

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1484-AIR-E **TCEQ ID:** RN100210475 **CASE NO.:** 38362

RESPONDENT NAME: Stolthaven Houston, 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 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Stolthaven Houston Terminal, 15602 JacintoPort Boulevard, Number A, Houston, Harris County</p> <p>TYPE OF OPERATION: Bulk storage 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 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 January 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Jan-Tore Dolven, General Manager, Stolthaven Houston, Inc., 15602 JacintoPort Boulevard, Number A, Houston, Texas 77015 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 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: July 23 through 28, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 28, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to perform quarterly testing on the tank farm vent flare ("TVFL") pilot flame monitoring device during the second quarter of 2008 [30 TEX. ADMIN. CODE §§ 116.115(e) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-1060 General Terms and Conditions and Special Terms and Conditions No. 16, and Air Permit No. 41618, Special Condition No. 20B].</p>	<p>Total Assessed: \$1,630</p> <p>Total Deferred: \$326 <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: \$1,304</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 successfully completed testing on the tank farm vent flare on July 17, 2008.</p>

Additional ID No(s): HG1045K



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-Aug-2009		
	PCW	23-Sep-2009	Screening	15-Sep-2009
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Stolthaven Houston, Inc.		
Reg. Ent. Ref. No.	RN100210475		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38362	No. of Violations	1
Docket No.	2009-1484-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1:** \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 88.0% Enhancement **Subtotals 2, 3, & 7:** \$880

Notes: Penalty enhanced due to two NOVs for same or similar violations, 29 NOVs for unrelated violations, and one 1660-style agreed order containing a denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4:** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5:** \$250

Economic Benefit 0.0% Enhancement* **Subtotal 6:** \$0

Total EB Amounts \$2
Approx. Cost of Compliance \$1,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal:** \$1,630

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment:** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,630

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty:** \$1,630

DEFERRAL 20.0% Reduction **Adjustment:** -\$326

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 **\$1,304**

Screening Date 15-Sep-2009

Docket No. 2009-1484-AIR-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38362

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210475

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

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)	2	10%
	Other written NOVs	29	58%
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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> **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

Penalty enhanced due to two NOVs for same or similar violations, 29 NOVs for unrelated violations, and one 1660-style agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 88%

Screening Date 15-Sep-2009

Docket No. 2009-1484-AIR-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38362

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210475

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-1080 General Terms and Conditions, and Special Terms and Conditions No. 16, and Air Permit No. 41618, Special Condition No. 20B

Violation Description Failed to perform quarterly testing on the tank farm vent flare ("TVFL") pilot flame monitoring device during the second quarter of 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential			x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment in the Houston-Galveston-Brazoria nonattainment area could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 16 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended based upon the one quarterly test not conducted.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes Corrective actions were completed on July 17, 2008.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,630

This violation Final Assessed Penalty (adjusted for limits) \$1,630

Economic Benefit Worksheet

Respondent: Stollhaven Houston, Inc.
Case ID No.: 38362
Reg. Ent. Reference No.: RN100210475
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				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)	\$1,000	1-Jul-2008	17-Jul-2008	0.04	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to perform quarterly testing of the TVFL pilot flame monitoring device. The date required is the violation date. 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

\$1,000

TOTAL

\$2

Compliance History Report

Customer/Respondent/Owner-Operator: CN600124820 Stolthaven Houston, Inc. Classification: AVERAGE Rating: 2.03
 Regulated Entity: RN100210475 STOLTHAVEN HOUSTON TERMINAL Classification: AVERAGE Site Rating: 2.03

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1045K
	AIR OPERATING PERMITS	PERMIT	1060
	WASTEWATER	PERMIT	WQ0003129000
	WASTEWATER	PERMIT	TPDES0091855
	WASTEWATER	PERMIT	TX0091855
	WASTEWATER	PERMIT	TX0105228000
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980748461
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33722
	AIR NEW SOURCE PERMITS	PERMIT	41618
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG1045K
	AIR NEW SOURCE PERMITS	AFS NUM	4820100371
	AIR NEW SOURCE PERMITS	PERMIT	47865
	AIR NEW SOURCE PERMITS	PERMIT	80759
	AIR NEW SOURCE PERMITS	REGISTRATION	89572
	AIR NEW SOURCE PERMITS	REGISTRATION	88226
	AIR NEW SOURCE PERMITS	REGISTRATION	84564
	INDUSTRIAL AND HAZARDOUS WASTE TRANSPORTATION	SOLID WASTE REGISTRATION # (SWR)	83390
	STORMWATER	PERMIT	TXR05P877
	STORMWATER	PERMIT	TXR05U088
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	56784
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1045K

