

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0991-IWD-E **TCEQ ID:** RN100218932 **CASE NO.:** 39891
RESPONDENT NAME: Chemtrade Refinery Services, Inc.

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: Chemtrade Refinery Services, located at 1400 Olin Road, approximately 2,000 feet east of State Highway 380 and approximately 2.7 miles south of the intersection of State Highway 380 and State Highway 90, on the south side of the City of Beaumont, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Inorganic chemicals manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0052-AIR-E.</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 October 18, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Nestor Gomez, Plant Manager, Chemtrade Refinery Services, Inc., P.O. Box 30, Beaumont, Texas 77704-0030 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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: May 3, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 4, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits for Chemical Oxygen Demand Daily Maximum [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000647000 Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121].</p>	<p>Total Assessed: \$5,940</p> <p>Total Deferred: \$1,188 <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: \$4,752</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site 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 Respondent to within 90 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000647000, 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 limitations.</p>

Additional ID No(s): TPDES Permit No. WQ0000647000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision, October 30, 2008

TCEQ

DATES	Assigned	7-Jun-2010	Screening	14-Jun-2010	EPA Due	
	PCW	28-Jun-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Chemtrade Refinery Services, Inc.	
Reg. Ent. Ref. No.	RN100218932	
Facility/Site Region	10-Beaumont	Major/Minor Source: Minor

CASE INFORMATION

Enf./Case ID No.	39891	No. of Violations	1
Docket No.	2010-0991-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 98.0% Enhancement **Subtotals 2, 3, & 7**

Notes: The Respondent self-reported eight months of effluent violations and received eight NOVs for non-similar violations, one for same or similar violations, one Agreed Order with denial language and one EPA Order. In addition, the Respondent submitted one Notice of Intent and one Disclosure of Violations.

Culpability No 0.0% Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit 0.0% Enhancement* **Subtotal 6**

Total EB Amounts	\$416	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 14-Jun-2010

Docket No. 2010-0991-IWD-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39891

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218932

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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)	9	45%
	Other written NOVs	8	16%
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	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) 98%

>> 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 Respondent self-reported eight months of effluent violations and received eight NOVs for non-similar violations, one for same or similar violations, one Agreed Order with denial language and one EPA Order. In addition, the Respondent submitted one Notice of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 98%

Screening Date 14-Jun-2010

Docket No: 2010-0991-IWD-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39891

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218932

Media [Statute] Water Quality

Env. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000647000 Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on May 3, 2010. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 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 the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

90 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$418

Violation Final Penalty Total \$5,940

This violation Final Assessed Penalty (adjusted for limits) \$5,940

Economic Benefit Worksheet

Respondent: Chemtrade Refinery Services, Inc.

Case ID No.: 39891

Reg. Ent. Reference No.: RN100218932

Media: Water Quality

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No. commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	31-Jul-2009	31-Mar-2011	1.67	\$416	n/a	\$416

Notes for DELAYED costs

Estimated cost to install booms around the storm sewer and to flush and wash equipment. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of compliance.

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

\$416

Compliance History Report

Customer/Respondent/Owner-Operator: CN602999567 Chemtrade Refinery Services, Inc. Classification: AVERAGE Rating: 5.80
 Regulated Entity: RN100218932 CHEMTRADE REFINERY SERVICES Classification: AVERAGE Site Rating: 5.80

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0073N
	AIR OPERATING PERMITS	PERMIT	1409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008097487
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30795
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50167
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50167
	WASTEWATER	PERMIT	WQ0000647000
	WASTEWATER	PERMIT	TPDES0006726
	WASTEWATER	PERMIT	TX0006726
	AIR NEW SOURCE PERMITS	PERMIT	3149
	AIR NEW SOURCE PERMITS	PERMIT	6872
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0073N
	AIR NEW SOURCE PERMITS	AFS NUM	4824500010
	AIR NEW SOURCE PERMITS	REGISTRATION	89874
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0073N

Location: 1400 Olin Road, approximately 2,000 feet east of State Highway 380 and approximately 2.7 miles south of the intersection of State Highway 380 and State Highway 90, on the south side of the City of Beaumont in Beaumont, Jefferson County, Texas

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 16, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 14, 2005 to June 14, 2010

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

Name: Cheryl Thompson Phone: (817) 588-5886

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Chemtrade Refinery Services, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s) ? OWNOPR Peak Sulfur, Inc.
5. When did the change(s) in owner or operator occur? 03/23/2006
6. Rating Date: 9/1/2009 Repeat Violator: NO

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: 04/14/2008 ADMINORDER 2007-0742-AIR-E

Classification: Moderate

Citation: 40 CFR Chapter 112, SubChapter D, PT 112.112.3(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain SO2 net ground level concentrations below 0.32 parts per million by volume ("ppmv"). On July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30-minute 0.987 ppmv net average SO2 level and a maximum SO2 peak concentration of 3.00 ppmv at 2:55 am at the fence line of the Plant.

