

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1338-AIR-E **TCEQ ID:** RN100225093 **CASE NO.:** 38172

RESPONDENT NAME: Vopak Terminal Deer Park, 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: Vopak Terminal Deer Park, 2759 Battleground Road, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Bulk chemical 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 March 29, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Lawrence Waldron, General Manager, Vopak Terminal Deer Park, Inc., 2759 Battleground Road, Deer Park, Texas 77536 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: May 27 and July 2, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 7 and 24, 2009 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to submit annual compliance certifications and deviation reports within 30 days after the end of the reporting periods. Specifically, the annual compliance certification for the September 27, 2007 to September 26, 2008 reporting period was not submitted until November 11, 2008, the deviation report for the September 27, 2007 to March 26, 2008 reporting period was not submitted until April 26, 2008, and the deviation report for the March 27, 2008 to September 26, 2008 reporting period was not submitted until November 11, 2008 [Federal Operating Permit ("FOP") No. O-01068, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(C), and 122.146(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to demonstrate that the annual visible emissions observations for stationary vents were conducted by providing records of the annual observations upon request. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided [FOP No. O-01068, Special Terms and Condition No. 4(A)(iii), 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to determine if unauthorized</p> | <p>Total Assessed: \$124,670</p> <p>Total Deferred: \$24,934 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$49,868</p> <p>Total Paid to General Revenue: \$49,868</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Internal floating roof tanks at the Plant were modified, as follows, to meet the control requirements for storage of VOCs: Tank No. 613 was modified in January 2009, Tank Nos. 764 and 907 were modified in February 2009, and Tank No. 790 was modified in March 2009;</p> <p>b. Renewed and revised FOP No. O-01068 on April 13, 2009 to include the emission units authorized by Standard Permit Nos. 77383 and 80015;</p> <p>c. Revised and corrected FOP No. O-01068 on April 13, 2009 to reflect the Plant's status as a major source of NO_x emissions;</p> <p>d. Conducted employee training on fugitive monitoring reporting requirements and submitted complete and corrected fugitive monitoring reports on June 11, 2009;</p> <p>e. Developed a visible emissions observation procedure and documentation form and conducted annual visible emissions observations on July 27, 2009, as demonstrated in documentation submitted on October 21, 2009;</p> <p>f. Documented flare observations for the period of September 1, 2009 to September 30, 2009, as demonstrated by flare logs submitted on October 21, 2009;</p> <p>g. Submitted a NO_x final control report for the applicable boilers at the Plant on September 3, 2009;</p> <p>h. Implemented a maintenance order on October 20, 2009 to replace the acetic acid scrubber recorder paper on a monthly basis to ensure records of the circulation rate are maintained;</p> <p>i. Submitted documentation on October 21, 2009 demonstrating that a procedure</p> |

emissions during pilot flame outages and other spills and releases are reportable within 24 hours and create final records within two weeks. Specifically, during the May 27, 2009 investigation it was documented that there were pilot flare flame outages, spills, and releases that were not evaluated timely or recorded as required [FOP No. O-01068, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A), 101.201(b), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to maintain complete records of non-reportable emissions events. Specifically, during the May 27, 2009 investigation records of non-reportable emissions events were reviewed and it was documented they did not include all required information for each non-reportable event [FOP No. O-01068, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(b)(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to submit a nitrogen oxide ("NO_x") final control report for the applicable boilers at the Plant. Specifically, during the May 27, 2009 investigation it was documented that a NO_x final control report had not been submitted [30 TEX. ADMIN. CODE §§ 117.354(a) and (b), 117.9020, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to demonstrate compliance with the visible emissions limits for gas flares by providing flare logs documenting flare observations. Specifically, during the May 27, 2009 investigation flare logs were requested for review; however, they were not provided [FOP No. O-01068, Special Terms and Conditions No. 1.A., 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to submit complete fugitive monitoring reports on a semiannual basis. Specifically, only one report was submitted for the period of April 1, 2008 to March 31, 2009 and the report did not include facts that explain the delay of repairs referenced [FOP No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS § 61.247(b), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

for annual compliance certification and deviation reporting had been developed and implemented to ensure timely report submittals;

j. Submitted documentation on October 21, 2009 demonstrating that the barge loading and unloading checklist had been updated to include the current vapor tightness test certificate;

k. Submitted documentation on October 21, 2009 demonstrating that the diesel fire water pump checklist had been updated and completed to include the hours of operation to document compliance with operational restrictions;

l. Conducted employee training on benzene reporting requirements and submitted reports on November 20, 2009 detailing the benzene emissions from the affected benzene transfer operations at the Plant for the first quarter of 2007, the first quarter of 2008, and the fourth quarter of 2008; and

m. Obtained Standard Permit No. 91326 on December 2, 2009, which authorized Storage Tank Vent Scrubber SCR-V-926.

Ordering Provisions:

1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

2) The Order will also require the Respondent to:

a. Within 30 days after the effective date of this Agreed Order:

i. Implement measures designed to ensure that all instances of unauthorized emissions, including unauthorized emissions during pilot flame outages, spills, and releases are evaluated and recorded as required;

ii. Begin maintaining and implement measures designed to ensure that the following records are provided: complete records of non-reportable emissions events that include all regulatory required information for each event, monthly VOC emissions records for the storage tanks and loading operations at the Plant, and complete records of each tank roof landing and its associated emissions;

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| <p>8) Failure to demonstrate compliance with the volatile organic compound ("VOC") emissions limits by providing monthly records of the calculated VOC emissions from all storage tanks and loading operations. Specifically, during the May 27, 2009 investigation records of the VOC emissions from storage tanks and loading operations were requested for review; however, they were not provided [FOP No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 16.F., 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i), 116.115(c), 122.143(4), and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failed to meet the control requirements for storage of VOCs for Tanks Nos. 613, 764, 907, 790, 520, and 915 by January 1, 2009. Specifically, during the May 27, 2009 investigation it was documented that the required modifications to the internal floating roof tanks were not made by January 1, 2009 [FOP No. O-01068, Special Terms and Conditions No. 1.A., 30 TEX. ADMIN. CODE §§ 115.112(d)(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>10) Failure to maintain records of vapor tightness tests for barges that are loaded and unloaded at the Plant. Specifically, during the May 27, 2009 investigation it was documented that the requested vapor tightness test records were not being maintained [FOP No. O-01068, Special Terms and Conditions Nos. 1.A., 1.D., 15.D., 17.G., and 18, Air Permit No. 466A, Special Condition Nos. 3 and 4, 40 CODE OF FEDERAL REGULATIONS §§ 61.305(h) and 63.567(i), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11) Failure to develop a written operation and maintenance plan that details corrective actions that will be taken when affected air pollution control and monitoring equipment exceed baseline parameters. Specifically, during the May 27, 2009 investigation it was documented that the required operation and maintenance plan had not been developed [FOP No. O-01068, Special Terms and Condition Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 CODE OF FEDERAL REGULATIONS § 63.562(e)(2), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | | <p>iii. Submit a 2008 annual report of the HAP control efficiency for affected sources at the Plant and implement measures designed to ensure such reports are submitted as required;</p> <p>iv. Implement measures designed to ensure that the acetic acid scrubber is operated with a water circulation rate of 11 gallons per minute; and</p> <p>v. Implement measures designed to prevent the recurrence of emissions events caused by the failure of an expansion joint in the piping of Tank T-607, as occurred during Incident No. 125311 on June 8, 2009.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.;</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Modify Tank Nos. 520 and 915; and</p> <p>ii. Develop and maintain a written operation and maintenance plan that details corrective actions that will be taken when affected air pollution control and monitoring equipment exceed baseline parameters.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.c.; and</p> <p>e. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b. and 2.d.</p> |
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12) Failure to submit an annual report of the hazardous air pollutant ("HAP") control efficiency for affected sources. Specifically, during the May 27, 2009 investigation it was documented that the 2008 annual report had not been submitted [FOP No. O-01068, Special Terms and Conditions Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 CODE OF FEDERAL REGULATIONS § 63.567(j)(3), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failure to submit quarterly reports of benzene emissions from the benzene transfer operations at the Plant. Specifically, during the May 27, 2009 investigation it was documented that the reports were not submitted for the first quarter of 2007, the first quarter of 2008, and the fourth quarter of 2008 [FOP No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS § 61.305(f), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failure to maintain complete records of each tank roof landing. Specifically, during the May 27, 2009 investigation it was documented that the records of each tank roof landing did not include the associated emissions and other required information [FOP No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 29, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failure to operate the acetic acid scrubber with a water circulation rate of 11 gallons per minute. Specifically, during the May 27, 2009 investigation it was documented that there was at least one occurrence where the scrubber circulation rate was zero [FOP No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failure to maintain complete records of the acetic acid scrubber water circulation rate. Specifically, during the May 27, 2009 investigation it was documented that there were no records of the circulation rate starting on May 9, 2009 since the

paper for recording the flow rate had run out and not been replaced [FOP No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failure to demonstrate compliance with the operational restrictions for the diesel powered fire water pump by providing records documenting the hours of operation. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided [FOP No. O-01068, Special Terms and Conditions No. 19, 30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B), 106.511, and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failure to obtain authorization for Storage Tank Vent Scrubber SCR-V-926. Specifically, during the May 27, 2009 investigation it was documented that there was no authorization to operate Storage Tank Vent Scrubber SCR-V-926 [FOP No. O-01068, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19) Failure to include new emission units in FOP No. O-01068. Specifically, during the May 27, 2009 investigation it was documented that FOP No. O-01068 had not been revised to include the emissions units authorized by Standard Permit No. 77383 issued on November 29, 2005 and Standard Permit No. 80015 issued on October 9, 2006 [30 TEX. ADMIN. CODE §§ 122.210(a) and 122.121 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20) Failure to correct or submit relevant facts within 60 days after discovering an error or deficiency in FOP No. O-01068. Specifically, the Plant is a major source of NO_x emissions and operates under major source requirements; however, it was documented that the original FOP had the Plant classified as a minor source of NO_x emissions [30 TEX. ADMIN. CODE § 122.136(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21) Failure to prevent unauthorized emissions during Incident No. 125311. Specifically, during the June 8, 2009 emissions event 893 pounds of unauthorized benzene emissions were released from piping associated with Tank

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| <p>No. T-607 over a period of one hour when an expansion joint failed. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 466A, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | | |
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Additional ID No(s): RN100225093

Attachment A
Docket Number: 2009-1338-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Vopak Terminal Deer Park, Inc.

