

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1992-IWD-E **TCEQ ID:** RN102605136 **CASE NO.:** 35090
RESPONDENT NAME: Martin Operating Partnership L.P. and Martin Product Sales LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Stanolind Cut Terminal, Number 10 Sulfur Plant Road, 0.7 mile east of the interchange of State Highway 380 and U.S. Route 69, southeast of Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Facility that wholesales and transports sulfur and sulfuric acid</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 19, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Rueben Martin, President, Martin Operating Partnership L.P. and Martin Product Sales LLC, P.O. Box 191, Kilgore, Texas 75663-0191 Mr. Chris Booth, Vice President, Martin Operating Partnership L.P., 4200 Stone Road, Kilgore, Texas 75662 Mr. Matt A. Yost, Vice President, Martin Product Sales LLC, P.O. Box 191, Kilgore, Texas 75663-0191 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1992-IWD-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 7, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 3, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations for total zinc and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$34,240</p> <p>Total Deferred: \$6,848 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$27,392</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondents to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0004074000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TPDES 0116921



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ DATES	Assigned	10-Dec-2007	Screening	11-Dec-2007	EPA Due	
	PCW	19-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Martin Operating Partnership L.P. and Martin Product Sales LLC		
Reg. Ent. Ref. No.	RN102605136		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35090	No. of Violations	2
Docket No.	2007-1992-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,000
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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	127% Enhancement	Subtotals 2, 3, & 7	\$20,320
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Notes

An enhancement is recommended for having 21 self-reported NOVs, one NOV for same or similar violations, and one final enforcement order containing a denial of liability, and a reduction for one letter notifying the Executive Director of an intended audit and one disclosure of violation within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes

The Respondents do 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 x)

Notes

The Respondents do not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$144	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,320
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-6%	Adjustment	-\$2,080
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended reduction in the penalty so that monthly self reported effluent violations do not overly-impact the penalty amount, and to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount	\$34,240
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,240
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DEFERRAL	20% Reduction	Adjustment	-\$6,848
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$27,392
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Screening Date 11-Dec-2007 **Docket No.** 2007-1992-IWD-E
Respondent Martin Operating Partnership L.P. and Martin Product Sa
Case ID No. 35090
Reg. Ent. Reference No. RN102605136
Media [Statute] Water Quality
Enf. Coordinator Libby Hogue

PCW
 Policy Revision 2 (September 2002)
 PCW Revision November 6, 2007

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)	22	110%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	0	0%
	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 submitted)	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)	1	-2%
<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) 127%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes An enhancement is recommended for having 21 self-reported NOVs, one NOV for same or similar violations, and one final enforcement order containing a denial of liability, and a reduction for one letter notifying the Executive Director of an intended audit and one disclosure of violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 127%

Screening Date 11-Dec-2007	Docket No. 2007-1992-IWD-E	PCW
Respondent Martin Operating Partnership L.P. and Martin Product Sales LLC		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35090		<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No. RN102605136		
Media [Statute] Water Quality		
Enf. Coordinator Libby Hogue		
Violation Number	<input type="text" value="1"/>	
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with the permitted effluent limits, as documented during a record review conducted September 7, 2007. See attached table.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
<input type="text"/>					
					Percent <input type="text" value="0%"/>

Matrix Notes
Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="6"/>	Number of violation days	<input type="text" value="182"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$15,000"/>
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

Six monthly events are recommended, for the months of October 2006, November 2006, December 2006, January 2007, February 2007, and May 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$144"/>	Violation Final Penalty Total <input type="text" value="\$32,100"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$32,100"/>	

Economic Benefit Worksheet

Respondent Martin Operating Partnership L.P. and Martin Product Sales LLC

Case ID No. 35090

Reg. Ent. Reference No. RN102605136

Media Water 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
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				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)	\$1,500	31-Oct-2006	30-Sep-2008	1.9	\$144	n/a	\$144

Notes for DELAYED costs

The estimated cost for determining the cause of effluent noncompliances. Date required is the date the noncompliance began, and the final date is the date the Respondents are anticipated to achieve compliance.