Location: 15602 JACINTOPORT BLVD # A, HOUSTON, TX, 77015

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 23, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 23, 2004 to September 23, 2009

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

Name: Roshondra Lowe Phone: 767-3553

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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A

5. When did the change(s) in owner or operator occur?

N/A

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: 01/28/2008

ADMINORDER 2007-0824-IWD-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	09/23/2004	(362035)
2	10/25/2004	(362036)
3	11/23/2004	(362037)
4	12/27/2004	(362038)
5	01/21/2005	(387494)
6	02/28/2005	(387492)
7	03/21/2005	(387493)
8	04/25/2005	(425214)
9	05/23/2005	(425215)
10	06/23/2005	(425216)
11	07/01/2005	(393407)
12	07/01/2005	(393413)
13	07/20/2005	(445813)
14	08/01/2005	(402036)
15	08/23/2005	(445814)
16	08/31/2005	(402998)
17	09/23/2005	(445815)
18	10/26/2005	(477737)
19	11/22/2005	(477738)
20	12/19/2005	(477739)
21	01/03/2006	(449825)
22	01/24/2006	(477740)
23	02/21/2006	(455211)
24	02/21/2006	(477735)
25	02/23/2006	(455832)
26	02/28/2006	(456502)
27	04/20/2006	(477736)
28	05/19/2006	(504222)
29	05/30/2006	(466273)
30	06/14/2006	(504221)
31	06/15/2006	(504223)
32	06/26/2006	(483405)
33	07/05/2006	(508639)
34	07/20/2006	(504224)

35	08/03/2006	(457281)
36	08/20/2006	(526566)
37	09/20/2006	(526567)
38	10/19/2006	(526568)
39	10/31/2006	(512573)
40	11/17/2006	(550741)
41	12/19/2006	(550742)
42	01/18/2007	(550743)
43	02/05/2007	(537609)
44	02/20/2007	(550740)
45	02/23/2007	(535269)
46	03/16/2007	(587037)
47	03/27/2007	(593330)
48	04/19/2007	(587038)
49	05/17/2007	(587039)
50	05/18/2007	(559075)
51	06/19/2007	(587040)
52	06/29/2007	(563259)
53	06/29/2007	(593331)
54	07/20/2007	(587041)
55	08/06/2007	(568485)
56	08/20/2007	(608563)
57	09/17/2007	(608564)
58	10/15/2007	(608565)
59	11/13/2007	(600351)
60	11/14/2007	(625856)
61	12/20/2007	(625857)
62	01/02/2008	(612357)
63	01/21/2008	(625858)
64	01/25/2008	(610260)
65	02/14/2008	(615957)
66	02/15/2008	(675779)
67	03/10/2008	(638220)
68	03/14/2008	(675780)
69	04/17/2008	(675781)
70	05/20/2008	(694123)
71	06/16/2008	(694124)
72	06/20/2008	(699468)
73	07/21/2008	(694125)
74	07/22/2008	(681711)
75	08/11/2008	(681764)
76	08/19/2008	(715522)
77	09/19/2008	(715523)
78	10/17/2008	(715524)
79	11/18/2008	(731246)
80	12/04/2008	(704046)
81	12/19/2008	(731247)
82	01/15/2009	(731248)
83	02/10/2009	(754500)
84	03/16/2009	(754501)
85	04/16/2009	(754502)
86	05/18/2009	(771790)
87	06/05/2009	(743018)
88	06/05/2009	(743180)
89	06/10/2009	(771791)
90	08/28/2009	(747475)

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

Date: 10/31/2004 (362037) CN600124820
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: 06/30/2005 (445813) CN600124820
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: 07/01/2005 (393407) CN600124820
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly collect the volatile and semi-volatile samples.