Payable Penalty Amount: Ninety-Nine Thousand Seven Hundred Thirty-Six Dollars (\$99,736)

SEP Amount: Forty-Nine Thousand Eight Hundred Sixty-Eight Dollars (\$49,868)

Type of SEP: Pre-approved

Third-Party Recipient: Houston Regional Monitoring Corporation - Houston Area Monitoring

Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The Contribution will be to Houston Regional Monitoring Corporation for the Houston Area Monitoring program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Houston Regional Monitoring Corporation. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Christopher B. Arandes
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760

3. **Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Vopak Terminal Deer Park, Inc.
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|------------|
| DATES | Assigned | 31-Aug-2009 | Screening | 19-Aug-2009 | EPA Due | 4-May-2010 |
| | PCW | 10-Aug-2009 | | | | |

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|--|--------------------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Vopak Terminal Deer Park, Inc. | | |
| Reg. Ent. Ref. No. | RN100225093 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Major |

| | | | |
|---------------------------------|-----------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 38172 | No. of Violations | 21 |
| Docket No. | 2009-1338-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Rebecca Johnson |
| | | 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** \$68,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 90.0% Enhancement **Subtotals 2, 3, & 7** \$61,380

Notes: Penalty enhancement due to seven NOVs for same or similar violations, nine NOVs for unrelated violations, and two agreed orders with a denial of liability. Penalty reduction due to one Notice of Intended Audit and one Disclosure of Violations submitted.

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** \$4,910

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

Total EB Amounts \$5,075
 Approx. Cost of Compliance \$63,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$124,670

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$124,670

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$124,670

DEFERRAL 20.0% Reduction **Adjustment** -\$24,934

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 \$99,736

Screening Date 19-Aug-2009

Docket No. 2009-1338-AIR-E

PCW

Respondent Vopak Terminal Deer Park, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38172

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100225093

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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) | 7 | 35% |
| | Other written NOVs | 9 | 18% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 2 | 40% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 1 | -1% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 1 | -2% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 90%

>> **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 enhancement due to seven NOVs for same or similar violations, nine NOVs for unrelated violations, and two agreed orders with a denial of liability. Penalty reduction due to one Notice of Intended Audit and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 90%

Screening Date 19-Aug-2009 **Docket No.** 2009-1338-AIR-E **PCW**
Respondent Vopak Terminal Deer Park, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 38172 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100225093
Media [Statute] Air
Enf. Coordinator Rebecca Johnson
Violation Number 1
Rule Cite(s) Federal Operating Permit No. O-01068, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(C), and 122.146(2), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit annual compliance certifications and deviation reports within 30 days after the end of the reporting periods. Specifically, the annual compliance certification for the September 27, 2007 to September 26, 2008 reporting period was not submitted until November 11, 2008, the deviation report for the September 27, 2007 to March 26, 2008 reporting period was not submitted until April 26, 2008, and the deviation report for the March 27, 2008 to September 26, 2008 reporting period was not submitted until November 11, 2008.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Harm | | | Percent | |
|-----------|---------|-------|----------|---------|-------|
| | Release | Major | Moderate | | Minor |
| | Actual | | | | |
| Potential | | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | x | | | 25% |

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 **Number of violation days** 481

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$7,500

Three single events are recommended based on the three reports that were not properly submitted.

Good Faith Efforts to Comply

10.0% Reduction \$750

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

Notes The Respondent completed corrective actions on October 21, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$13,500

This violation Final Assessed Penalty (adjusted for limits) \$13,500

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
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) | \$500 | 25-Apr-2008 | 21-Oct-2009 | 1.49 | \$37 | n/a | \$37 |

Notes for DELAYED costs

Estimated cost to develop a procedure for annual compliance certification and deviation reporting to ensure that annual compliance certifications and deviation reports are submitted on time. The date required is the earliest date of noncompliance. 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

\$500

TOTAL

\$37

| | | | | |
|--|--|---|---|---|
| Screening Date | 19-Aug-2009 | Docket No. | 2009-1338-AIR-E | PCW |
| Respondent | Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. | 38172 | <small>PCW Revision October 30, 2008</small> | | |
| Reg. Ent. Reference No. | RN100225093 | | | |
| Media [Statute] | Air | | | |
| Enf. Coordinator | Rebecca Johnson | | | |
| Violation Number | 2 | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Condition No. 4(A)(iii), 30 Tex. Admin. Code §§ 122.143(4) and 122.144(4), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to demonstrate that the annual visible emissions observations for stationary vents were conducted by providing records of the annual observations upon request. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided. | | | |
| Base Penalty | | | | \$10,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent <input type="text" value="0%"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| >> Programmatic Matrix | | | | |
| Matrix Notes | Falsification | Major | Moderate | Minor |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | Percent <input type="text" value="25%"/> |
| 100% of the rule requirements were not met. | | | | |
| Adjustment | | | | \$7,500 |
| | | | | \$2,500 |
| Violation Events | | | | |
| Number of Violation Events | | <input type="text" value="1"/> | Number of violation days | |
| | | <input type="text" value="84"/> | | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | Violation Base Penalty <input type="text" value="\$2,500"/> | |
| | weekly | <input type="checkbox"/> | | |
| | monthly | <input type="checkbox"/> | | |
| | quarterly | <input type="checkbox"/> | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | <input checked="" type="checkbox"/> | | |
| One single event is recommended based on the May 27, 2009 investigation. | | | | |
| Good Faith Efforts to Comply | | | | |
| | | 25.0% Reduction | \$625 | |
| | | <small>Before NOV NOV to EDRP/Settlement Offer</small> | | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| N/A | <input type="checkbox"/> | <small>(mark with x)</small> | | |
| Notes | The Respondent completed corrective actions on July 27, 2009, which was prior to the August 7, 2009 NOE. | | | |
| Violation Subtotal | | | | \$1,875 |
| Economic Benefit (EB) for this violation | | | | |
| | | Statutory Limit Test | | |
| Estimated EB Amount | | <input type="text" value="\$1"/> | Violation Final Penalty Total <input type="text" value="\$4,125"/> | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$4,125 |

Economic Benefit Worksheet

Respondent: Vopak Terminal Deer Park, Inc.
Case ID No.: 38172
Reg. Ent. Reference No.: RN100225093
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 | \$100 | 27-May-2009 | 27-Jul-2009 | 0.17 | \$1 | n/a | \$1 |
| 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 develop a visible emissions observation procedure and documentation form. The date required is the investigation 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)

| 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

\$100

TOTAL

\$1

| | | | |
|---|--|---|--------------------------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | |
| Respondent Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2008</small> | |
| Reg. Ent. Reference No. RN100225093 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Rebecca Johnson | | | |
| Violation Number 3 | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 2.F., 30 Tex. Admin. Code §§ 101.201(a)(1)(A), 101.201(b), and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to determine if unauthorized emissions during pilot flame outages and other spills and releases are reportable within 24 hours and create final records within two weeks. Specifically, during the May 27, 2009 investigation it was documented that there were pilot flare flame outages, spills, and releases that were not evaluated timely or recorded as required. | | |
| | Base Penalty | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Release | Harm | |
| | | Major Moderate Minor | |
| | Actual | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> |
| | | Percent | 0% |
| >> Programmatic Matrix | | | |
| | Falsification | Major Moderate Minor | |
| | <input type="text"/> | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="text"/> |
| | | Percent | 25% |
| Matrix Notes | 100% of the rule requirements were not met. | | |
| | Adjustment | \$7,500 | |
| | | | \$2,500 |
| Violation Events | | | |
| | Number of Violation Events | <input type="text" value="1"/> | Number of violation days |
| | | <input type="text" value="84"/> | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input type="text"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input checked="" type="checkbox"/> | |
| | | Violation Base Penalty | \$2,500 |
| | One single event is recommended based on the May 27, 2009 investigation. | | |
| Good Faith Efforts to Comply | | | |
| | 0.0% Reduction | | \$0 |
| | <small>Before NOV NOV to EDPRP/Settlement Offer</small> | | |
| | Extraordinary | <input type="text"/> | |
| | Ordinary | <input type="text"/> | |
| | N/A | <input checked="" type="checkbox"/> (mark with x) | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| | Violation Subtotal | \$2,500 | |
| Economic Benefit (EB) for this violation | | | |
| | Estimated EB Amount | <input type="text" value="\$47"/> | Violation Final Penalty Total |
| | | | \$4,750 |
| | This violation Final Assessed Penalty (adjusted for limits) | | \$4,750 |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
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 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 | \$1,000 | 27-May-2009 | 4-May-2010 | 0.94 | \$47 | n/a | \$47 |
| 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 implement measures designed to ensure unauthorized emissions during pilot flame outages and other spills and releases are evaluated timely and recorded as required. The date required is investigation date. The final date is the projected date corrective actions will be completed.

Avoided Costs

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

| | 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 | \$1,000 | TOTAL | \$47 |
|-----------------------------------|---------|--------------|------|

| | | | | |
|--|---|--|--------------------------------------|----------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2009</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| Violation Number <input type="text" value="4"/> | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 2.F., 30 Tex. Admin. Code §§ 101.201(b)(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to maintain complete records of non-reportable emissions events. Specifically, during the May 27, 2009 investigation records of non-reportable emissions events were reviewed and it was documented they did not include all required information for each non-reportable event. | | | |
| Base Penalty | | <input type="text" value="\$10,000"/> | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | <input type="text" value="0%"/> | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> |
| | | Percent | <input type="text" value="10%"/> | |
| Matrix Notes | More than 30% and less than 70% of the required information was not being maintained. | | | |
| | | Adjustment | <input type="text" value="\$9,000"/> | |
| | | <input type="text" value="\$1,000"/> | | |
| Violation Events | | | | |
| Number of Violation Events | | <input type="text" value="1"/> | Number of violation days | |
| | | <input type="text" value="84"/> | | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | | |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | <input checked="" type="checkbox"/> | | |
| | | Violation Base Penalty | <input type="text" value="\$1,000"/> | |
| One single event is recommended based on the May 27, 2009 investigation. | | | | |
| Good Faith Efforts to Comply | | | | |
| | | <input type="text" value="0.0%"/> | Reduction | |
| | | <input type="text" value="\$0"/> | | |
| | Extraordinary | Before NOV | NOV to EDPRP/Settlement Offer | |
| | Ordinary | <input type="text"/> | <input type="text"/> | |
| | N/A | <input checked="" type="checkbox"/> | (mark with x) | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| | | Violation Subtotal | <input type="text" value="\$1,000"/> | |
| Economic Benefit (EB) for this violation | | | | |
| Statutory Limit Test | | | | |
| Estimated EB Amount | | <input type="text" value="\$5"/> | Violation Final Penalty Total | |
| | | <input type="text" value="\$1,900"/> | | |
| | | This violation Final Assessed Penalty (adjusted for limits) | | |
| | | <input type="text" value="\$1,900"/> | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 4

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

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|----------------|-----------|
|--|-----------|---------------|------------|-----|----------------|----------------|-----------|

Item Description: No commas or \$.

