

| | | |
|---|--|--|
| 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 checked="" 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 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 |

SITE WHERE VIOLATION(S) OCCURRED: Intercontinental Terminals Deer Park Terminal, 1943 Independence Parkway South, La Porte, Harris County

TYPE OF OPERATION: Petroleum storage and transfer terminal

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0065-AIR-E.

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 September 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Gena Hawkins, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2583; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Gary Cotie, Environmental Supervisor, Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77536

Mr. Carl E. Holley, Vice President, SHE & Regulatory Compliance, Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77536

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 13, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 8, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to include all deviations in deviation reports. Specifically, the deviation report for the period September 8, 2008 through March 7, 2009, failed to contain the opacity event (Incident No. 114163) that occurred on September 15, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit O-01061 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to properly operate an internal floating roof tank. Specifically, from August 28, 2008 through November 11, 2008, the Respondent failed to keep Tank 35-5's internal cover floating on the liquid surface resulting in the release of approximately 2,311 pounds of isoprene [30 TEX. ADMIN. CODE §§ 101.20(1) and 115.112(a)(1), 40 Code of Federal Regulations § 60.112b(a)(1)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$5,226</p> <p>Total Deferred: \$1,045 <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: \$4,181</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>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:</p> <p>a. By October 31, 2009, increased the low gauge level on internal floating roof tanks and integrated these new low-level settings into the central control room software to prevent any future roof landing deviations; and</p> <p>b. By March 30, 2010, created a written procedure and completed training for employees to outline minimal reporting requirements for all incidents of deviations at the Site.</p> |

Additional ID No(s): HG0403N



Penalty Calculation Worksheet (PCW)

TCEQ

| | | | | | | |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 12-Apr-2010 | Screening | 20-Apr-2010 | EPA Due | |
| | PCW | 24-May-2010 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | |
|----------------------|--|--------------------|
| Respondent | Intercontinental Terminals Company LLC | |
| Reg. Ent. Ref. No. | RN100210806 | |
| Facility/Site Region | 12-Houston | Major/Minor Source |
| | | Major |

CASE INFORMATION

| | | | |
|------------------|-----------------|-----------------------|--------------------|
| Enf./Case ID No. | 39545 | No. of Violations | 2 |
| Docket No. | 2010-0632-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Gena Hawkins |
| | | EC's Team | Enforcement Team 4 |

| | | | |
|---------------------------------|-----|---------|----------|
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |
|---------------------------------|-----|---------|----------|

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

| | | |
|----------------------------|---------|-----------------------------------|
| Total EB Amounts | \$392 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$7,000 | |

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 20-Apr-2010

Docket No. 2010-0632-AIR-E

PCW

Respondent Intercontinental Terminals Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39545

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210806

Media [Statute] Air

Enf. Coordinator Gena Hawkins

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) | 8 | 40% |
| | Other written NOVs | 11 | 22% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 2 | 40% |
| | 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 | 1 | 25% |
| 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) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| 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) 126%

>> 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

The penalty was enhanced by eight similar and 11 dissimilar NOVs, two 1660-style orders and one findings agreed order. Penalty reduction due to one Notice of Intended Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 126%

Screening Date 20-Apr-2010

Docket No. 2010-0632-AIR-E

PCW

Respondent Intercontinental Terminals Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39545

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210806

Media [Statute] Air

Enf. Coordinator Gena Hawkins

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit O-01061 General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all deviations in deviation reports, as documented during an investigation conducted on January 13, 2010. Specifically, the deviation report for the period September 8, 2008 through March 7, 2009, failed to contain the opacity event (Incident No. 114163) that occurred on September 15, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|--|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | | x | 1% |
| Less than 30% of the rule requirement was not met. | | | | | |

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 357 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25

| | Before NOV | NOV to EDRP/Settlement |
|----------|---------------|------------------------|
| | Extraordinary | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes The Respondent completed corrective actions by March 30, 2010, and the NOE is dated April 8, 2010.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$98