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

\$144

Screening Date 11-Dec-2007	Docket No. 2007-1992-IWD-E	PCW
Respondent Martin Operating Partnership L.P. and Martin Product Sales LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35090	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102605136		
Media [Statute] Water Quality		
Enf. Coordinator Libby Hogue		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with the permitted effluent limits, as documented during a record review conducted September 7, 2007. See attached table.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="30"/>	Number of violation days												
<i>mark only one with an x</i>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;"><input checked="" type="text" value="x"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="text" value="x"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input checked="" type="text" value="x"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													

One quarterly event is recommended, for the quarter containing the month of June 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$2,140"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,140"/>	

Economic Benefit Worksheet

Respondent: Martin Operating Partnership L.P. and Martin Product Sales LLC

Case ID No.: 35090

Reg. Ent. Reference No.: RN102605136

Media: Water Quality

Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime 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				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

See violation no. 1.

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

\$0

TOTAL

\$0

Effluent Limit Violation Table

Respondent	Martin Operating Partnership L.P. and Martin Product Sales LLC		
ID Number(s)	RN102605136		
Docket Number	2007-1992-IWD-E		
Enf. Coordinator	Libby Hogue		

Corresponds to Violation Number:

1

EFFLUENT PARAMETER

Permit Limit

<i>Month/Year</i>	Daily Average Total Zinc	Daily Maximum Total Zinc	Daily Maximum Total Suspended Solids						
	0.237 mg/L	0.502 mg/L	100 mg/L						
Oct-06	0.576	0.576	C						
Nov-06	0.299	C	C						
Dec-06	0.389	C	202						
Jan-07	3.8	3.8	C						
Feb-07	0.812	0.812	C						
May-07	0.572	0.572	C						
Jun-07	C	C	233						
	milligrams per liter = mg/L								

Compliance History

Customer/Respondent/Owner-Operator:	CN602894560	Martin Product Sales LLC	Classification: AVERAGE	Rating: 2.36
Regulated Entity:	RN102605136	STANOLIND CUT TERMINAL	Classification: AVERAGE	Site Rating: 1.79
ID Number(s):	WASTEWATER	PERMIT		WQ0004074000
	WASTEWATER	PERMIT		TPDES0116921
	AIR NEW SOURCE PERMITS	PERMIT		39951
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0822N
	AIR NEW SOURCE PERMITS	REGISTRATION		79714
	AIR NEW SOURCE PERMITS	REGISTRATION		81521
Location:	NUMBER 10 SULFUR PLANT ROAD, 0.7 MILE EAST OF THE INTERCHANGE OF STATE HIGHWAY 380 AND U.S. ROUTE 69, SOUTHEAST OF THE CITY OF BEAUMONT, JEFFERSON COUNTY TEXAS, 77704			Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	January 04, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 10, 2002 to December 10, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Libby Hogue	Phone:	512-239-1165	

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: 04/14/2006 | ADMINORDER 2005-1740-MWD-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: Effluent Limits PERMIT | |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |

- 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	12/16/2002	(325916)
2	01/13/2003	(230741)
3	02/20/2003	(230709)
4	03/10/2003	(230712)
5	04/03/2003	(230716)
6	05/09/2003	(325909)
7	06/09/2003	(325910)
8	07/07/2003	(325911)
9	08/07/2003	(325912)
10	09/19/2003	(325913)
11	10/07/2003	(325914)
12	11/18/2003	(325915)
13	12/08/2003	(325917)

14 01/15/2004 (325918)
 15 02/06/2004 (325906)
 16 03/15/2004 (325907)
 17 04/12/2004 (325908)
 18 05/18/2004 (366183)
 19 06/09/2004 (366184)
 20 07/09/2004 (366185)
 21 08/09/2004 (366186)
 22 09/13/2004 (366187)
 23 10/08/2004 (366188)
 24 11/05/2004 (366189)
 25 12/09/2004 (430685)
 26 01/13/2005 (389604)
 27 02/17/2005 (430679)
 28 03/07/2005 (389603)
 29 03/22/2005 (349705)
 30 04/11/2005 (430681)
 31 05/05/2005 (430682)
 32 05/20/2005 (380465)
 33 06/06/2005 (430683)
 34 07/05/2005 (430684)
 35 07/31/2005 (430680)
 36 08/15/2005 (447257)
 37 09/06/2005 (447258)
 38 09/19/2005 (418623)
 39 11/07/2005 (491713)
 40 12/15/2005 (491714)
 41 01/17/2006 (491715)
 42 02/16/2006 (491711)
 43 03/16/2006 (491712)
 44 04/17/2006 (505902)
 45 05/17/2006 (505903)
 46 06/19/2006 (505904)
 47 07/13/2006 (528148)
 48 08/14/2006 (588761)
 49 09/18/2006 (528149)
 50 10/06/2006 (551655)
 51 11/16/2006 (551656)
 52 12/20/2006 (551657)
 53 01/22/2007 (588762)
 54 02/16/2007 (588756)
 55 03/15/2007 (588757)
 56 04/09/2007 (588758)
 57 05/14/2007 (588759)
 58 06/06/2007 (597524)
 59 06/18/2007 (588760)
 60 07/16/2007 (605583)
 61 08/13/2007 (605584)
 62 09/14/2007 (605585)
 63 12/06/2007 (593868)