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$100 | 27-May-2009 | 4-May-2010 | 0.94 | \$5 | n/a | \$5 |
| 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 implement measures designed to ensure complete records of non-reportable emissions events are maintained. The date required is the investigation date. The final date is the projected date corrective actions will be 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

\$100

TOTAL

\$5

| | | | |
|---|--|---|--|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | |
| Respondent Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2008</small> | |
| Reg. Ent. Reference No. RN100225093 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Rebecca Johnson | | | |
| Violation Number 5 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code §§ 117.354(a) and (b), 117.9020, and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to submit a nitrogen oxides ("NOx") final control report for the applicable boilers at the Plant. Specifically, during the May 27, 2009 investigation it was documented that a NOx final control report had not been submitted. | | |
| | Base Penalty | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Release | Harm | |
| | | Major Moderate Minor | |
| | Actual | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | Percent <input type="text" value="0%"/> |
| | Potential | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| >> Programmatic Matrix | | | |
| | Falsification | Major Moderate Minor | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | Percent <input type="text" value="25%"/> |
| Matrix Notes | 100% of the rule requirements were not met. | | |
| | Adjustment | \$7,500 | |
| | | | \$2,500 |
| Violation Events | | | |
| | Number of Violation Events | <input type="text" value="1"/> | Number of violation days |
| | | <input type="text" value="1602"/> | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | Violation Base Penalty <input type="text" value="\$2,500"/> |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input type="checkbox"/> | |
| | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| single event | <input checked="" type="checkbox"/> | | |
| | One single event is recommended based on the one plan that was not submitted. | | |
| Good Faith Efforts to Comply | | 10.0% Reduction | \$250 |
| | | Before NOV NOV to EDPRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| N/A | <input type="checkbox"/> | (mark with x) | |
| Notes | The Respondent completed corrective actions on September 3, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer. | | |
| | Violation Subtotal | | \$2,250 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount | <input type="text" value="\$111"/> | Violation Final Penalty Total | <input type="text" value="\$4,500"/> |
| | | This violation Final Assessed Penalty (adjusted for limits) | <input type="text" value="\$4,500"/> |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
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 | | | | 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-2005 | 3-Sep-2009 | 4.43 | \$111 | n/a | \$111 |

Notes for DELAYED costs

Estimated cost to develop and submit a NOx final control plan for the applicable boilers at the Plant. The date required is the earliest date of noncompliance. 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

\$500

TOTAL

\$111

| | | | | | |
|---|--|---|--------------------------------------|---------------------------------|---|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | | |
| Respondent Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | |
| Media [Statute] Air | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | |
| Violation Number 6 | | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 1.A., 30 Tex. Admin. Code §§ 111.111(a)(4)(A)(ii), 122.143(4), and 122.144(4), and Tex. Health & Safety Code § 382.085(b) | | | | |
| Violation Description | Failed to demonstrate compliance with the visible emissions limits for gas flares by providing flare logs documenting flare observations. Specifically, during the May 27, 2009 investigation flare logs were requested for review; however, they were not provided. | | | | |
| | Base Penalty | \$10,000 | | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Harm | | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent <input type="text" value="0%"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| >> Programmatic Matrix | | | | | |
| | Falsification | Major | Moderate | Minor | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent <input type="text" value="25%"/> |
| Matrix Notes | 100% of the rule requirements were not met. | | | | |
| | Adjustment | | | \$7,500 | |
| | | | | \$2,500 | |
| Violation Events | | | | | |
| | Number of Violation Events | <input type="text" value="1"/> | Number of violation days | <input type="text" value="84"/> | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | weekly | <input type="checkbox"/> | |
| | monthly | <input type="checkbox"/> | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | annual | <input type="checkbox"/> | |
| | single event | <input checked="" type="checkbox"/> | | | |
| | Violation Base Penalty | | | | \$2,500 |
| | One single event is recommended based on the May 27, 2009 investigation. | | | | |
| Good Faith Efforts to Comply | | | | | |
| | 10.0% Reduction | | | \$250 | |
| | Before NOV | NOV to EDPRP/Settlement Offer | | | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| Ordinary | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| N/A | <input type="checkbox"/> | (mark with x) | | | |
| Notes | The Respondent completed corrective actions on October 21, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer. | | | | |
| | Violation Subtotal | | | \$2,250 | |
| Economic Benefit (EB) for this violation | | | | | |
| | Estimated EB Amount | <input type="text" value="\$2"/> | Statutory Limit Test | | |
| | | | Violation Final Penalty Total | \$4,500 | |
| | This violation Final Assessed Penalty (adjusted for limits) | | | \$4,500 | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
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 | | | | 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 | \$100 | 27-May-2009 | 21-Oct-2009 | 0.40 | \$2 | n/a | \$2 |
| 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 develop a system to document flare log observations. The date required is the investigation 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

\$100

TOTAL

\$2

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------------------|--------------------------------------|--------------------------|--------------------------------------|--------------------------|----------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------|--------------------------|-----------|--------------------------|------------|--------------------------|--------|--------------------------|--------------|-------------------------------------|
| <p>Screening Date 19-Aug-2009</p> <p>Respondent Vopak Terminal Deer Park, Inc.</p> <p>Case ID No. 38172</p> <p>Reg. Ent. Reference No. RN100225093</p> <p>Media [Statute] Air</p> <p>Enf. Coordinator Rebecca Johnson</p> <p>Violation Number 7</p> <p>Rule Cite(s) Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 Code of Federal Regulations § 61.247(b), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)</p> <p>Violation Description Failed to submit complete fugitive monitoring reports on a semiannual basis. Specifically, only one report was submitted for the period of April 1, 2008 to March 31, 2009 and the report did not include facts that explain the delay of repairs referenced.</p> | <p>Docket No. 2009-1338-AIR-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Base Penalty \$10,000</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">OR</td> <td colspan="3" style="text-align: center;">Harm</td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:10%; text-align: center;">Release</td> <td style="width:10%; text-align: center;">Major</td> <td style="width:10%; text-align: center;">Moderate</td> <td style="width:10%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right;">Percent 0%</td> </tr> </table> | | OR | Harm | | | | Release | Major | Moderate | Minor | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent 0% | | | | | | | | | |
| OR | Harm | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Release | | Major | | Moderate | | Minor | | | | | | | | | | | | | | | | | | | | | | |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| | Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent 0% | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>>> Programmatic Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:10%; text-align: center;">Falsification</td> <td style="width:10%; text-align: center;">Major</td> <td style="width:10%; text-align: center;">Moderate</td> <td style="width:10%; text-align: center;">Minor</td> <td rowspan="2" style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td colspan="4"></td> <td style="text-align: right;">Percent 25%</td> </tr> </table> <p>Matrix Notes 100% of the rule requirements were not met.</p> | | | Falsification | Major | Moderate | Minor | | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | Percent 25% | | | | | | | | | | | |
| | Falsification | Major | Moderate | Minor | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | Percent 25% | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Adjustment \$7,500</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>\$2,500</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Violation Events</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><input type="checkbox"/></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right;">Number of violation days 293</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%; vertical-align: middle;"><i>mark only one with an x</i></td> <td style="width:10%; text-align: center;">daily</td> <td style="width:10%; text-align: center;"><input type="checkbox"/></td> <td rowspan="7" style="width:10%;"></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty \$5,000</p> <p>Two single events are recommended based on the two reports that were not properly submitted.</p> | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of violation days 293 | <i>mark only one with an x</i> | daily | <input type="checkbox"/> | | weekly | <input type="checkbox"/> | monthly | <input type="checkbox"/> | quarterly | <input type="checkbox"/> | semiannual | <input type="checkbox"/> | annual | <input type="checkbox"/> | single event | <input checked="" type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of violation days 293 | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | weekly | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | monthly | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | quarterly | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | semiannual | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | annual | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | single event | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Good Faith Efforts to Comply 25.0% Reduction \$1,250</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%;"></td> <td colspan="2" style="text-align: center;">Before NOV</td> <td colspan="2" style="text-align: center;">NOV to EDCRP/Settlement Offer</td> </tr> <tr> <td style="width:10%; text-align: center;">Extraordinary</td> <td style="width:10%; text-align: center;"><input type="checkbox"/></td> <td style="width:10%; text-align: center;"><input type="checkbox"/></td> <td style="width:10%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td style="text-align: center;">N/A</td> <td colspan="3" style="text-align: center;">(mark with x)</td> </tr> </table> <p>Notes The Respondent completed corrective actions on June 11, 2009, which was prior to the NOE issuance on August 7, 2009.</p> <p style="text-align: right;">Violation Subtotal \$3,750</p> | | | Before NOV | | NOV to EDCRP/Settlement Offer | | Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | N/A | (mark with x) | | | | | | | | | | | | |
| | Before NOV | | NOV to EDCRP/Settlement Offer | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Extraordinary | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| | Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| | N/A | (mark with x) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <p>Estimated EB Amount \$15 Violation Final Penalty Total \$8,250</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$8,250</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.

Case ID No. 38172

Reg. Ent. Reference No. RN100225093

Media Air

Violation No. 7

| | |
|-------------------------|------------------------------|
| 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) | \$500 | 30-Oct-2008 | 11-Jun-2009 | 0.61 | \$15 | n/a | \$15 |

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that complete fugitive monitoring reports are submitted on a semiannual basis. The date required is the earliest date of noncompliance. 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

| | | |
|-------|--------------|------|
| \$500 | TOTAL | \$15 |
|-------|--------------|------|

| | | | | |
|--|--|--------------------------|--|---------------------------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| Violation Number 8 | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 16.F., 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(f), 116.115(c), 122.143(4), and 122.144(4), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to demonstrate compliance with the volatile organic compound ("VOC") emission limits by providing monthly records of the calculated VOC emissions from all storage tanks and loading operations. Specifically, during the May 27, 2009 investigation records of the VOC emissions from storage tanks and loading operations were requested for review; however, they were not provided. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | Percent 0% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="checkbox"/> | x | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | Percent 25% |
| Matrix Notes | 100% of the rule requirements were not met. | | | |
| Adjustment | | | | \$7,500 |
| | | | | \$2,500 |
| Violation Events | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | 1 | 84 | Number of violation days | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | | |
| | weekly | <input type="checkbox"/> | | |
| | monthly | <input type="checkbox"/> | | |
| | quarterly | <input type="checkbox"/> | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | x | | |
| | | | | Violation Base Penalty \$2,500 |
| One single event is recommended based on the May 27, 2009 investigation. | | | | |
| Good Faith Efforts to Comply | | | | |
| | | 0.0% | Reduction | |
| | | Before NOV | NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Ordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| N/A | x | (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| Violation Subtotal | | | | \$2,500 |
| Economic Benefit (EB) for this violation | | | | |
| Statutory Limit Test | | | | |
| Estimated EB Amount | | \$5 | Violation Final Penalty Total \$4,750 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$4,750 |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
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 |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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 | \$100 | 27-May-2009 | 4-May-2010 | 0.94 | \$5 | n/a | \$5 |
| 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 implement measures designed to ensure that VOC records for storage tanks and loading operations are maintained and made available upon request. The date required is the investigation date. The final date is the projected date corrective actions will be completed.