Violation Final Penalty Total \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent Intercontinental Terminals Company LLC
Case ID No. 39545
Reg. Ent. Reference No. RN100210806
Media Air
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 | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$2,000 | 7-Apr-2009 | 30-Mar-2010 | 0.98 | \$98 | n/a | \$98 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to provide additional Title V reporting oversight. The date required is the date the first deviation report was submitted. The final date is the date the additional oversight was completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$98

Screening Date 20-Apr-2010

Docket No. 2010-0632-AIR-E

PCW

Respondent Intercontinental Terminals Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39545

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210806

Media [Statute] Air

Enf. Coordinator Gena Hawkins

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 115.112(a)(1), 40 Code of Federal Regulations § 60.112b(a)(1)(i), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly operate an internal floating roof tank, as documented during an investigation conducted on January 13, 2010. Specifically, from August 28, 2008 through November 11, 2008, the Respondent failed to keep Tank 35-5's internal cover floating on the liquid surface resulting in the release of approximately 2,311 pounds of isoprene.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | X | 25% |
| Potential | | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | | | 0% |
| 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 \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 76

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | X |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$2,500

One quarterly event is recommended, based on the period August 28, 2008 to November 11, 2008.

Good Faith Efforts to Comply

| | 25.0% Reduction | |
|---------------|-----------------|-------------------------------|
| | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

Notes The Respondent completed corrective actions by October 31, 2009, and the NOE is dated April 8, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$294

Violation Final Penalty Total \$5,025

This violation Final Assessed Penalty (adjusted for limits) \$5,025

Economic Benefit Worksheet

Respondent Intercontinental Terminals Company LLC
Case ID No. 39545
Reg. Ent. Reference No. RN100210806
Media Air
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------|-----------------|---------------|------------|-----|----------------|---------------|-----------|
| Item Description | No commas or \$ | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-------|-----|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$5,000 | 28-Aug-2008 | 31-Oct-2009 | 1.18 | \$294 | n/a | \$294 |

Notes for DELAYED costs

Estimated costs to provide additional tank operation oversight. The date required is the date the violation began and the final date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$294

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: 11/06/2005 ADMINORDER 2005-0486-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent 1,127 pounds of unauthorized butadiene emissions from the tank 50-2 dryer pressure relief valve during an emissions event on August 16, 2004 that lasted four minutes.

Effective Date: 03/19/2007 ADMINORDER 2006-1017-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit No. 1078, Special Condition 14 PERMIT
Permit No.1078 Special Condition No. 5 PERMIT
Description: Failed to prevent unauthorized emissions and to route all emissions from Storage Tank 50-2 to the TK 50-2 Flare, emissions point number ("EPN") FL-50-2 (Incident 71787).

Effective Date: 10/18/2009 ADMINORDER 2009-0500-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1078, Special Condition 5 PERMIT
Description: Failure to prevent an avoidable emissions event.

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 | 04/22/2005 | (423378) |
| 2 | 05/24/2005 | (380693) |
| 3 | 05/24/2005 | (423379) |
| 4 | 06/21/2005 | (423380) |
| 5 | 07/22/2005 | (444195) |
| 6 | 08/09/2005 | (403880) |
| 7 | 08/23/2005 | (444196) |
| 8 | 09/02/2005 | (404693) |
| 9 | 09/23/2005 | (444197) |
| 10 | 10/21/2005 | (434379) |
| 11 | 10/24/2005 | (474605) |
| 12 | 10/24/2005 | (474606) |
| 13 | 11/21/2005 | (474607) |
| 14 | 12/27/2005 | (474608) |
| 15 | 01/25/2006 | (474609) |
| 16 | 02/16/2006 | (437127) |
| 17 | 02/21/2006 | (455166) |
| 18 | 02/21/2006 | (474602) |
| 19 | 02/28/2006 | (457243) |
| 20 | 03/27/2006 | (474603) |
| 21 | 03/30/2006 | (454492) |
| 22 | 04/07/2006 | (474604) |
| 23 | 05/18/2006 | (502372) |
| 24 | 05/30/2006 | (467313) |
| 25 | 05/30/2006 | (467405) |
| 26 | 05/30/2006 | (467456) |
| 27 | 05/30/2006 | (467474) |
| 28 | 06/20/2006 | (502373) |
| 29 | 07/05/2006 | (464712) |
| 30 | 07/19/2006 | (502374) |
| 31 | 08/15/2006 | (531029) |
| 32 | 08/21/2006 | (524690) |
| 33 | 10/04/2006 | (513041) |
| 34 | 10/06/2006 | (531030) |
| 35 | 10/12/2006 | (524691) |