Classification: Moderate

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)

Rqmt Prov: 3149 PERMIT

Special Condition No. 7A OP

Description: Failed to maintain authorized emissions from the final vent stack ("EPN 1"). Specifically, during a September 19, 2006 emissions event the 1,000 ppmv SO2 concentration limit for EPN 1 was exceeded for three hours and 20 minutes.

Classification: Moderate

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)

Rqmt Prov: 3149 PERMIT
O-01409 OP

Description: Failed to record the SO2 emissions data as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on June 3, 2006, August 2, 2006, and January 19-20, 2007, the respondent failed to record the emission data from the sample line to the SO2 continuous monitoring system ("CEMS").

Classification: Moderate

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)

Rqmt Prov: 3149 PERMIT
O-01409 OP

Description: Failed to calculate sulfur SO2 emissions as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on twenty occasions, the respondent failed to calculate converter, scrubber, and overall SO2 efficiencies.

Classification: Moderate

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)

Rqmt Prov: Special Condition 7A OP
Special Condition 7B OP

Description: Failed to zero and span the SO2 CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the respondent failed to conduct the daily zero and span on the SO2 CEMS scrubber stack (emission point number ("EPN") 1) on November 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.127(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the opacity instrument motor failed on January 1, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit initial reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit final reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007.

Classification: Moderate

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)

Rqmt Prov: 3149 PERMIT
O-01409 OP

Description: Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour ("lbs/24-hr") for SO2 from the scrubber stack ("EPN 1"). Specifically, 14,440 lbs of SO2 were emitted on 02/08-09/2006 in a 28 hour period and 9,945 lbs of SO2 were emitted on 02/12-13/2006 in a 15 hour period.

See addendum for information regarding federal actions.

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	06/24/2005	(380140)
2	07/06/2005	(397887)
3	07/18/2005	(430045)
4	08/15/2005	(401456)
5	08/22/2005	(440953)
6	09/07/2005	(404953)
7	09/12/2005	(440954)

8	09/16/2005	(403815)
9	10/24/2005	(468631)
10	11/16/2005	(468632)
11	12/19/2005	(468633)
12	01/19/2006	(468634)
13	02/21/2006	(468628)
14	02/24/2006	(455730)
15	03/17/2006	(468629)
16	04/19/2006	(468630)
17	05/05/2006	(461660)
18	05/19/2006	(498338)
19	06/14/2006	(498339)
20	07/20/2006	(498340)
21	08/16/2006	(520353)
22	09/25/2006	(520354)
23	10/10/2006	(520355)
24	11/21/2006	(544686)
25	12/05/2006	(544687)
26	01/08/2007	(518481)
27	01/19/2007	(544688)
28	02/12/2007	(544685)
29	03/19/2007	(575579)
30	04/19/2007	(575580)
31	04/20/2007	(542441)
32	05/01/2007	(555822)
33	05/01/2007	(575582)
34	05/18/2007	(556834)
35	06/18/2007	(575583)
36	07/19/2007	(575584)
37	07/30/2007	(575581)
38	08/08/2007	(564518)
39	08/21/2007	(601696)
40	09/20/2007	(601697)
41	10/16/2007	(601698)
42	11/15/2007	(619624)
43	12/21/2007	(619625)
44	01/16/2008	(619626)
45	01/31/2008	(610418)
46	02/14/2008	(672150)
47	03/20/2008	(672151)
48	03/26/2008	(637375)
49	04/14/2008	(672152)
50	04/22/2008	(618415)
51	05/06/2008	(690057)
52	05/07/2008	(641700)
53	05/16/2008	(641171)
54	06/18/2008	(690058)
55	07/11/2008	(690059)
56	08/02/2008	(684886)
57	08/12/2008	(710840)
58	08/26/2008	(689028)
59	09/24/2008	(710841)
60	10/08/2008	(687042)
61	10/13/2008	(688571)
62	10/14/2008	(710842)
63	10/24/2008	(701138)
64	11/14/2008	(727554)
65	11/20/2008	(705494)
66	12/16/2008	(750370)
67	01/16/2009	(727555)
68	02/18/2009	(750367)
69	03/03/2009	(750368)
70	03/23/2009	(738235)
71	04/15/2009	(750369)
72	04/20/2009	(742333)
73	04/24/2009	(738829)
74	05/18/2009	(768429)
75	06/11/2009	(748920)