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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 | \$100 | TOTAL | \$5 |
|-----------------------------------|-------|--------------|-----|

| | | | | |
|---|---|--------------------------------------|-------------------------------------|----------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| Violation Number 9 | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 1.A., 30 Tex. Admin. Code §§ 115.112(d)(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to meet the control requirements for storage of VOCs for Tanks Nos. 613, 764, 907, 790, 620, and 915 by January 1, 2009. Specifically, during the May 27, 2009 investigation it was documented that the required modifications to the internal floating roof tanks were not made by January 1, 2009. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | |
| | | Percent | 10% | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | 0% | |
| Matrix Notes | Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed protective levels as a result of the violation. | | | |
| Adjustment | | \$9,000 | | |
| | | \$1,000 | | |
| Violation Events | | | | |
| Number of Violation Events | 6 | 230 | Number of violation days | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | Violation Base Penalty | |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | <input checked="" type="checkbox"/> | | |
| Six single events are recommended based on the six tanks that were not modified by January 1, 2009. | | | \$6,000 | |
| Good Faith Efforts to Comply | | 0.0% Reduction | \$0 | |
| | Before NOV | NOV to EDCRP/Settlement Offer | | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| Violation Subtotal | | \$6,000 | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| Estimated EB Amount | \$3,336 | Violation Final Penalty Total | \$11,400 | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$11,400 | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.

Case ID No. 38172

Reg. Ent. Reference No. RN100225093

Media Air

Violation No. 9

| | |
|-------------------------|------------------------------|
| 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) | \$50,000 | 2-Jan-2009 | 4-May-2010 | 1.33 | \$3,336 | n/a | \$3,336 |

Notes for DELAYED costs

Estimated cost to make the required modifications to the six storage tanks. The date required is the earliest date of noncompliance. The final date is the projected date corrective actions will be 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

| | | | |
|----------|--|--------------|---------|
| \$50,000 | | TOTAL | \$3,336 |
|----------|--|--------------|---------|

| | | | | | | |
|--|--|-------------------------------------|--------------------------------------|---------------------------------|----------------|---------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | | |
| Media [Statute] Air | | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | | |
| Violation Number 10 | | | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A., 1.D., 15.D., 17.G., and 18, Air Permit No. 466A, Special Condition Nos. 3 and 4, 40 Code of Federal Regulations §§ 61.305(h) and 63.567(l), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | | | |
| Violation Description | Failed to maintain records of vapor tightness tests for barges that are loaded and unloaded at the Plant. Specifically, during the May 27, 2009 investigation it was documented that the requested vapor tightness test records were not being maintained. | | | | | |
| Base Penalty | | \$10,000 | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | |
| OR | Harm | | | Percent | | |
| | Release | Major | Moderate | | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | 0% | |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | | |
| >> Programmatic Matrix | | | | | | |
| | Falsification | Major | Moderate | Minor | Percent | |
| | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> | <input type="text"/> | | 25% |
| Matrix Notes | 100% of the rule requirements were not met. | | | | | |
| Adjustment | | | | | \$7,500 | |
| | | | | | \$2,500 | |
| Violation Events | | | | | | |
| | Number of Violation Events | <input type="text" value="1"/> | <input type="text" value="84"/> | Number of violation days | | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | <input type="text"/> | Violation Base Penalty | | |
| | weekly | <input type="text"/> | <input type="text"/> | | | \$2,500 |
| | monthly | <input type="text"/> | <input type="text"/> | | | |
| | quarterly | <input type="text"/> | <input type="text"/> | | | |
| | semiannual | <input type="text"/> | <input type="text"/> | | | |
| | annual | <input type="text"/> | <input type="text"/> | | | |
| | single event | <input checked="" type="checkbox"/> | <input type="text"/> | | | |
| One single event is recommended based on the May 27, 2009 investigation. | | | | | | |
| Good Faith Efforts to Comply | | <input type="text" value="10.0%"/> | Reduction | | \$250 | |
| | Extraordinary | <input type="text"/> | Before NOV | NOV to EDPRP/Settlement Offer | | |
| | Ordinary | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> | | |
| | N/A | <input type="text"/> | <small>(mark with x)</small> | | | |
| Notes | The Respondent completed corrective actions on October 21, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer. | | | | | |
| Violation Subtotal | | | | | \$2,250 | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | | | |
| Estimated EB Amount | | <input type="text" value="\$2"/> | Violation Final Penalty Total | | \$4,500 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | | \$4,500 | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.

Case ID No. 38172

Reg. Ent. Reference No. RN100225093

Media Air

Violation No. 10

| | |
|-------------------------|------------------------------|
| 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 | \$100 | 27-May-2009 | 21-Oct-2009 | 0.40 | \$2 | n/a | \$2 |
| 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 update the barge loading and unloading checklist to include the current vapor tightness test certificate. The date required is the investigation 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

\$100

TOTAL

\$2

| | | | | |
|---|--|-------------------------------------|--------------------------------------|----------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| V12 11 | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Condition Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 Code of Federal Regulations § 63.562(e)(2), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failure to develop a written operation and maintenance plan that details corrective actions that will be taken when affected air pollution control and monitoring equipment exceed baseline parameters. Specifically, during the May 27, 2009 investigation it was documented that the required operation and maintenance plan had not been developed. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | 0% | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | 25% | |
| Matrix Notes | 100% of the rule requirements were not met. | | | |
| Adjustment | | \$7,500 | | |
| | | \$2,500 | | |
| Violation Events | | | | |
| Number of Violation Events | | 1 | 84 | |
| | | Number of violation days | | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | Violation Base Penalty | |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | <input checked="" type="checkbox"/> | | |
| One single event is recommended based on the one maintenance plan that was not developed. | | | \$2,500 | |
| Good Faith Efforts to Comply | | | | |
| 0.0% Reduction | | \$0 | | |
| | | Before NOV | NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| Violation Subtotal | | \$2,500 | | |
| Economic Benefit (EB) for this violation | | | | |
| Estimated EB Amount | | \$23 | Violation Final Penalty Total | |
| | | \$4,750 | | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$4,750 | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 11

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

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

Item Description: No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 27-May-2009 | 4-May-2010 | 0.94 | \$23 | n/a | \$23 |

Notes for DELAYED costs Estimated cost to develop a written maintenance plan for the affected air pollution control and monitoring equipment. The date required is the investigation date. The final date is the projected date corrective actions will be 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

\$500

TOTAL

\$23

| | | | | | | | | | | | | | | | | |
|---|--|---|--|--------|----------------------|---------|----------------------|-----------|----------------------|------------|----------------------|--------|----------------------|--------------|---|--|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | | | | | | | | | | | | | |
| Respondent Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | | | | | | | | | | | | | | |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2008</small> | | | | | | | | | | | | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | | | | | | | | | | | | |
| Media [Statute] Air | | | | | | | | | | | | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | | | | | | | | | | | | |
| Violation Number 12 | | | | | | | | | | | | | | | | |
| Rule Cite(s) | Federal Operating Permit No. Q-01068, Special Terms and Conditions Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 Code of Federal Regulations § 63.567(j)(3), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | | | | | | | | | | | | | |
| Violation Description | Failed to submit an annual report of the hazardous air pollutant ("HAP") control efficiency for affected sources. Specifically, during the May 27, 2009 investigation it was documented that the 2008 annual report had not been submitted. | | | | | | | | | | | | | | | |
| | Base Penalty | \$10,000 | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | |
| OR | Harm | | | | | | | | | | | | | | | |
| | Release Major Moderate Minor | | | | | | | | | | | | | | | |
| Actual | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="0%"/> | | | | | | | | | | | | | |
| Potential | <input type="text"/> | <input type="text"/> | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | |
| | Falsification Major Moderate Minor | | | | | | | | | | | | | | | |
| | <input type="text"/> | <input checked="" type="text" value="x"/> | Percent <input type="text" value="25%"/> | | | | | | | | | | | | | |
| Matrix Notes | 100% of the rule requirements were not met. | | | | | | | | | | | | | | | |
| | Adjustment | \$7,500 | | | | | | | | | | | | | | |
| | | \$2,500 | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | |
| Number of Violation Events | <input type="text" value="1"/> | <input type="text" value="171"/> Number of violation days | | | | | | | | | | | | | | |
| <i>mark only one with an x</i> | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table> | daily | <input type="text"/> | weekly | <input type="text"/> | monthly | <input type="text"/> | quarterly | <input type="text"/> | semiannual | <input type="text"/> | annual | <input type="text"/> | single event | <input checked="" type="text" value="x"/> | Violation Base Penalty <input type="text" value="\$2,500"/> |
| daily | <input type="text"/> | | | | | | | | | | | | | | | |
| weekly | <input type="text"/> | | | | | | | | | | | | | | | |
| monthly | <input type="text"/> | | | | | | | | | | | | | | | |
| quarterly | <input type="text"/> | | | | | | | | | | | | | | | |
| semiannual | <input type="text"/> | | | | | | | | | | | | | | | |
| annual | <input type="text"/> | | | | | | | | | | | | | | | |
| single event | <input checked="" type="text" value="x"/> | | | | | | | | | | | | | | | |
| | One single event is recommended based on the one report that was not submitted. | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | | | | | | | | | | | | | | | |
| | 0.0% Reduction | <input type="text" value="\$0"/> | | | | | | | | | | | | | | |
| | Before NOV NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | |
| Extraordinary | <input type="text"/> | | | | | | | | | | | | | | | |
| Ordinary | <input type="text"/> | | | | | | | | | | | | | | | |
| N/A | <input checked="" type="text" value="x"/> (mark with x) | | | | | | | | | | | | | | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | | | | | | | | | | | | | |
| | Violation Subtotal | \$2,500 | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | | | | | | | | | | | | | | | |
| | Statutory Limit Test | | | | | | | | | | | | | | | |
| Estimated EB Amount | <input type="text" value="\$29"/> | Violation Final Penalty Total <input type="text" value="\$4,750"/> | | | | | | | | | | | | | | |
| | This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,750"/> | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 12

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|

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 | 1-Mar-2009 | 4-May-2010 | 1.18 | \$29 | n/a | \$29 |

Notes for DELAYED costs

Estimated cost to implement measures to ensure that the HAP control efficiency reports are submitted annually. The date required is the earliest date of noncompliance. The final date is the projected date corrective actions will be 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