Date: 07/31/2005 (445814) CN600124820
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: 08/31/2005 (402998) CN600124820
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121
2D TWC Chapter 26, SubChapter A 26.266(a)
30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 350, SubChapter A 350.2(h)
Description: Unauthorized discharge noted.

Date: 08/31/2005 (445815) CN600124820
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: 09/30/2005 (477737) CN600124820
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: 10/31/2005 (477738) CN600124820
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 (504221) CN600124820
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: 06/30/2006 (504224) CN600124820
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: 07/05/2006 (508639) CN600124820
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: 07/31/2006 (526566) CN600124820
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: 08/04/2006 (457281)
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)
5C THC Chapter 382, SubChapter A 382.085(b)
OP O-01060 General Terms and Conditions OP

Description: Failure to submit a completed deviation report during the certification period of February 3, 2004 through August 3, 2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to have proper vapor controls on rail car NATX 72336. (Sub Category B13)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to have a proper seal on Tank A-15-9; equipped with a slotted membrane fabric covering at least 90% of the area of the opening. Sub Category B13

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#3Aiii OP

Description: Failure to do quarterly visual monitoring on Boiler (BLR-2).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter D 117.479(g)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(g)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to record the fuel usage on weekends during the period of February 3, 2004 through February 2, 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to have vapor control devices on lines/hoses at Rail Rack R-2 and Truck Rack T-6. Sub Category B13

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 60.113b(a)(5)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to submit notification within 30 days or within seven days before storage vessel refilling.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01060, SC#1A OP

Description: Failure to observe and record visible emissions in the daily flare operation log for Tank Farm Vent Flare (TVFL) during the month of August 2004.

Date: 08/31/2006 (526567) CN600124820
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 (550740) CN600124820
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 (587037) CN600124820
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: 03/27/2007 (593330)
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 (587038) CN600124820
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 (587039) CN600124820
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 (587040) CN600124820
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: 06/29/2007 (563259) CN600124820
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121
2D TWC Chapter 26, SubChapter A 26.266(a)
30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 350, SubChapter A 350.2(h)
Description: Unauthorized discharge noted.

Date: 06/29/2007 (593331) CN600124820
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: 06/30/2007 (587041) CN600124820
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: 07/31/2007 (608563) CN600124820
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: 08/31/2007 (608564) CN600124820
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: 11/30/2007 (625857) CN600124820
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: 12/31/2007 (625858) CN600124820
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: 01/25/2008 (610260) CN600124820
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with effluent permit limits.

Date: 06/20/2008 (699468) CN600124820
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: 08/11/2008 (681764) CN600124820
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP
Description: Failure to operate an internal floating roof (IFR) tank with roof drains that are fitted with a membrane fabric that covers 90% of the drain opening.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP
Description: Failure to operate Tank P-15-30 without hexane product resting on the top of the internal floating roof on December 10, 2007 and January 14, 2008.
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 60.113b(a)(5)

5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP
 Description: Failure to submit a seven day refilling notification prior to refilling Storage Tanks P-15-29, P-40-2 and Q-30-13.

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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP
 Permit 41618, Special Condition 27 PERMIT

Description: Failure to provide vent gas control (through the use of a flare) on 15 separate occasions for Tanks D-20-3, P-50-6, D7-ISS, D15-25, D20-2, and D20-3.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP

Description: Failure to provide vent gas control (through the use of a flare) on 3 separate occasions (April 24, May 9, and May 12, 2007) for Loading Racks R-2 and T-6.

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 THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 17 OP
 Permit 41618, Special Condition 25B PERMIT

Description: Failure to perform the required quarterly testing of the flare pilot flame monitoring device for the Tank Farm Vent Flare (TFVF) during the third quarter of 2007.

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 THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 17 OP
 Permit 41618, Special Condition 12I PERMIT

Description: Failure to provide leak-free and spill-free operations while performing loading and unloading activities on 11 separate occasions from February 25, 2007 through January 31, 2008.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special T&C 3A(iii) OP

Description: Failure to perform the third quarter 2007 visual emissions observation of Boiler BLR-1.