76 06/11/2009 (768430)
 77 07/09/2009 (743947)
 78 07/29/2009 (804898)
 79 08/05/2009 (763963)
 80 08/20/2009 (804898)
 81 08/31/2009 (764737)
 82 09/18/2009 (804900)
 83 09/21/2009 (776309)
 84 10/16/2009 (804901)
 85 11/05/2009 (778153)
 86 11/16/2009 (804902)
 87 12/21/2009 (780326)
 88 01/04/2010 (804903)
 89 01/05/2010 (784979)
 90 01/06/2010 (782761)
 91 01/20/2010 (804904)
 92 01/29/2010 (786991)
 93 02/05/2010 (804897)
 94 02/22/2010 (791953)
 95 05/30/2010 (800471)
 96 05/30/2010 (800529)
 97 06/03/2010 (824671)
 98 06/04/2010 (801361)

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

Date: 07/07/2005 (397887) CN602999567
 Self NO Classification Minor
 Citation: M&RR 2 PERMIT
 Description: Failure to keep a complete pH meter calibration log
 Self NO Classification Minor
 Citation: M&RR 3.C PERMIT
 Description: Failure by the permittee to record the time of the sample refrigerator temperature check on the temperature log.

Date: 08/15/2005 (401456) CN602999567
 Self NO Classification Moderate
 Citation: 1409 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to calculate sulfur dioxide efficiency from the scrubber stack.

Self NO Classification Moderate
 Report?
 Citation: 1409 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain the oxygen concentration at 0.65 volume percent or greater.

Self Report? NO Classification Moderate
 Citation: 1409 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to conduct O₂ analysis on a daily basis.

Self Report? NO Classification Moderate
 Citation: 1409 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to conduct daily zero and span on the hydrocarbon CEMS.

Date 10/31/2005 (468632) CN602999567
 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 (468628) CN602999567
 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 05/10/2006 (461660) CN602999567
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.127(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to conduct continuous opacity monitoring as reported in the Deviation Report for FOP O-01409 covering January 28, 2005 to July 29, 2005
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, Special Condition 1 PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01409, Special Condition 7 OP
 Description: Failure to calculate sulfur dioxide emissions from the scrubber stack as reported in the Deviation Reports for FOP O-01409 covering January 28, 2005 to July 29, 2005 and July 30, 2005 to January 29, 2006.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)
 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain sulfur dioxide net ground level concentrations below 0.32 ppmv averaged over any 30-minute period.
 Date 12/31/2006 (544688) CN602999567
 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 (544685) CN602999567
 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 05/23/2007 (556834) CN602999567
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01409, General Terms and Conditions OP
 O-01409, Special Condition 2F OP
 Description: Failure to notify the regional office of a reportable excess opacity event. EIC B3, MOD(2)(B)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, Special Condition 2 PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01409, General Terms and Conditions OP
 O-01409, Special Condition 3A(I) OP
 O-01409, Special Condition 7A OP
 Description: Failure to maintain opacity limits below applicable requirements. EIC B18 MOD(2)(D)
 Date 05/31/2007 (575583) CN602999567
 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 08/09/2007 (564518) CN602999567
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
 Description: Failure by Chemtrade Refinery Services to prevent the imminent threat of discharge of industrial solid waste into or adjacent to waters of the state.
 Self Report? NO Classification Moderate
 Citation: PC 2g PERMIT
 Description: Failure by Chemtrade Refinery Services to prevent unauthorized discharges into or adjacent to waters of the state.
 Date 04/23/2008 (618415)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 30 TAC Chapter 101, SubChapter F 101.201(e)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