\$500

TOTAL

\$29

| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | | | | | | | | | | | | | | | | | | | |
|--|--|-------|---------------|-------------------|--------------------|-------|-----------|-------|------------|-------|--------|--------|--------------------|---|---------------------------------------|-------------------|-----------|--|--|--|
| Respondent Vopak Terminal Deer Park, Inc. | PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small> | | | | | | | | | | | | | | | | | | | |
| Case ID No. 38172 | | | | | | | | | | | | | | | | | | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | | | | | | | | | | | | | | | | |
| Media [Statute] Air | | | | | | | | | | | | | | | | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | | | | | | | | | | | | | | | | |
| Violation Number 13 | | | | | | | | | | | | | | | | | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 Code of Federal Regulations § 61.305(f), 30 Tex. Admin. Code §§ 116.116(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | | | | | | | | | | | | | | | | | |
| Violation Description | Failed to submit quarterly reports of benzene emissions from the benzene transfer operations at the Plant. Specifically, during the May 27, 2009 investigation it was documented that the reports were not submitted for the first quarter of 2007, the first quarter of 2008, and the fourth quarter of 2008. | | | | | | | | | | | | | | | | | | | |
| Base Penalty | \$10,000 | | | | | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | | | | | |
| OR | <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent 0%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table> | | Harm | | | | Release | Major | Moderate | Minor | | Actual | | | | Percent 0% | Potential | | | |
| | | Harm | | | | | | | | | | | | | | | | | | |
| | Release | Major | Moderate | Minor | | | | | | | | | | | | | | | | |
| Actual | | | | Percent 0% | | | | | | | | | | | | | | | | |
| Potential | | | | | | | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | | | | | |
| | <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> <td style="text-align: right;">Percent 25%</td> </tr> </table> | | Falsification | Major | Moderate | Minor | | | | x | | | Percent 25% | | | | | | | |
| | Falsification | Major | Moderate | Minor | | | | | | | | | | | | | | | | |
| | | x | | | Percent 25% | | | | | | | | | | | | | | | |
| Matrix Notes | 100% of the rule requirements were not met. | | | | | | | | | | | | | | | | | | | |
| Adjustment | \$7,500 | | | | | | | | | | | | | | | | | | | |
| \$2,500 | | | | | | | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | | | | | |
| Number of Violation Events | 3 | | | | | | | | | | | | | | | | | | | |
| | 871 | | | | | | | | | | | | | | | | | | | |
| | Number of violation days | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table> | daily | | weekly | | monthly | | quarterly | | semiannual | | annual | | single event | x | Violation Base Penalty \$7,500 | | | | | |
| daily | | | | | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | | | | | |
| quarterly | | | | | | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | | | | | |
| single event | x | | | | | | | | | | | | | | | | | | | |
| <small>mark only one with an x</small> | | | | | | | | | | | | | | | | | | | | |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Three single events are recommended based on the three reports that were not submitted. </div> | | | | | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | | | | | | | | | | | | | | | | | | | |
| 0.0% Reduction | \$0 | | | | | | | | | | | | | | | | | | | |
| | <small>Before NOV NOV to EOPRP/Settlement Offer</small> | | | | | | | | | | | | | | | | | | | |
| Extraordinary | | | | | | | | | | | | | | | | | | | | |
| Ordinary | | | | | | | | | | | | | | | | | | | | |
| N/A | x (mark with x) | | | | | | | | | | | | | | | | | | | |
| Notes | The Respondent completed corrective actions on November 20, 2009, which was after the initial settlement offer on October 30, 2009. | | | | | | | | | | | | | | | | | | | |
| Violation Subtotal | \$7,500 | | | | | | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | | | | | | | | | | | | | | | | | | | |
| Estimated EB Amount | \$66 | | | | | | | | | | | | | | | | | | | |
| Statutory Limit Test | | | | | | | | | | | | | | | | | | | | |
| Violation Final Penalty Total | \$14,250 | | | | | | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) \$14,250 | | | | | | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 13

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

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

Item Description .No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 1-Apr-2007 | 20-Nov-2009 | 2.64 | \$66 | n/a | \$66 |

Notes for DELAYED costs

Estimated cost to ensure that reports of benzene emissions from benzene transfer operations are submitted quarterly. The date required is the earliest date of noncompliance. 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

\$500

TOTAL

\$66

Screening Date 19-Aug-2009 **Docket No.** 2009-1338-AIR-E **PCW**

Respondent Vopak Terminal Deer Park, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 38172 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100225093

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 14

Rule Cite(s) Air Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 29, 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 352.085(b)

Violation Description Failed to maintain complete records of each tank roof landing. Specifically, during the May 27, 2009 investigation it was documented that the records of each tank roof landing did not include the associated emissions and other required information.

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 | | | 25% |

Matrix Notes More than 70% of the required information was not being maintained.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 84

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,500

One single event is recommended based on the May 27, 2009 investigation.

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 \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$5 Violation Final Penalty Total \$4,750

This violation Final Assessed Penalty (adjusted for limits) \$4,750

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 14

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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 | \$100 | 27-May-2009 | 4-May-2010 | 0.94 | \$5 | n/a | \$5 |
| 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 implement measures designed to ensure that complete records of tank roof landing operations are maintained. The date required is the investigation date. The final date is the projected date corrective actions will be 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 \$100 TOTAL \$5

| | | |
|--|---|--------------------------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | |
| Respondent Vopak Terminal Deer Park, Inc. | PCW <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | |
| Reg.,Ent. Reference No. RN100225093 | | |
| Media [Statute] Air | | |
| Enf. Coordinator Rebecca Johnson | | |
| Violation Number 15 | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to operate the acetic acid scrubber with a water circulation rate of 11 gallons per minute. Specifically, during the May 27, 2009 investigation it was documented that there was at least one occurrence where the scrubber circulation rate was zero. | |
| Base Penalty | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Harm | |
| | Release Major Moderate Minor | |
| Actual | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| Potential | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | |
| | Percent <input type="text" value="10%"/> | |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| | Percent <input type="text" value="0%"/> | |
| Matrix Notes | Human health or the environment could be exposed to an insignificant amount of pollutants that would not exceed protective levels as a result of the violation. | |
| Adjustment | \$9,000 | |
| | <input type="text" value="\$1,000"/> | |
| Violation Events | | |
| Number of Violation Events | <input type="text" value="1"/> | |
| | <input type="text" value="1"/> Number of violation days | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> |
| | weekly | <input type="checkbox"/> |
| | monthly | <input type="checkbox"/> |
| | quarterly | <input type="checkbox"/> |
| | semiannual | <input type="checkbox"/> |
| | annual | <input type="checkbox"/> |
| | single event | <input checked="" type="checkbox"/> |
| | Violation Base Penalty | \$1,000 |
| | One single event is recommended based on the one occurrence of the violation documented during the investigation. | |
| Good Faith Efforts to Comply | | |
| | 0.0% Reduction | \$0 |
| | Before NOV NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> <input type="checkbox"/> | |
| Ordinary | <input type="checkbox"/> <input type="checkbox"/> | |
| N/A | <input checked="" type="checkbox"/> (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 | <input type="text" value="\$47"/> | Violation Final Penalty Total |
| | | <input type="text" value="\$1,900"/> |
| This violation Final Assessed Penalty (adjusted for limits) | | <input type="text" value="\$1,900"/> |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 15

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

| Item Description | Item Cost No commas or \$ | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|------------------------------|---------------|------------|------|----------------|---------------|-----------|
| 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 | 27-May-2009 | 4-May-2010 | 0.94 | \$47 | n/a | \$47 |

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the required water circulation rate is maintained. The date required is the investigation date. The final date is the projected date corrective actions will be 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

\$47

| | | | |
|--|---|---|--|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | |
| Reg. Ent. Reference No. RN100225093 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Rebecca Johnson | | | |
| Violation Number 16 | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to maintain complete records of the acetic acid scrubber water circulation rate. Specifically, during the May 27, 2009 investigation it was documented that there were no records of the circulation rate starting on May 9, 2009 since the paper for recording the flow rate had run out and not been replaced. | | |
| Base Penalty | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Release | Harm | |
| | | Major Moderate Minor | |
| | Actual | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> |
| | | | Percent <input type="text" value="0%"/> |
| >> Programmatic Matrix | | | |
| | Falsification | Major | Moderate |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | | Minor | <input checked="" type="text" value="x"/> |
| | | | Percent <input type="text" value="1%"/> |
| Matrix Notes | Less than 30% of the requested records were not maintained. | | |
| Adjustment | | \$9,900 | |
| | | \$100 | |
| Violation Events | | | |
| Number of Violation Events <input type="text" value="1"/> | | Number of violation days <input type="text" value="84"/> | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input type="text"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input checked="" type="text" value="x"/> | |
| | | | Violation Base Penalty <input type="text" value="\$100"/> |
| One single event is recommended based on the May 27, 2009 investigation. | | | |
| Good Faith Efforts to Comply | | | |
| | | 10.0% Reduction | <input type="text" value="\$10"/> |
| | | <small>Before NOV NOV to EDPRP/Settlement Offer</small> | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input type="text"/> | <input checked="" type="text" value="x"/> | |
| N/A | <input type="text"/> | <small>(mark with x)</small> | |
| Notes | The Respondent completed corrective actions on October 20, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer. | | |
| Violation Subtotal | | \$90 | |
| Economic Benefit (EB) for this violation | | | |
| Estimated EB Amount <input type="text" value="\$2"/> | | Statutory Limit Test | |
| | | Violation Final Penalty Total <input type="text" value="\$180"/> | |
| This violation Final Assessed Penalty (adjusted for limits) | | <input type="text" value="\$180"/> | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.

Case ID No. 38172

Reg. Ent. Reference No. RN100225093

Media Air

Violation No. 16

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| <i>No commas or \$</i> | | | | | | | |
| 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 | \$100 | 9-May-2009 | 20-Oct-2009 | 0.45 | \$2 | n/a | \$2 |
| 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 develop a maintenance plan to ensure that complete records of the acetic acid scrubber circulation rate are maintained. The date required is the earliest date of noncompliance. 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 **TOTAL**