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 THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 17 OP
 Permit 41618, Special Condition 2F PERMIT

Description: Failure to perform 33 quarterly Method 21 LDAR monitoring events to seventeen components in VOC service from February 3, 2007 through December 31, 2007.

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 THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 17 OP
 Permit 41618, Special Condition 2E PERMIT

Description: Failure to cap or plug 70 open-ended Valves/Lines from February 3, 2007 February 2, 2008.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01060, Special Term & Condition 1A OP

Description: Failure to provide both a 15 day advance verbal notification and a 15 day advance written notification prior to performing initial compliance testing for the Boiler BLR-1, Boiler BLR-2, and Dock 2/3 John Deere stationary diesel engine.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP

Description: Failure to submit the initial stack test reports for the BLR-1 boiler, BLR-2 boiler, and the Dock 2/3 John Deere stationary engine within 60 days of the date the test was performed.

Date: 08/28/2009 (747475)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failed to equip internal floating roof tanks (A-15-9 and B-30-6) stub drains with a slotted membrane fabric cover that covers at least 90% of the area of the opening from 2/3/2008 through 12/31/2008. (CATEGORY C4 Violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failed to keep the gauge/sample hatch bolted on tank B-30-6. (CATEGORY B18 Violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failed to maintain CO emissions below 3.0 g/hp-hr on the DOCK-ENG on 9/30/2008, 12/11/2008, and 1/16/2009. (Category B14 Violation)

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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to include a deviation in the semiannual deviation report . The deviation should have been included in the semiannual deviation report dated 8/29/2008. (Category B3 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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 2F PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP

Description: Failure to monitor tag ID: 455067, a valve, located on tank D-20-2, the first, second, and third quarter of 2008. (Category B1 Violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 2E PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP

Description: Failed to cap or plug 82 open ended lines or valves at the facility for the time period 2/12/2008 through 3/3/2009.. (Category C10 Violation)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 16 OP

Description: Failure to notify TCEQ of the commencement of operations for the storage tanks Q-30-16 (12/23/2008), Q-50-7 (8/30/2008), and Q-50-8 (8/31/2008). (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 16 OP

Description: Failure to notify TCEQ Houston Regional office fifteen days prior to interruption of permit authorized construction activity at the facility as reported on 1/14/2009. (Category B1 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 6 PERMIT
Special Term and Condition 16 OP

Description: Failed to store the authorized product in tank Q-40-4, per attachment B of NSR 41618, SC 6 on 3/11/2008. (Category B18 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to notify TCEQ of two tanks Q-30-15 (3/10/2008) and Q-40-4 (3/26/2008) when commenced to routine operations without being added to the FOP O-01060.

F. Environmental audits.

N/A

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
STOLTHAVEN HOUSTON, INC.
RN100210475

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1484-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 Stolthaven Houston, Inc. ("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 bulk storage plant at 15602 JacintoPort Boulevard, Number A in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and 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 September 2, 2009.
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 One Thousand Six Hundred Thirty Dollars (\$1,630) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred Four Dollars (\$1,304) of the administrative penalty and Three Hundred Twenty-Six Dollars (\$326) 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 successfully completed testing on the tank farm vent flare on July 17, 2008.
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 Plant, the Respondent is alleged to have failed to perform quarterly testing on the tank farm vent flare ("TVFL") pilot flame monitoring device during the second quarter of 2008, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-1060 General Terms and Conditions, and Special Terms and Conditions No. 16, and Air Permit No. 41618, Special Condition No. 20B, as documented during an investigation conducted on July 23 through 28, 2009.

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: Stolthaven Houston, Inc., Docket No. 2009-1484-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 Plant 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

Date 1/13/2010

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.

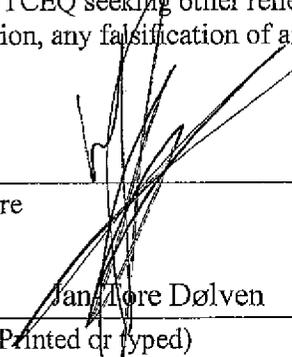
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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

Date



Name (Printed or typed)
Authorized Representative of
Stolthaven Houston, Inc.

Date 11.17.09

G.M. & 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.