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

Date 04/30/2003 (325909)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2004 (430685)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2005 (430679)
 Self Report? YES Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005 (389603)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/22/2005 (349705)		
Self Report?	NO	Classification:	Moderate
Rqmt Prov:	PERMIT EL&MR 1		
Description:	Failure by the permittee to discharge effluent that is compliant with permitted limitations.		
Self Report?	NO	Classification:	Minor
Rqmt Prov:	PERMIT M&RR		
Description:	Failure by the permittee to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.		
Self Report?	NO	Classification:	Minor
Rqmt Prov:	PERMIT OT 5		
Description:	Failure by the permittee to submit the quarterly progress reports for attainment of final Total Zinc effluent limitations by the dates specified in the permit.		
Self Report?	NO	Classification:	Minor
Rqmt Prov:	PERMIT OpR 1		
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Date	03/31/2005 (430681)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2005 (447257)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2005 (491714)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2005 (491715)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2006 (491711)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2006 (491712)		

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2006 (505902)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2006 (505903)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2006 (588761)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2006 (528149)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2006 (551656)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006 (551657)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2006 (588762)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2007 (588756)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2007 (588757)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2007 (588760)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2007 (605583)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 06/30/2006 (489271)

Disclosure Date: 03/19/2007

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A

Description: Failure to maintain PBR records. Specifically for permit nos. 39951, 50624, and 79714.

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

Compliance History

Customer/Respondent/Owner-Operator: CN601535925 Martin Operating Partnership L. P. Classification: AVERAGE Rating: 2.45
 Regulated Entity: RN102605136 STANOLIND CUT TERMINAL Classification: AVERAGE Site Rating: 1.79

ID Number(s):	WASTEWATER	PERMIT	WQ0004074000
	WASTEWATER	PERMIT	TPDES0116921
	AIR NEW SOURCE PERMITS	PERMIT	39951
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0822N
	AIR NEW SOURCE PERMITS	REGISTRATION	79714
	AIR NEW SOURCE PERMITS	REGISTRATION	81521

Location: NUMBER 10 SULFUR PLANT ROAD, 0.7 MILE EAST OF THE INTERCHANGE OF STATE HIGHWAY 380 AND U.S. ROUTE 69, SOUTHEAST OF THE CITY OF BEAUMONT, JEFFERSON COUNTY TEXAS, 77704 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: December 10, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: December 10, 2002 to December 10, 2007

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

Name: Libby Hogue Phone: 512-239-1165

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:	04/14/2006	ADMINORDER	2005-1740-MWD-E
Classification:	Moderate		
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	Effluent Limits PERMIT		
Description:	Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.		

- 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 | 12/16/2002 | (325916) |
| 2 | 01/13/2003 | (230741) |
| 3 | 02/20/2003 | (230709) |
| 4 | 03/10/2003 | (230712) |
| 5 | 04/03/2003 | (230716) |
| 6 | 05/09/2003 | (325909) |
| 7 | 06/09/2003 | (325910) |
| 8 | 07/07/2003 | (325911) |
| 9 | 08/07/2003 | (325912) |
| 10 | 09/19/2003 | (325913) |
| 11 | 10/07/2003 | (325914) |
| 12 | 11/18/2003 | (325915) |
| 13 | 12/08/2003 | (325917) |