| | |
|-------|-----|
| \$100 | \$2 |
|-------|-----|

| | | | | | | | | | | | | | | | | |
|--|--|--|----------------------|--------|----------------------|---------|----------------------|-----------|----------------------|------------|----------------------|--------|----------------------|--------------|---------------------------------|---------------------------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | | | | | | | | | | | | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | | | | | | | | | | | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2008</small> | | | | | | | | | | | | | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | | | | | | | | | | | | |
| Media [Statute] Air | | | | | | | | | | | | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | | | | | | | | | | | | |
| Violation Number 17 | | | | | | | | | | | | | | | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, Special Terms and Conditions No. 19, 30 Tex. Admin. Code §§ 106.8(c)(2)(B), 106.511, and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | | | | | | | | | | | | | | | |
| Violation Description | Failed to demonstrate compliance with the operational restrictions for the diesel powered firewater pump by providing records documenting the hours of operation. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided. | | | | | | | | | | | | | | | |
| Base Penalty | \$10,000 | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | |
| OR | Harm | | | | | | | | | | | | | | | |
| | Release Major Moderate Minor | | | | | | | | | | | | | | | |
| Actual | <input type="text"/> | <input type="text"/> | | | | | | | | | | | | | | |
| Potential | <input type="text"/> | <input type="text"/> | | | | | | | | | | | | | | |
| | Percent | 0% | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | |
| | Falsification Major Moderate Minor | | | | | | | | | | | | | | | |
| | <input type="text"/> | <input checked="" type="text"/> | | | | | | | | | | | | | | |
| | Percent | 25% | | | | | | | | | | | | | | |
| Matrix Notes | 100% of the rule requirements were not met. | | | | | | | | | | | | | | | |
| Adjustment | \$7,500 | | | | | | | | | | | | | | | |
| | \$2,500 | | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | |
| Number of Violation Events | 1 | Number of violation days 84 | | | | | | | | | | | | | | |
| <i>mark only one with an x</i> | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text"/></td></tr> </table> | daily | <input type="text"/> | weekly | <input type="text"/> | monthly | <input type="text"/> | quarterly | <input type="text"/> | semiannual | <input type="text"/> | annual | <input type="text"/> | single event | <input checked="" type="text"/> | Violation Base Penalty \$2,500 |
| daily | <input type="text"/> | | | | | | | | | | | | | | | |
| weekly | <input type="text"/> | | | | | | | | | | | | | | | |
| monthly | <input type="text"/> | | | | | | | | | | | | | | | |
| quarterly | <input type="text"/> | | | | | | | | | | | | | | | |
| semiannual | <input type="text"/> | | | | | | | | | | | | | | | |
| annual | <input type="text"/> | | | | | | | | | | | | | | | |
| single event | <input checked="" type="text"/> | | | | | | | | | | | | | | | |
| | One single event is recommended based on the May 27, 2009 investigation. | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | 10.0% Reduction | \$250 | | | | | | | | | | | | | | |
| | Before NOV NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | |
| Extraordinary | <input type="text"/> | | | | | | | | | | | | | | | |
| Ordinary | <input checked="" type="text"/> | | | | | | | | | | | | | | | |
| N/A | (mark with x) | | | | | | | | | | | | | | | |
| Notes | The Respondent completed corrective actions on October 21, 2009, which was after the August 7, 2009 NOE and before the October 30, 2009 initial settlement offer. | | | | | | | | | | | | | | | |
| Violation Subtotal | \$2,250 | | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | | | | | | | | | | | | | | | |
| Estimated EB Amount | \$2 | Violation Final Penalty Total \$4,500 | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$4,500 | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 17

| | |
|-------------------------|------------------------------|
| 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 | \$100 | 27-May-2009 | 21-Oct-2009 | 0.40 | \$2 | n/a | \$2 |
| 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 develop a weekly diesel fire water pump checklist to document the hours of operation. The date required is the investigation 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

\$100

TOTAL

\$2

| | | |
|--|---|--|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW |
| Respondent Vopak Terminal Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2008</small> |
| Reg. Ent. Reference No. RN100225093 | | |
| Media [Statute] Air | | |
| Enf. Coordinator Rebecca Johnson | | |
| Violation Number 18 | | |
| Rule Cite(s) | Federal Operating Permit No. O-01068, General Terms and Conditions, 30 Tex. Admin. Code §§ 116.110(a) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to obtain authorization for Storage Tank Vent Scrubber SCR-926. Specifically, during the May 27, 2009 investigation it was documented that there was no authorization to operate Storage Tank Vent Scrubber SCR-926. | |
| | Base Penalty | \$10,000 |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Harm | |
| Release | Major Moderate Minor | |
| Actual | <input type="text"/> | Percent <input type="text" value="0%"/> |
| Potential | <input type="text"/> | |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | <input type="text"/> <input checked="" type="text"/> <input type="text"/> <input type="text"/> | Percent <input type="text" value="25%"/> |
| Matrix Notes | 100% of the rule requirements were not met. | |
| | Adjustment | \$7,500 |
| | | <input type="text" value="\$2,500"/> |
| Violation Events | | |
| Number of Violation Events | <input type="text" value="3"/> | <input type="text" value="84"/> Number of violation days |
| <i>mark only one with an x</i> | <input type="text"/> daily | Violation Base Penalty <input type="text" value="\$7,500"/> |
| | <input type="text"/> weekly | |
| | <input checked="" type="text"/> monthly | |
| | <input type="text"/> quarterly | |
| | <input type="text"/> semiannual | |
| | <input type="text"/> annual | |
| <input type="text"/> single event | | |
| Three monthly events are recommended based on the May 27, 2009 investigation date to the August 19, 2009 screening date. | | |
| Good Faith Efforts to Comply | | |
| | 0.0% Reduction | <input type="text" value="\$0"/> |
| | Before NOV NOV to EDCRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | |
| Ordinary | <input type="text"/> | |
| N/A | <input checked="" type="text"/> (mark with x) | |
| Notes | The Respondent completed corrective actions on December 2, 2009, which was after the October 30, 2009 initial settlement offer. | |
| | Violation Subtotal | \$7,500 |
| Economic Benefit (EB) for this violation | | |
| | Statutory Limit Test | |
| Estimated EB Amount | <input type="text" value="\$26"/> | Violation Final Penalty Total <input type="text" value="\$14,250"/> |
| | This violation Final Assessed Penalty (adjusted for limits) | \$14,250 |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 18

| | |
|-------------------------|------------------------------|
| 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 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 | \$1,000 | 27-May-2009 | 2-Dec-2009 | 0.52 | \$26 | n/a | \$26 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to obtain authorizallon for the scrubber. The date required is the date of the investigation. 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)

| | 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

| | |
|--|---------|
| | \$1,000 |
|--|---------|

TOTAL

| | |
|--|------|
| | \$26 |
|--|------|

| | | | | |
|---|----------------------|--|---------------------------------|--|
| Screening Date 19-Aug-2009 | | Docket No. 2009-1338-AIR-E | | PCW |
| Respondent Vopak Terminal Deer Park, Inc. | | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 38172 | | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| Violation Number | | <input type="text" value="19"/> | | |
| Rule Cite(s) | | 30 Tex. Admin. Code §§ 122.121 and 122.210(a) and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | | Failed to include new emission units in Federal Operating Permit No. O-01068. Specifically, during the May 27, 2009 investigation it was documented that Federal Operating Permit No. O-01068 had not been revised to include the emissions units authorized by Standard Permit No. 77383 issued on November 29, 2005 and Standard Permit No. 80015 issued on October 9, 2006. | | |
| Base Penalty | | | | <input type="text" value="\$10,000"/> |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="0%"/> |
| >> Programmatic Matrix | | | | |
| Falsification | | Major | Moderate | Minor |
| <input type="text"/> | | <input checked="" type="text" value="x"/> | <input type="text"/> | <input type="text"/> |
| | | | | Percent <input type="text" value="25%"/> |
| Matrix Notes | | 100% of the rule requirements were not met. | | |
| Adjustment | | | | <input type="text" value="\$7,500"/> |
| | | | | <input type="text" value="\$2,500"/> |
| Violation Events | | | | |
| Number of Violation Events | | <input type="text" value="2"/> | Number of violation days | |
| | | <input type="text" value="1231"/> | | |
| <i>mark only one with an x</i> | daily | <input type="text"/> | | |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | <input checked="" type="text" value="x"/> | | |
| | | | | Violation Base Penalty <input type="text" value="\$5,000"/> |
| Two single events are recommended based on the two permits issued on November 29, 2005 and October 9, 2006. | | | | |
| Good Faith Efforts to Comply | | <input type="text" value="25.0%"/> | Reduction | |
| | | <input type="text"/> | | |
| Notes | | The Respondent completed corrective actions on April 13, 2009, which was prior to the August 7, 2009 NOE. | | |
| Violation Subtotal | | | | <input type="text" value="\$3,750"/> |
| Economic Benefit (EB) for this violation | | | | |
| Estimated EB Amount | | <input type="text" value="\$253"/> | Statutory Limit Test | |
| | | | | <input type="text" value="\$8,250"/> |
| Violation Final Assessed Penalty (adjusted for limits) | | | | <input type="text" value="\$8,250"/> |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 19

| | |
|-------------------------|------------------------------|
| 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 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 | \$1,500 | 29-Nov-2006 | 13-Apr-2009 | 3.37 | \$253 | n/a | \$253 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to amend the Federal Operating Permit to include the new emission units. The date required is the earliest permit issuance 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)~~

| | 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

| | | |
|---------|--------------|-------|
| \$1,500 | TOTAL | \$253 |
|---------|--------------|-------|

| | | | | | | | | | |
|---|---|---|--|--|--|-------------------------------------|--|---|-------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | | | | | | |
| Respondent Vopak Terminal-Deer Park, Inc. | | <small>Policy Revision 2 (September 2002)</small> | | | | | | | |
| Case ID No. 38172 | | <small>PCW Revision October 30, 2009</small> | | | | | | | |
| Reg. Ent. Reference No. RN100225093 | | | | | | | | | |
| Media [Statute] Air | | | | | | | | | |
| Enf. Coordinator Rebecca Johnson | | | | | | | | | |
| Violation Number 20 | | | | | | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 122.136(b) and Tex. Health & Safety Code § 382.085(b) | | | | | | | | |
| Violation Description | Failed to correct or submit relevant facts within 60 days after discovering an error or deficiency in Federal Operating Permit No. O-01068. Specifically, the Plant is a major source of NOx emissions and operates under major source requirements; however, it was documented that the original Federal Operating Permit had the Plant classified as a minor source of NOx emissions. | | | | | | | | |
| | Base Penalty | \$10,000 | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | |
| OR | Release | Harm | | | | | | | |
| | | Major Moderate Minor | | | | | | | |
| | Actual | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | Percent 0% | | | |
| | | | | | | | | | |
| | Potential | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | |
| | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | |
| | Falsification | Major Moderate Minor | | | | | | | |
| | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%; text-align: center;">x</td></tr></table> | | | x | Percent 1% |
| | | | | | | | | | |
| | | x | | | | | | | |
| Matrix Notes | Less than 30% of the required information was not accurately reflected in the Federal Operating Permit. | | | | | | | | |
| | Adjustment | \$9,900 | | | | | | | |
| | | | \$100 | | | | | | |
| Violation Events | | | | | | | | | |
| | Number of Violation Events | 1 | Number of violation days 2026 | | | | | | |
| <small>mark only one with an x</small> | daily | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | Violation Base Penalty \$100 | | | |
| | | | | | | | | | |
| | weekly | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | |
| | | | | | | | | | |
| | monthly | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | |
| | | | | | | | | | |
| | quarterly | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | |
| | | | | | | | | | |
| semiannual | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | | |
| | | | | | | | | | |
| annual | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | | | | | |
| | | | | | | | | | |
| single event | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td></tr></table> | | x | | | | | | |
| | x | | | | | | | | |
| | One single event is recommended based on the September 26, 2003 inaccurate Federal Operating Permit. | | | | | | | | |
| Good Faith Efforts to Comply | | 25.0% Reduction | \$25 | | | | | | |
| | | Before NOV NOV to EDCPRP/Settlement Offer | | | | | | | |
| Extraordinary | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | | | | Violation Subtotal \$75 | | | | |
| | | | | | | | | | |
| Ordinary | <table border="1" style="width:100%;"><tr><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table> | x | | | | | | | |
| x | | | | | | | | | |
| N/A | <table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%; text-align: center;">(mark with x)</td><td style="width:33%;"></td></tr></table> | | (mark with x) | | | | | | |
| | (mark with x) | | | | | | | | |
| Notes | The Respondent completed corrective actions on April 13, 2009, which was prior to the NOE issuance on August 7, 2009. | | | | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | | | | |
| | Estimated EB Amount | \$971 | Violation Final Penalty Total \$165 | | | | | | |
| | | | This violation Final Assessed Penalty (adjusted for limits) \$165 | | | | | | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.
Case ID No. 38172
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 20