| | | |
|----|------------|----------|
| 98 | 03/23/2010 | (780662) |
| 97 | 12/22/2009 | (785678) |
| 96 | 12/21/2009 | (785798) |
| 95 | 12/16/2009 | (780124) |
| 94 | 11/05/2009 | (780325) |
| 93 | 10/14/2009 | (779062) |
| 92 | 08/25/2009 | (766295) |
| 91 | 08/19/2009 | (748952) |
| 90 | 07/22/2009 | (747695) |
| 89 | 05/20/2009 | (770610) |
| 88 | 05/06/2009 | (741357) |
| 87 | 04/20/2009 | (753033) |
| 86 | 04/20/2009 | (753032) |
| 85 | 04/20/2009 | (753031) |
| 84 | 03/25/2009 | (705943) |
| 83 | 03/24/2009 | (753030) |
| 82 | 02/20/2009 | (753029) |
| 81 | 12/30/2008 | (721707) |
| 80 | 12/30/2008 | (721525) |
| 79 | 12/19/2008 | (729809) |
| 78 | 12/11/2008 | (703617) |
| 77 | 11/20/2008 | (729808) |
| 76 | 10/20/2008 | (713801) |
| 75 | 10/20/2008 | (713800) |
| 74 | 10/09/2008 | (700249) |
| 73 | 09/19/2008 | (713799) |
| 72 | 08/20/2008 | (713798) |
| 71 | 08/07/2008 | (686235) |
| 70 | 07/23/2008 | (681834) |
| 69 | 06/20/2008 | (692666) |
| 68 | 05/20/2008 | (692665) |
| 67 | 04/18/2008 | (674323) |
| 66 | 04/18/2008 | (674322) |
| 65 | 03/19/2008 | (674321) |
| 64 | 02/20/2008 | (674320) |
| 63 | 02/13/2008 | (614533) |
| 62 | 02/01/2008 | (611820) |
| 61 | 12/17/2007 | (622872) |
| 60 | 11/27/2007 | (609671) |
| 59 | 11/19/2007 | (622871) |
| 58 | 11/05/2007 | (566950) |
| 57 | 11/02/2007 | (596438) |
| 56 | 11/02/2007 | (595572) |
| 55 | 10/18/2007 | (603996) |
| 54 | 10/18/2007 | (603995) |
| 53 | 10/15/2007 | (572912) |
| 52 | 10/15/2007 | (572860) |
| 51 | 09/18/2007 | (603994) |
| 50 | 08/31/2007 | (566945) |
| 49 | 08/20/2007 | (603993) |
| 48 | 06/20/2007 | (583595) |
| 47 | 06/18/2007 | (583594) |
| 46 | 05/21/2007 | (583593) |
| 45 | 05/08/2007 | (542716) |
| 44 | 04/20/2007 | (583592) |
| 43 | 03/20/2007 | (583591) |
| 42 | 02/20/2007 | (549639) |
| 41 | 02/14/2007 | (534906) |
| 40 | 12/20/2006 | (549641) |
| 39 | 12/11/2006 | (533506) |
| 38 | 11/21/2006 | (549640) |
| 37 | 10/19/2006 | (524693) |
| 36 | 10/19/2006 | (524692) |

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

Date: 05/24/2005 (380693)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
 Description: ITC failed to submit the initial notification electronically using the online form on the commission's secure web server.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: ITC failed to prevent the increased flow, during a loading operation, into Tank 105-3.