O-01409, General Terms and Conditions OP
 O-01409, Special Condition 2F OP
 Description: Failure to properly report an opacity event.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, Special Condition 2 PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01409, General Terms and Conditions OP
 O-01409, Special Condition 2I OP
 O-01409, Special Condition 3A(I) OP
 O-01409, Special Condition 7A OP
 Description: Failure to maintain opacity below applicable limits.
 Date 05/08/2008 (641700) CN602999567
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, SC 5 PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01409, SC 7 OP
 Description: Failure to maintain the energy content of fuel feed as reported in a Semiannual
 Deviation Report for FOP O-01409 dated January 29, 2007 to July 28, 2007.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, SC 7 PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01409, SC 7 OP
 Description: Failure to continuously operate a sulfur dioxide CEMS as reported in a
 Semiannual Deviation Report for FOP O-01409 dated January 29, 2007 to July 28,
 2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.127(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to continuously operate an opacity monitor as reported in a Semiannual
 Deviation Report for FOP O-01409 dated July 28, 2007 to January 29, 2008.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, SC 1 PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01409, SC 7 OP
 Description: Failure to calculate sulfur dioxide emissions as reported in a Semiannual Deviation
 Report for FOP O-01409 dated July 28, 2007 to January 29, 2008.
 Date 04/27/2009 (738829) CN602999567
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.127(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01409, SC 1A OP
 Description: Failure to continuously operate an opacity monitor as reported in a Semiannual
 Deviation Report for FOP O-01409 dated July 28, 2007 to January 29, 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3149, SC 1 PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01409, SC 7 OP
 Description: Failure to calculate sulfur dioxide emissions as reported in a Semiannual Deviation
 Report for FOP O-01409 dated July 28, 2007 to January 29, 2008.
 Date 07/31/2009 (804899) CN602999567
 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 12/31/2009 (804904) CN602999567
 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 01/06/2010 (782761)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382.085(b)
O-01409 PERMIT
O-01409, Special Condition 3A(j) PERMIT

Description: Failure to maintain opacity limits below applicable requirements.

Date: 02/28/2010

CN602999567

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: 02/09/2007 (542637)

Disclosure Date: 07/19/2007

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter U 106.472

30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.116(a)(2)

Rqmt PERMIT NSR permit 3149

Description: Failed to include SO2 emissions from SBS truck, railcar loading/unloading operations and 98% drum vent in NSR permit or Title V permit.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

....

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: CHEMTRADE LOGISTICS (48-245-6E005)

Reg Entity Add: 1400 OLIN ROAD

Reg Entity No:

Reg Entity City: BEAUMONT

RN100218932

Customer Name: Chemtrade Logistics

Customer No: CN602999567

EPA Case No: 06-2007-3401

Order Issue Date (yyyymmdd): 20090402

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Moderate

Program: New Source Performance **Citation:**

Violation Type: New Source Performance
Standards

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEMTRADE REFINERY SERVICES,
INC.
RN100218932

§
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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0991-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 Chemtrade Refinery Services, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 an inorganic chemicals manufacturing plant with a wastewater treatment facility located at 1400 Olin Road, approximately 2,000 feet east of State Highway 380 and approximately 2.7 miles south of the intersection of State Highway 380 and State Highway 90, on the south side of Beaumont in Jefferson County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
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 June 9, 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 Nine Hundred Forty Dollars (\$5,940) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Seven Hundred Fifty-Two Dollars (\$4,752) of the administrative penalty and One Thousand One Hundred Eighty-Eight Dollars (\$1,188) 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 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.
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 Respondent is alleged to have failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000647000 Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121, as documented during a record review conducted on May 3, 2010 and as depicted in the table below:

	Chemical Oxygen Demand Daily Maximum
<i>Month/Year</i>	200 mg/L
Jul-09	208
Dec-09	620
Feb-10	284

mg/L= milligrams per liter

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: Chemtrade Refinery Services, Inc., Docket No. 2010-0991-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. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000647000, 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 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 fines 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:

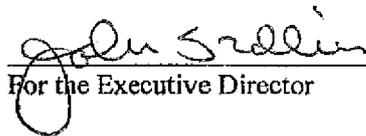
Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. 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 Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.
8. 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

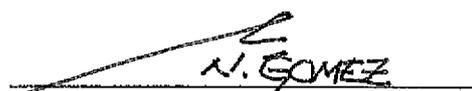
10/18/2010
Date

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

8/4/10
Date

Nestor Gomez
Name (Printed or typed)
Authorized Representative of
Chemtrade Refinery Services, Inc.

Plant Manager
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.