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| 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 | \$3,500 | 26-Sep-2003 | 13-Apr-2009 | 5.55 | \$971 | n/a | \$971 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated cost to submit a revised and corrected Federal Operating Permit application. The date required is the issuance date of the inaccurate permit. 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 \$3,500 **TOTAL** \$971

| | | | | |
|---|---|-------------------------------------|--------------------------------------|-------------------------------------|
| Screening Date 19-Aug-2009 | Docket No. 2009-1338-AIR-E | PCW | | |
| Respondent Vopak Terminal Deer Park, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38172 | <small>PCW Revision October 30, 2009</small> | | | |
| Reg. Ent. Reference No. RN100225093 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator Rebecca Johnson | | | | |
| Violation Number 21 | | | | |
| Rule Cite(s) | Air Permit No. 466A, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to prevent unauthorized emissions during Incident No. 125311. Specifically, during the June 8, 2009 emissions event 893 pounds of unauthorized benzene emissions were released from piping associated with Tank No. T-607 over a period of one hour when an expansion joint failed. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Percent | | | 25% | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Percent | | | 0% | |
| Matrix Notes | Human health or the environment have been exposed to an insignificant amount of pollutants which did not exceed protective levels as a result of the violation. | | | |
| Adjustment | | \$7,500 | | |
| | | | \$2,500 | |
| Violation Events | | | | |
| Number of Violation Events | | 1 | Number of violation days | |
| | | 1 | | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | | |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input checked="" type="checkbox"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| single event | <input type="text"/> | | | |
| Violation Base Penalty | | | \$2,500 | |
| One quarterly event is recommended based on the June 8, 2009 emissions event. | | | | |
| Good Faith Efforts to Comply | | 0.0% Reduction | \$0 | |
| | | Before NOV | NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| Violation Subtotal | | | \$2,500 | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| Estimated EB Amount | | \$90 | Violation Final Penalty Total | |
| | | | \$4,750 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$4,750 | |

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park, Inc.

Case ID No. 38172

Reg. Ent. Reference No. RN100225093

Media Air

Violation No. 21

| | |
|-------------------------|------------------------------|
| 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) | \$2,000 | 8-Jun-2009 | 4-May-2010 | 0.90 | \$90 | n/a | \$90 |

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent piping failure. The date required is the date of the emissions event. The final date is the projected date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$90

Compliance History Report

| | | | | |
|-------------------------------------|---|----------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN601178734 | Vopak Terminal Deer Park, Inc. | Classification: AVERAGE | Rating: 1.09 |
| Regulated Entity: | RN100225093 | VOPAK TERMINAL DEER PARK | Classification: AVERAGE | Site Rating: 1.09 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | HG0629I | |
| | AIR OPERATING PERMITS | PERMIT | 1068 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 773A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 780A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 781A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 782A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 878A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1069A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1070A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3470A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3473 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3563 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3795 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 40132 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 50085 | |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG0629I | |
| | AIR NEW SOURCE PERMITS | PERMIT | 466A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 503A | |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4820100248 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 5193A | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 77743 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 77383 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 80015 | |
| | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1010580 | |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000807982 | |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 33579 | |
| | INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50030 | |
| | INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50030 | |
| | WASTEWATER | PERMIT | WQ0001731000 | |
| | WASTEWATER | PERMIT | TPDES0030937 | |
| | WASTEWATER | PERMIT | TX0030937 | |
| | WASTEWATER | PERMIT | WQ0002383000 | |
| | WASTEWATER | PERMIT | TX0084115 | |

Location: 2759 BATTLEGROUND RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 12, 2004 to August 12, 2009

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

Name: Rebecca Johnson Phone: (361) 825-3420

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: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/07/2005

ADMINORDER 2004-1572-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Air Permit #466A, SC #5A PERMIT

Description: Failed to comply with permitted emission limits during an emissions event that began on November 21, 2003. Specifically, 11,401 pounds of benzene were released during the four hour event while only 9.13 lbs/hr are authorized.

Effective Date: 03/12/2009

ADMINORDER 2008-1205-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 466A/SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 1,044.30 pounds ("lbs") of volatile organic compounds were released when the Respondent failed to close the bypass valve on the circulation line at Loading Station 22, leading to the overfilling of the tank truck, resulting in an emissions event which began on February 21, 2008, and lasted for one hour (Incident No. 104029).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 466A/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 4,753.50 lbs of Methyl Tertiary Butyl Ether were released when the Respondent failed to close a block valve on the pipeline which is directly connected to Tank 600 at the conclusion of a previous transfer, leading to the overfilling of the tank, resulting in an emissions event which began on March 11, 2008, and lasted for one hour and thirty minutes (Incident No. 104864)

- 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 | 08/24/2004 | (260007) |
| 2 | 08/24/2004 | (360791) |
| 3 | 09/27/2004 | (360792) |
| 4 | 10/18/2004 | (360793) |
| 5 | 11/29/2004 | (386773) |
| 6 | 11/30/2004 | (340805) |
| 7 | 12/08/2004 | (335585) |
| 8 | 12/08/2004 | (335798) |
| 9 | 12/22/2004 | (386774) |
| 10 | 01/24/2005 | (386775) |
| 11 | 02/23/2005 | (430383) |
| 12 | 02/25/2005 | (348327) |
| 13 | 03/28/2005 | (386772) |
| 14 | 04/26/2005 | (430384) |
| 15 | 05/19/2005 | (430385) |
| 16 | 06/22/2005 | (430386) |
| 17 | 06/24/2005 | (393479) |
| 18 | 07/22/2005 | (445312) |
| 19 | 08/01/2005 | (401981) |
| 20 | 08/12/2005 | (403374) |
| 21 | 08/12/2005 | (403387) |
| 22 | 08/23/2005 | (445313) |
| 23 | 09/23/2005 | (445314) |
| 24 | 10/18/2005 | (476612) |
| 25 | 11/28/2005 | (476613) |
| 26 | 12/27/2005 | (476614) |
| 27 | 01/19/2006 | (497011) |
| 28 | 01/24/2006 | (476615) |
| 29 | 02/21/2006 | (476610) |
| 30 | 03/21/2006 | (476611) |
| 31 | 04/20/2006 | (503575) |
| 32 | 05/03/2006 | (459800) |
| 33 | 05/15/2006 | (460903) |
| 34 | 05/19/2006 | (503576) |
| 35 | 06/20/2006 | (503577) |
| 36 | 07/20/2006 | (503578) |
| 37 | 08/18/2006 | (525929) |
| 38 | 08/31/2006 | (480011) |
| 39 | 09/20/2006 | (525930) |
| 40 | 10/18/2006 | (525931) |
| 41 | 11/15/2006 | (550347) |
| 42 | 12/18/2006 | (550348) |
| 43 | 01/19/2007 | (550349) |
| 44 | 02/19/2007 | (550346) |
| 45 | 02/22/2007 | (534772) |
| 46 | 03/19/2007 | (586273) |
| 47 | 04/13/2007 | (555739) |
| 48 | 04/19/2007 | (586274) |
| 49 | 05/18/2007 | (586275) |
| 50 | 06/20/2007 | (586276) |
| 51 | 07/20/2007 | (586277) |
| 52 | 08/21/2007 | (604671) |
| 53 | 08/28/2007 | (573195) |
| 54 | 09/06/2007 | (571991) |
| 55 | 09/19/2007 | (604672) |

56 10/16/2007 (604673)
 57 10/17/2007 (597931)
 58 11/20/2007 (624320)
 59 12/19/2007 (624321)
 60 12/20/2007 (609011)
 61 01/18/2008 (624322)
 62 01/24/2008 (615834)
 63 02/01/2008 (612235)
 64 02/01/2008 (612285)
 65 02/20/2008 (675262)
 66 03/20/2008 (675263)
 67 03/25/2008 (679822)
 68 04/18/2008 (675264)
 69 05/19/2008 (693578)
 70 05/22/2008 (610511)
 71 06/02/2008 (670843)
 72 06/02/2008 (670856)
 73 06/15/2008 (433928)
 74 06/20/2008 (693579)
 75 07/01/2008 (681719)
 76 07/16/2008 (684354)
 77 07/17/2008 (693580)
 78 07/22/2008 (684077)
 79 07/22/2008 (686122)
 80 08/18/2008 (714876)
 81 08/22/2008 (700681)
 82 09/23/2008 (714877)
 83 10/20/2008 (714878)
 84 11/19/2008 (730774)
 85 12/18/2008 (754009)
 86 01/19/2009 (730775)
 87 01/21/2009 (707984)
 88 01/21/2009 (710077)
 89 02/20/2009 (754006)
 90 03/13/2009 (737396)
 91 03/19/2009 (754007)
 92 04/02/2009 (737386)
 93 04/02/2009 (741279)
 94 04/13/2009 (740138)
 95 04/20/2009 (754008)
 96 05/06/2009 (736399)
 97 05/06/2009 (736464)
 98 06/22/2009 (759476)
 99 07/16/2009 (740742)
 100 08/07/2009 (737288)

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

Date: 08/31/2004 (360792)
 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: 09/30/2004 (360793)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (386772)

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: 03/01/2005 (348327)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
Special Condition 4 E PERMIT

Description: Open ended lines (5)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)

Description: Failure to tag all equipment in NESHAP service.

Date: 06/24/2005 (393479)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
No. O-01068, SC #1 OP

Description: failure to document cumulative emissions from leaking components scheduled to be repaired at the next unit shutdown.

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)
No. O-01068, SC #5 OP

Description: failure to equip the roof drains to the internal floating roof tanks at the terminal with a slotted membrane fabric cover.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
No. 466A, SC #5H PERMIT

Description: No. O-01068, SC #18 OP
failure to attempt to repair four (4) leaking valves within 15 days of the date the leaks were found.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
No. 466A, SC #9 PERMIT
No. O-01068, SC #18 OP

Description: failure to submit notification of change in service of Storage Tanks T-608 and T-501 within 10 days of the change of service.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
No. 466A, SC #3 PERMIT
No. O-01068, SC #18 OP

Description: failure to monitor components connected to Storage Tank T-501 for fugitive emissions for the first 30 days the storage vessel and the related components were in benzene service.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 A 60.7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
No. 466A, SC #2 PERMIT
No. O-01068, SC 18 OP

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

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2006 (503575)

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: 08/30/2006 (480011)

Self Report? NO Classification: Minor
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 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 466A, SC 3 PERMIT
No. 466A, SC 5E PERMIT
No. O-01068, SC 18A OP
No. O-01068, SC 1A OP

Description: failed to equip open ended lines or valves with a cap, plug, blind flange or second valve.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.360(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
No. O-01068, SC 1F(vii) OP

Description: failed to submit a completed Form ECT-3 to the TCEQ.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.359(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
No. O-01068, SC 1F(vi) OP

Description: failed to submit a completed Form ECT-1 to the TCEQ.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(a)(3)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 466A, SC 3 PERMIT
No. O-01068, SC 18A OP

Description: failed to provide a 30-day advance written notice for the inspection of the IFR Seal to a storage tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.424(a)
5C THC Chapter 382, SubChapter D 382.085(b)
No. O-01068, SC 1E OP

Description: failed to monitor components of storage tank in gasoline service for fugitive emissions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(I)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failed to submit results of stack test for two (2) boilers within the 60 day deadline.