Date: 09/02/2005 (404693) CN603186495
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 Description: The RE failed to detect a leak on a transferline.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 1078 SC1.J PERMIT
 Description: Failure to operated without visible liquid leaks or spills.

Date: 10/21/2005 (434379)
 Self Report? NO Classification: Moderate
 Citation: #1078 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: ITC failed to prevent a mechanical failure which resulted in a release of 85 pounds of unauthorizd 1,3 butadiene emissions from an emergency atmospheric relief valve for a duration of 5 minutes.

Date: 03/29/2006 (454492) CN603186495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with the permit effluent limits for biochemical oxygen demand (BOD5).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
 Description: Failure to adequately manage solid waste.

Date: 05/31/2006 (502373) CN603186495
 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: 08/15/2006 (531029) CN603186495
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/06/2006 (531030) CN603186495
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 03/31/2007 (583592) CN603186495
 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 04/30/2007 (583593) CN603186495
 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 08/31/2007 (566945) CN603186495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01061, ST&C 14 OP
 FOP O-01061, ST&C 1A OP
 FOP O-01061, ST&C 5.B.i OP
 Permit 1078, SC 1J PERMIT
 Description: Failure to prevent leaks during loading and unloading operations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01061, ST&C 14 OP
 Permit 1078, Special Condition 5 PERMIT
 Description: Failure to operate equipment within the short-term emissions limits defined in the MAER
 Table of Permit 1078.
 Date 10/31/2007 (622871) CN603186495
 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
 Date 11/28/2007 (609671) CN603186495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to identify the permit in the final report.
 Date 02/14/2008 (614533) CN603186495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
 Description: Failure to meet the minimum pressure tank capacity requirement.
 Date 07/23/2008 (681834) CN603186495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT
 Description: Failure to maintain the internal floating roof of tanks TK100-24 and TK80-14 floating on
 the liquid surface at all times.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to submit the first semi-annual deviation report within 30 days after the end of the
 certification period for the period of March 8, 2007 through September 7, 2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 30 TAC Chapter 115, SubChapter C 115.212(a)(6)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1J PERMIT
 ST&C 14 PERMIT
 ST&C 1A PERMIT
 Description: Failure to prevent VOC leakage during loading and unloading operations.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
Description: Failure to include all instances of deviations in the second semi-annual deviation report dated March 28, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT

Description: Failure to identify all other terms and conditions of the permit for which compliance was not achieved.

Date 09/30/2008 (713800) CN603186495

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

Date 11/30/2008 (729809) CN603186495

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

Date 07/22/2009 (747695) CN603186495

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
ELMR, No. 1, p. 2 & 2a PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for biochemical oxygen demand and total zinc.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to properly complete the Discharge Monitoring Reports (DMRs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
MRR, No. 7c, p. 6 PERMIT
Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limit by more than 40%.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, No. 23, p. 21 PERMIT

Description: Failure to maintain Table 2 for Outfall 002.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, No. 17, p. 18-19 PERMIT
Description: Failure to correctly collect composite volatile samples.

Self Report? NO Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.134(a)
Description: Failure to utilize a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory with accreditation for analytical data reported to the Agency.

