

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1922-AIR-E **TCEQ ID:** RN104677695 **CASE NO.:** 38765

RESPONDENT NAME: Petrofuels Quality Marketing, LP dba Enviro Solutions

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: Enviro Solutions, 11005 Interstate 10 East, Baytown, Chambers County</p> <p>TYPE OF OPERATION: Feedstock and used oil storage plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on June 23, 2009, alleging strong odors and emissions from eight fractionator tanks at the Plant. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Robert Romero, President, Petrofuels Quality Marketing, LP, 2300 Highway 365, Suite 630, Nederwald, Texas 77627 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: June 23, 2009</p> <p>Date of Investigation Relating to this Case: June 24, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 3, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>AIR</p> <p>1) Failure to satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants. Specifically, the Respondent failed to meet the requirements relating to control of air pollution from volatile organic compounds ("VOCs") for organic liquids loading and unloading operations in 30 TEX. ADMIN. CODE § 106.473(5) [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p> <p>2) Failure to submit an initial emissions inventory report for the year 2008. Specifically, the Plant has an estimated 22.28 tons per year of VOC emissions from the fractionator tanks and an emissions inventory report was never received [30 TEX. ADMIN. CODE § 101.10(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to maintain final records of reportable and non-reportable emissions events. Specifically, evidence of spills were observed during the investigation and no emissions events were recorded [30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to install required controls on stationary tanks in VOC service and failure to install required controls on stationary</p>	<p>Total Assessed: \$13,670</p> <p>Total Deferred: \$2,734 <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: \$10,936</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 type="checkbox"/> Yes <input checked="" 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 Plant:</p> <p>a. In November 2009, all temporary fractionator tanks were removed from the Plant; and</p> <p>b. On December 31, 2009, an initial emissions inventory report for the year 2008 was submitted.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Implement improvements to operational policies and procedures to maintain the required records for the water separators located at the Plant;</p> <p>ii. Implement improvements to operational policies and procedures that ensure hoses used during VOC transfer operations are leak free;</p> <p>iii. Begin conducting and recording visual inspections of all VOC handling and transfer equipment prior to the commencement of VOC transfers in; and</p> <p>iv. Implement improvements to operational policies and procedures to ensure the daily records of organic liquids loading and unloading operations are maintained.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions a.i. through a.iv.;</p> <p>c. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit an administratively complete permit application or certify that the Plant can satisfy the conditions for a Permit By Rule for organic liquid loading and unloading operations;</p>

<p>tanks used during loading and unloading of VOCs. Specifically, three used oil tanks, one feedstock tank, and eight fractionator tanks were not equipped with vapor controls and the eight fractionator tanks were not equipped with vapor controls for use during transfers of VOCs [30 TEX. ADMIN. CODE §§ 115.112(a)(1) and 115.212(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to maintain complete and up-to-date records to demonstrate continuous compliance with control requirements and/or exemption criteria for a water separator. Specifically, records of vapor pressure from VOCs in the used oil tanks were not maintained [30 TEX. ADMIN. CODE § 115.136(a)(1) and (a)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to maintain leak free hoses during loading and unloading of VOCs. Specifically, investigators observed non-compliant hoses in use at the Plant [30 TEX. ADMIN. CODE § 115.212(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to conduct visual inspections of VOC handling equipment prior to the loading and unloading of VOCs. Specifically, a visual inspection was not conducted during loading and unloading operations observed by investigators on June 24, 2009 [30 TEX. ADMIN. CODE § 115.214(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to maintain daily records of organic liquids loading and unloading operations. Specifically, a daily record of the identification number of each tank-truck tank, the quantity of VOCs loaded into each transport vessel, and the date of the last leak testing of each tank-truck tank was not recorded during loading operations observed by investigators on June 24, 2009 [30 TEX. ADMIN. CODE § 115.216(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>ii. Implement improvements to operational policies and procedures in order to maintain complete and accurate final records of reportable and non-reportable emissions events; and</p> <p>iii. Install the vapor controls required by 30 TEX. ADMIN. CODE §§ 115.112(a)(1) and 115.212(a)(1) on all applicable stationary tanks in VOC service at the Plant.</p> <p>d. If a permit application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>e. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions c.ii. through c.iii.;</p> <p>f. If a permit application is submitted, then within 180 days after the effective date of this Agreed Order, submit written certification that authorization to conduct organic liquid loading and unloading operations has been obtained or that organic liquid loading and unloading operations have ceased until such a time that appropriate authorization is obtained; and</p> <p>g. Submit required written certifications and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	9-Nov-2009	Screening	18-Nov-2009	EPA Due	
	PCW	5-Jan-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Petrofuels Quality Marketing, LP dba Enviro Solutions
Reg. Ent. Ref. No.	RN104677695
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38765	No. of Violations	8
Docket No.	2009-1922-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		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	\$13,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7	\$270
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Notes: Penalty adjustment due to one previous non-similar NOV.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$100
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
Total EB Amounts	\$350	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$6,150		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,670
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,670
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,670
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,734
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,936
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Screening Date 18-Nov-2009

