 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:

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> 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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

26/07

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 TCEO, 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

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

Date Theirin III

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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<u>Attachment A</u> 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. <u>Project</u>

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.

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Vopac Logistics Services USA Inc. Agreed Order – Attachment A

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. <u>Minimum Expenditure</u>

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:

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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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