14 01/15/2004 (325918)
 15 02/06/2004 (325906)
 16 03/15/2004 (325907)
 17 04/12/2004 (325908)
 18 05/18/2004 (366183)
 19 06/09/2004 (366184)
 20 07/09/2004 (366185)
 21 08/09/2004 (366186)
 22 09/13/2004 (366187)
 23 10/08/2004 (366188)
 24 11/05/2004 (366189)
 25 12/09/2004 (430685)
 26 01/13/2005 (389604)
 27 02/17/2005 (430679)
 28 03/07/2005 (389603)
 29 03/22/2005 (349705)
 30 04/11/2005 (430681)
 31 05/05/2005 (430682)
 32 05/20/2005 (380465)
 33 06/06/2005 (430683)
 34 07/05/2005 (430684)
 35 07/31/2005 (430680)
 36 08/15/2005 (447257)
 37 09/06/2005 (447258)
 38 09/19/2005 (418623)
 39 11/07/2005 (491713)
 40 12/15/2005 (491714)
 41 01/17/2006 (491715)
 42 02/16/2006 (491711)
 43 03/16/2006 (491712)
 44 04/17/2006 (505902)
 45 05/17/2006 (505903)
 46 06/19/2006 (505904)
 47 07/13/2006 (528148)
 48 08/14/2006 (588761)
 49 09/18/2006 (528149)
 50 10/06/2006 (551655)
 51 11/16/2006 (551656)
 52 12/20/2006 (551657)
 53 01/22/2007 (588762)
 54 02/16/2007 (588756)
 55 03/15/2007 (588757)
 56 04/09/2007 (588758)
 57 05/14/2007 (588759)
 58 06/06/2007 (597524)
 59 06/18/2007 (588760)
 60 07/16/2007 (605583)
 61 08/13/2007 (605584)
 62 09/14/2007 (605585)
 63 12/06/2007 (593868)

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

Date 04/30/2003 (325909)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2004 (430685)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2005 (430679)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2005 (389603)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 03/22/2005 (349705)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT EL&MR 1

Description: Failure by the permittee to discharge effluent that is compliant with permitted limitations.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR

Description: Failure by the permittee to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OT 5

Description: Failure by the permittee to submit the quarterly progress reports for attainment of final Total Zinc effluent limitations by the dates specified in the permit.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OpR 1

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date 03/31/2005 (430681)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2005 (447257)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2005 (491714)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2005 (491715)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2006 (491711)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date	02/28/2006	(491712)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2006	(505902)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2006	(505903)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2006	(588761)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2006	(528149)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2006	(551656)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2006	(551657)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2006	(588762)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2007	(588756)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2007	(588757)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			

Date 05/31/2007 (588760)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2007 (605583)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 06/30/2006 (489271)

Disclosure Date: 03/19/2007

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A

Description: Failure to maintain PBR records. Specifically for permit nos. 39951, 50624, and 79714.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARTIN OPERATING
PARTNERSHIP L.P. AND MARTIN
PRODUCT SALES LLC
RN102605136**

§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-1992-IWD-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 Martin Operating Partnership L.P. and Martin Product Sales LLC ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate a facility that wholesales and transports sulfur and sulfuric acid located at Number 10 Sulfur Plant Road, 0.7 mile east of the interchange of State Highway 380 and U.S. Route 69, southeast of Beaumont, in Jefferson County, Texas (the "Facility").
2. The Respondents have discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about December 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Four Thousand Two Hundred Forty Dollars (\$34,240) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Twenty-Seven Thousand Three Hundred Ninety-Two Dollars (\$27,392) of the administrative penalty and Six Thousand Eight Hundred Forty-Eight Dollars (\$6,848) is deferred contingent upon the Respondents' 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 the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
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 the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 Facility, the Respondents are alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 7, 2007, and described in the following table:

EFFLUENT PARAMETER			
Permit Limit			
	Daily Average Total Zinc	Daily Maximum Total Zinc	Daily Maximum Total Suspended Solids
Month/Year	0.237 mg/L	0.502 mg/L	100 mg/L
Oct-06	0.576	0.576	C
Nov-06	0.299	C	C
Dec-06	0.389	C	202
Jan-07	3.8	3.8	C
Feb-07	0.812	0.812	C
May-07	0.572	0.572	C
Jun-07	C	C	233
milligrams per liter = mg/L			

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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: Martin Operating Partnership L.P. and Martin Product Sales LLC, Docket No. 2007-1992-IWD-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. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES

Permit No. WQ0004074000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under 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 obtaining 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."

The certification 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:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondents fail 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, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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 the Respondents 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 the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, 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

John Szellin
For the Executive Director

4/30/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
 - Greater scrutiny of any permit applications submitted;
 - 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;
 - Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Chris Booth
Signature

3/3/2008
Date

Chris Booth
Name (Printed or typed)
Authorized Representative of
Martin Operating Partnership L.P.

Vice President
Title

Matt A. Yost
Signature

3/3/2008
Date

Matt A. Yost
Name (Printed or typed)
Authorized Representative of
Martin Product Sales LLC

VICE PRESIDENT
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.

Main body of handwritten text, consisting of several lines of cursive script.

Second section of handwritten text, continuing the narrative or list.

Third section of handwritten text, appearing to be a list or series of entries.

Final section of handwritten text at the bottom of the page, possibly a signature or conclusion.