Docket No. 2009-1922-AIR-E

PCW

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No. 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104677695

Media [Statute] Air

Enf. Coordinator James Nolan

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 2%

>> 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 adjustment due to one previous non-similar NOV.

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

Screening Date 18-Nov-2009

Docket No. 2009-1922-AIR-E

PCW

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No: 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN104677695

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description Failed to satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants. Specifically, the Respondent failed to meet the requirements relating to control of air pollution from volatile organic compounds ("VOCs") for organic liquids loading and unloading operations in 30 Tex. Admin. Code § 106.473(5).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5

148 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Five monthly events are recommended based upon the period beginning with the date of the investigation (June 24, 2009) and ending with case screening (November 18, 2009).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/ Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$5,100

This violation Final Assessed Penalty (adjusted for llmts) \$5,100

Economic Benefit Worksheet

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No. 38765
Reg. Ent. Reference No. RN104677895
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
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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	\$1,500	24-Jun-2009	31-Jul-2010	1.10	\$83	n/a	\$83
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization for the storage and transfer of VOCs or return to compliance with the Permit By Rule. The date required is the date of the Investigation and the Final date is estimated 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

\$1,500

TOTAL

\$83

Screening Date: 18-Nov-2009

Docket No.: 2009-1922-AIR-E

PCW

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No.: 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN104877895

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 2

Rule Cite(s)

30 Tex. Admin. Code § 101.10(b)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial emissions inventory report for the year 2008. Specifically, the Plant has an estimated 22.28 tons per year of VOC emissions from the fractionator tanks and an emissions inventory report was never received.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent: 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1

293 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty: \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

On December 31, 2009, an initial emissions inventory report for the year 2008 was submitted.

Violation Subtotal: \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$19

Violation Final Penalty Total: \$920

This violation Final Assessed Penalty (adjusted for limits): \$920

Economic Benefit Worksheet

Respondent Petrofue's Quality Marketing, LP dba Enviro Solutions
Case ID No. 38765
Reg. Ent. Reference No. RN104677695
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$500	31-Mar-2009	31-Dec-2009	0.75	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to prepare and submit an initial emissions inventory report for 2008. The date required is the date the emissions inventory report was due and the final date is the 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

\$500

TOTAL

\$19

Screening Date: 18-Nov-2009

Docket No. 2009-1922-AIR-E

PCW

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No. 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104677095

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 3

Rule Cite(s)

30 Tex. Admin. Code § 101.201(b) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain final records of reportable and non-reportable emissions events. Specifically, evidence of spills were observed during the investigation and no emissions events were recorded.