Date 08/31/2009 (759062)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 1078 SC 24(C) PERMIT

Description: ITC failed to meet the control efficiency for degassing operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.542(a)(6)
30 TAC Chapter 115, SubChapter F 115.546(1)(D)
5C THSC Chapter 382 382.085(b)

Description: ITC failed to measure and record the volatile organic compound (VOC) concentration or record the lower explosive limit (LEL) during degassing activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.546(1)(B)

Description: 5C THSC Chapter 382 382.085(b)
ITC failed to record the quantity of volatile organic compound (VOC) in the storage tank during degassing operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.546(1)(C)
5C THSC Chapter 382 382.085(b)

Description: ITC failed to record the quantity of volatile organic compound (VOC) removed from the storage tank during degassing operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 1078 SC 24(E) PERMIT

Description: ITC failed to operate the degassing equipment such that a volume of purge gas equivalent to twice that of the vapor space is passed through the control device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 1078 SC 24(F) PERMIT

Description: ITC failed to calibrate the instrument used in degassing operations as required by Permit 1078.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 1078 SC 24(I) PERMIT

Description: ITC failed to comply with the recordkeeping of the degassing operations as follows:
Failure to record the activation and response times for the sampling instrument; failure to record the 1-minute average volatile organic compound (VOC) concentrations; failure to record the purge gas volume and/or vapor space volumes.

Date 04/08/2010 (767500) CN603186495

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1J PERMIT
Special Terms and Conditions 14 OP
Special Terms and Conditions 1A OP

Description: Failed to operate leak free operations during all land-based loading and unloading operations. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(6)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1J PERMIT
Special Terms and Conditions 14 OP
Special Terms and Conditions 1A OP

Description: Failed to operate leak free operations during marine vessels for loading operations. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 4 OP

Description: Failed to maintain working pressure to prevent vapor gas loss for tanks (12-11 and 50-2) and a product line. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1D PERMIT
Special Terms and Conditions 14 OP
Special Terms and Conditions 1A OP

Description: Failed to conduct ten year inspection, Tank 12-26, before the due date of December 31, 2008. (Category B1 violation)

F. Environmental audits.

Notice of Intent Date: 04/27/2006 (466867)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INTERCONTINENTAL TERMINALS
COMPANY LLC
RN100210806

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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0632-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Intercontinental Terminals Company LLC ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum storage and transfer terminal at 1943 Independence Parkway South in La Porte, Harris County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 13, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Two Hundred Twenty-Six Dollars (\$5,226) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Thousand One Hundred Eighty-One Dollars (\$4,181) of the administrative penalty and One Thousand Forty-Five Dollars (\$1,045) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 Respondent 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 the Respondent has implemented the following corrective measures at the Site:
 - a. By October 31, 2009, increased the low gauge level on internal floating roof tanks and integrated these new low-level settings into the central control room software to prevent any future roof landing deviations; and
 - b. By March 30, 2010, created a written procedure and completed training for employees to outline minimal reporting requirements for all incidents of deviations at the Site.
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 the Respondent 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 Site, the Respondent is alleged to have:

1. Failed to include all deviations in deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit O-01061 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2010. Specifically, the deviation report for the period September 8, 2008 through March 7, 2009, failed to contain the opacity event (Incident No. 114163) that occurred on September 15, 2008.

2. Failed to properly operate an internal floating roof tank, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 115.112(a)(1), 40 Code of Federal Regulations § 60.112b(a)(1)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2010. Specifically, from August 28, 2008 through November 11, 2008, the Respondent failed to keep Tank 35-5's internal cover floating on the liquid surface resulting in the release of approximately 2,311 pounds of isoprene.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Intercontinental Terminals Company LLC, Docket No. 2010-0632-AIR-E" to:

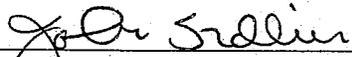
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

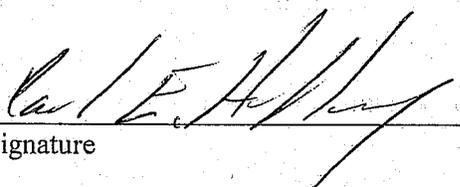
8/23/2010
Date

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.



Signature

July 9, 2010
Date

Carl E. Holley

Name (Printed or typed)
Authorized Representative of
Intercontinental Terminals Company LLC

VP, SHE & Regulatory Compliance
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.