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			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 Number of violation days: 60

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,020

This violation Final Assessed Penalty (adjusted for limits) \$1,020

Economic Benefit Worksheet

Respondent: Petrofuel's Quality Marketing, LP dba Enviro Solutions

Case ID No.: 38765

Reg. Ent. Reference No.: RN104677695

Media: Air

Violation No.: 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$500	24-Jun-2009	31-Jul-2009	0.10	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure proper reporting of emissions events. The date required is the date of investigation. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$500

TOTAL

\$3

Screening Date 18-Nov-2009

Docket No. 2009-1922-AIR-E

PCW

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No. 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104677695

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.112(a)(1) and 116.212(a)(1) and Tex. Health & Safety Code § 382.066(b)

Violation Description Failed to install required controls on stationary tanks in VOC service and failed to install required controls on stationary tanks used during loading and unloading of VOCs. Specifically, three used oil tanks, one feedstock tank, and eight fractionator tanks were not equipped with vapor controls and the eight fractionator tanks were not equipped with vapor controls for use during transfers of VOCs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 148

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

Violation Base Penalty \$2,000

Two quarterly events are recommended based upon the period beginning with the date of the investigation (June 24, 2008) and ending with case screening (November 18, 2009).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$154

Violation Final Penalty Total \$2,040

This violation Final Assessed Penalty (adjusted for limits) \$2,040

Economic Benefit Worksheet

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No. 38785
Reg. Ent. Reference No. RN104677695
Media Air
Violation No. 4

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
------------------	---	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment	\$2,000	24-Jun-2009	31-Jul-2010	1.10	\$7	\$147	\$154
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install vapor controls on all required equipment. The date required is the date of investigation and the final date is the estimated 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

\$2,000

TOTAL

\$154

Screening Date: 18-Nov-2009

Docket No: 2009-1922-AIR-E

PCW

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No: 38765

PCW Revision October 30, 2006

Reg. Ent. Reference No: RN104677695

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 5

Rule Cite(s): 30 Tex. Admin. Code § 116.136(a)(1) and (a)(4) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain complete and up-to-date records to demonstrate continuous compliance with control requirements and/or exemption criteria for a water separator. Specifically, records of vapor pressure from VOCs in the used oil tanks were not maintained.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 Number of violation days: 148

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.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$14

Violation Final Penalty Total: \$1,020

This violation Final Assessed Penalty (adjusted for limits): \$1,020

Economic Benefit Worksheet

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No.: 38765
Reg. Ent. Reference No.: RN104677695
Media: Air
Violation No.: 5

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	\$250	24-Jun-2009	31-Jul-2010	1.10	\$14	n/a	\$14
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 maintain complete and up-to-date records to demonstrate continuous compliance with control requirements and/or exemption criteria for a water separator. The date required is the date of investigation and the final date is the estimated 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

\$250

TOTAL

\$14

Screening Date 18-Nov-2009

Docket No: 2009-1922-AIR-E

PCW

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No. 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104877695

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 115.212(a)(3) and Tex. Health & Safety Code § 362.085(b)

Violation Description

Failed to maintain leak free hoses during loading and unloading of VOCs. Specifically, investigators observed non-compliant hoses in use at the Plant.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

148 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended based upon the period beginning with the date of the investigation (June 24, 2009) and ending with case screening (November 18, 2009).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	0.0% Reduction	
	Before NOV	NOV to EDCRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$2,040

This violation Final Assessed Penalty (adjusted for limits) \$2,040

Economic Benefit Worksheet

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No. 38765
Reg. Ent. Reference No. RN104677695
Media Air
Violation No. 6

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	\$250	24-Jun-2009	10-Jul-2010	1.04	\$1	\$17	\$18
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	\$750	24-Jun-2009	10-Jul-2010	1.04	\$39	n/a	\$39
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 replace non-compliant hoses and implement an inspection program to prevent the recurrence of similar violations. The date required is the date of investigation and the final date is the estimated 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

\$1,000

TOTAL

\$57

Screening Date 18-Nov-2009

Docket No. 2009-1922-AIR-E

PCW

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No. 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104677895

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 115.214(a)(1)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct visual inspections of VOC handling equipment prior to the loading and unloading of VOCs. Specifically, a visual inspection was not conducted during loading and unloading operations observed by investigators on June 24, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or 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 the violation.

Adjustment \$9,500

\$500

Violation Events

1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No. 38765
Reg. Ent. Reference No. RN104677695
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description: <small>No commas or \$</small>	Item Cost	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	\$150	24-Jun-2009	10-Jul-2010	1.04	\$8	n/a	\$8
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 conduct visual inspections of VOC handling equipment. The date required is the date of investigation and the final date is the estimated 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

\$150

TOTAL

\$8

Screening Date: 18-Nov-2009

Docket No: 2009-1922-AIR-E

PCW

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions

Policy Revision 2 (September 2002)

Case ID No: 38765

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN104877695

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 8

Rule Cite(s): 30 Tex. Admin. Code § 115.216(3)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to maintain daily records of organic liquids loading and unloading operations. Specifically, a daily record of the identification number of each tank-truck tank, the quantity of VOCs loaded into each transport vessel, and the date of the last leak testing of each tank-truck tank was not recorded as observed by investigators on June 24, 2009.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment: \$9,000

\$1,000

Violation Events

	1	1	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
single event	X		

Violation Base Penalty: \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$13

Violation Final Penalty Total: \$1,020

This violation Final Assessed Penalty (adjusted for limits): \$1,020

Economic Benefit Worksheet

Respondent: Petrofuels Quality Marketing, LP dba Enviro Solutions
Case ID No.: 38765
Reg. Ent. Reference No.: RN104677695
Media: Air
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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	\$250	24-Jun-2009	10-Jul-2010	1.04	\$13	n/a	\$13
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 maintain daily records of organic liquids loading and unloading operations. The date required is the date of investigation and the final date is the estimated 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

\$250

TOTAL

\$13

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602887749	Petrofuels Quality Marketing, LP	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN104677695	ENVIRO SOLUTIONS	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE TRANSPORTATION	EPA ID		TXR000055681
	INDUSTRIAL AND HAZARDOUS WASTE TRANSPORTATION	SOLID WASTE REGISTRATION # (SWR)		86268
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		77496
	USED OIL	REGISTRATION		A86786
	USED OIL	EPA ID		TXR000055681
Location:	11005 INTERSTATE 10 E, BAYTOWN, TX, 77523			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	November 18, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 18, 2004 to November 18, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	James Nolan	Phone:	(512) 239-6634	

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.

N/A

- 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.)

N/A

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

Date: 10/01/2009 (748340)

Self NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 335, SubChapter A 335.4(1)

Description: Enviro Solutions failed to prevent the unauthorized discharge of petroleum based liquid from eight frac tanks located throughout the facility.

Self NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62

30 TAC Chapter 335, SubChapter R 335.613(c)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to provide waste determination documentation.

- 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
PETROFUELS QUALITY
MARKETING, LP DBA ENVIRO
SOLUTIONS
RN104677695**

§
§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1922-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 Petrofuels Quality Marketing, LP dba Enviro Solutions ("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 feedstock and used oil storage plant at 11005 Interstate 10 East in Baytown, Chambers 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 November 8, 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 Thirteen Thousand Six Hundred Seventy Dollars (\$13,670) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Nine Hundred Thirty-Six Dollars (\$10,936) of the administrative penalty and Two Thousand Seven Hundred Thirty-Four Dollars (\$2,734) 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 Plant:
 - a. In November 2009, all temporary fractionator tanks were removed from the Plant; and
 - b. On December 31, 2009, an initial emissions inventory report for the year 2008 was submitted.
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:

1. Failed to satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during an investigation conducted on June 24, 2009. Specifically, the Respondent failed to meet the requirements relating to control of air pollution from volatile organic compounds ("VOCs") for organic liquids loading and unloading operations in 30 TEX. ADMIN. CODE § 106.473(5).
2. Failed to submit an initial emissions inventory report for the year 2008, in violation of 30 TEX. ADMIN. CODE § 101.10(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, the Plant has an estimated 22.28

tons per year of VOC emissions from the fractionator tanks and an emissions inventory report was never received.

3. Failed to maintain final records of reportable and non-reportable emissions events, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, evidence of spills were observed during the investigation and no emissions events were recorded.
4. Failed to install required controls on stationary tanks in VOC service and failed to install required controls on stationary tanks used during loading and unloading of VOCs, in violation of 30 TEX. ADMIN. CODE §§ 115.112(a)(1) and 115.212(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, three used oil tanks, one feedstock tank, and eight fractionator tanks were not equipped with vapor controls and the eight fractionator tanks were not equipped with vapor controls for use during transfers of VOCs.
5. Failed to maintain complete and up-to-date records to demonstrate continuous compliance with control requirements and/or exemption criteria for a water separator, in violation of 30 TEX. ADMIN. CODE § 115.136(a)(1) and (a)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, records of vapor pressure from VOCs in the used oil tanks were not maintained.
6. Failed to maintain leak free hoses during loading and unloading of VOCs, in violation of 30 TEX. ADMIN. CODE § 115.212(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, investigators observed non-compliant hoses in use at the Plant.
7. Failed to conduct visual inspections of VOC handling equipment prior to the loading and unloading of VOCs, in violation of 30 TEX. ADMIN. CODE § 115.214(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, a visual inspection was not conducted during loading and unloading operations observed by investigators on June 24, 2009.
8. Failed to maintain daily records of organic liquids loading and unloading operations, in violation of 30 TEX. ADMIN. CODE § 115.216(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2009. Specifically, a daily record of the identification number of each tank-truck tank, the quantity of VOCs loaded into each transport vessel, and the date of the last leak testing of each tank-truck tank was not recorded during loading operations observed by investigators on June 24, 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: Petrofuels Quality Marketing, LP dba Enviro Solutions, Docket No. 2009-1922-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Implement improvements to operational policies and procedures to maintain the required records for the water separators located at the Plant, in accordance with 30 TEX. ADMIN. CODE § 115.136(a);
 - ii. Implement improvements to operational policies and procedures that ensure hoses used during VOC transfer operations are leak free, in accordance with 30 TEX. ADMIN. CODE § 115.212(a)(3);
 - iii. Begin conducting and recording visual inspections of all VOC handling and transfer equipment prior to the commencement of VOC transfers, in accordance with 30 TEX. ADMIN. CODE § 115.214(a)(1)(A); and
 - iv. Implement improvements to operational policies and procedures to ensure the daily records of organic liquids loading and unloading operations are maintained, as required by 30 TEX. ADMIN. CODE § 115.216(3)(A).
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g. to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv.;
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Submit an administratively complete permit application or certify, as described in Ordering Provision No. 2.g., that the Plant can satisfy the conditions for a Permit By Rule for organic liquid loading and unloading operations, in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Implement improvements to operational policies and procedures in order to maintain complete and accurate final records of reportable and non-reportable emissions events; and
- iii. Install the vapor controls required by 30 TEX. ADMIN. CODE §§ 115.112(a)(1) and 115.212(a)(1) on all applicable stationary tanks in VOC service at the Plant;
- d. If a permit application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;
- e. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g. to demonstrate compliance with Ordering Provision Nos. 2.c.ii. through 2.c.iii.;
- f. If a permit application is submitted, then within 180 days after the effective date of this Agreed Order, submit written certification that authorization to conduct organic liquid loading and unloading operations has been obtained or that organic liquid loading and unloading operations have ceased until such a time that appropriate authorization is obtained; and
- g. Submit required written certifications as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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 Plant 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

John Szolner

For the Executive Director

3/30/2010

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.

RR

Signature

2-17-2010

Date

Robert Romero

Name (Printed or typed)
Authorized Representative of
Petrofuels Quality Marketing, LP dba Enviro Solutions

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.