Date: 04/13/2007 (555739)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(3)(F)
30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.116(c)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR 466A SC 5F PA
Description: Failed to quarterly monitor all valves in volatile organic compound ("VOC") service in accordance Method 21.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(3)(F)
30 TAC Chapter 115, SubChapter D 115.352(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to properly seal two open-ended lines. Specifically, two lines (Nos. 367 and 402) were equipped with plugs that were leaking.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(3)(F)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 466A SC 5H PA
Description: Failed to repair components or place components on delay of repair list within 15 calendar days after a leak is discovered.

Date: 02/01/2008 (612235)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.215(3)(A)
40 CFR Part 60, Subpart A 60.18
Description: The RE failed to properly follow method 18 during a reference method stack test by failing to calibrate using three different concentrations of each organic compound expected to be measured in the sample.

Date: 02/01/2008 (612285)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.215(3)(A)
40 CFR Part 60, Subpart A 60.18
Description: The RE failed to properly follow method 18 during a reference method stack test by failing to calibrate using three different concentrations of each organic compound expected to be measured in the sample.

Date: 03/25/2008 (679822)

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: 05/22/2008 (641387)

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, General Terms and Conditions OP
FOP, ST & C 18 OP
NSR, Special Condition 9 OP
Description: Failure to submit notification of service change and revised Storage Tank Table 7 for Tanks 746, 504, 608 within the ten day deadline.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(ii)
5C THSC Chapter 382 382.085(b)
FOP, General Terms and Conditions OP
FOP, ST & C 1A OP

Description: Failure to report the startup, shutdown, and malfunction reports (SSM) within the required two days by fax or verbally, and submit a letter within seven of the incident.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1005(a)
40 CFR Part 61, Subpart V 61.242-7
5C THSC Chapter 382 382.085(b)
FOP, General Terms and Conditions OP
FOP, ST & C 18 OP
FOP, ST & C 1A OP
NSR, Special Condition 5H OP

Description: Failure repair leaking components within 15 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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)
FOP, General Terms and Conditions OP

Description: Failure to report scheduled tank cleaning events in the deviation reporting period of September 26, 2006 through March 25, 2007 and March 26, 2007 through September 26, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 118 118.5
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, General Terms and Conditions OP

Description: Failure to maintain an Emission Reduction Plan.

Self Report? NO Classification: Minor

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)
5C THSC Chapter 382 382.085(b)
FOP, General Terms and Conditions OP
FOP, Special Condition 18 OP
FOP, Special Condition 1A OP
NSR, Special Condition 5E OP

Description: Failure to properly seal thirty-three open-ended lines in volatile organic compound (VOC) service. (Category C10)

Date: 01/21/2009 (710077)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition-1 PERMIT

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to provide permit number governing the facilities involved in the emissions event.

Date: 01/21/2009 (707984)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special condition 1 PERMIT

Description: Failed to prevent the unauthorized emission

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the final report within 14 days of the end of the maintenance activity.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(I)
5C THSC Chapter 382 382.085(b)

Description: Failure to provide the permit number governing the facilities involved in the maintenance activity.

Date: 08/07/2009 (737288)

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 A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(c)
5C THSC Chapter 382 382.085(b)
Special Condition 10 PERMIT
Special Term and Condition 18 OP

Description: Failure to maintain a pilot flame on the styrene flares, EPNs 700-S-1 and 700-S-2 [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 Kb 60.113b(a)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(c)(1)(I)(B)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Term and Condition 18 OP
Special Term and Condition 1A OP

Description: Failure to inspect tank 925 while it was emptied and degassed [Category B1 violation]

F. Environmental audits.

Notice of Intent Date: 10/24/2006 (519276)

Disclosure Date: 10/24/2007

Viol. Classification: Moderate
Rqmt Prov: PERMIT 113.880 and 63.2246(a)1-3

Description: Failure to empty fixed roof tank TK-527 by 02/05/07.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.540
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)

Description: Failure to submit 30 day written or 7 day call tank inspection notices on TK-601, 913, 416, 776, 920, 921, 510, and 603.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.540
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(c)(1)(I)(B)

Description: Failure to locate documentation of inspections of certain HAP tanks placed in service after 02/05/07 for TK-748 and TK-782.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failure to locate seal damage and/or roof defect reports for certain Benzene tanks TK-512 and TK-514..

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(a)(3)

Description: Failure to locate documentation of inspection of Benzene tank TK-409.

Viol. Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
4F TWC Chapter 60, SubChapter A 60.115(b)

Description: Failure to submit damage and/or defect reports to TCEQ within 30 days after visual inspection for TK-927 and 607.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

Description: Failure to submit a notice of inspection prior to the filling activity. Specifically, 30 day advance or seven day notice for TK-409, 611, 409, 611, 501, 500, 505, 720, and 915.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

Description: Failure to within 45 and 60 days of a visual inspection, to repair or take out of service NSPS IFR tanks where such inspection reveals that the tank seals are detached, or have holes for TK-927 and TK-60 7.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 466A

Description: Failure to submit to TCEQ a revised storage tank table 7 within 10 days of a change in service.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 466A, SC6

Description: Failure to comply with permit conditions for acetic acid storage tank water scrubber for tank 929 and 930.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(a)(1)

Description: Failure to maintain monitoring records regarding flares FL-STYRENE1 AND FL-STYRENE2.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 466A SC5F

Description: Failure to monitor leaks simultaneously while making repairs, LDAR 28 MID.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.510
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 61, Subpart V 61.242-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1005(a)

Rqmt Prov: PERMIT 466A SC5F

Description: Failure to repair leaking componets within 15 days or place on a delay of repair report for Value-Benzene/HAP/VOC3 and HAP/VOC4; pump VOC; Connector-HAP/VOC5 and Connector-benzene/HAP/VOC6.

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
VOPAK TERMINAL DEER PARK,
INC.
RN100225093

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1338-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 Vopak Terminal Deer Park, 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 chemical storage plant at 2759 Battleground Road in Deer Park, 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 notices of the violations alleged in Section II ("Allegations") on or about August 12, 2009 and August 29, 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 Hundred Twenty-Four Thousand Six Hundred Seventy Dollars (\$124,670) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Nine Thousand Eight Hundred

Sixty-Eight Dollars (\$49,868) of the administrative penalty and Twenty-Four Thousand Nine Hundred Thirty-Four Dollars (\$24,934) 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. Forty-Nine Thousand Eight Hundred Sixty-Eight Dollars (\$49,868) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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. Internal floating roof tanks at the Plant were modified, as follows, to meet the control requirements for storage of volatile organic compounds ("VOCs"): Tank No. 613 was modified in January 2009, Tank Nos. 764 and 907 were modified in February 2009, and Tank No. 790 was modified in March 2009;
 - b. Renewed and revised Federal Operating Permit No. O-01068 on April 13, 2009 to include the emission units authorized by Standard Permit Nos. 77383 and 80015;
 - c. Revised and corrected Federal Operating Permit No. O-01068 on April 13, 2009 to reflect the Plant's status as a major source of nitrogen oxides emissions;
 - d. Conducted employee training on fugitive monitoring reporting requirements and submitted complete and corrected fugitive monitoring reports on June 11, 2009;
 - e. Developed a visible emissions observation procedure and documentation form and conducted annual visible emissions observations on July 27, 2009, as demonstrated in documentation submitted on October 21, 2009;
 - f. Documented flare observations for the period of September 1, 2009 to September 30, 2009, as demonstrated by flare logs submitted on October 21, 2009;
 - g. Submitted a NO_x final control report for the applicable boilers at the Plant on September 3, 2009;
 - h. Implemented a maintenance order on October 20, 2009 to replace the acetic acid scrubber recorder paper on a monthly basis to ensure records of the circulation rate are maintained;
 - i. Submitted documentation on October 21, 2009 demonstrating that a procedure for annual compliance certification and deviation reporting had been developed and implemented to ensure timely report submittals;

- j. Submitted documentation on October 21, 2009 demonstrating that the barge loading and unloading checklist had been updated to include the current vapor tightness test certificate;
 - k. Submitted documentation on October 21, 2009 demonstrating that the diesel fire water pump checklist had been updated and completed to include the hours of operation to document compliance with operational restrictions;
 - l. Conducted employee training on benzene reporting requirements and submitted reports on November 20, 2009 detailing the benzene emissions from the affected benzene transfer operations at the Plant for the first quarter of 2007, the first quarter of 2008, and the fourth quarter of 2008; and
 - m. Obtained Standard Permit No. 91326 on December 2, 2009, which authorized Storage Tank Vent Scrubber SCR-926.
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 submit annual compliance certifications and deviation reports within 30 days after the end of the reporting periods, in violation of Federal Operating Permit No. O-01068, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(C), and 122.146(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, the annual compliance certification for the September 27, 2007 to September 26, 2008 reporting period was not submitted until November 11, 2008, the deviation report for the September 27, 2007 to March 26, 2008 reporting period was not submitted until April 26, 2008, and the deviation report for the March 27, 2008 to September 26, 2008 reporting period was not submitted until November 11, 2008.
2. Failed to demonstrate that the annual visible emissions observations for stationary vents were conducted by providing records of the annual observations upon request, in violation of Federal Operating Permit No. O-01068, Special Terms and Condition No. 4(A)(iii), 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided.

3. Failed to determine if unauthorized emissions during pilot flame outages and other spills and releases are reportable within 24 hours and create final records within two weeks, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A), 101.201(b), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that there were pilot flare flame outages, spills, and releases that were not evaluated timely or recorded as required.
4. Failed to maintain complete records of non-reportable emissions events, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(b)(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation records of non-reportable emissions events were reviewed and it was documented they did not include all required information for each non-reportable event.
5. Failed to submit a NO_x final control report for the applicable boilers at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 117.354(a) and (b), 117.9020, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that a NO_x final control report had not been submitted.
6. Failed to demonstrate compliance with the visible emissions limits for gas flares by providing flare logs documenting flare observations, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 1.A., 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation flare logs were requested for review; however, they were not provided.
7. Failed to submit complete fugitive monitoring reports on a semiannual basis, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS § 61.247(b), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, only one report was submitted for the period of April 1, 2008 to March 31, 2009 and the report did not include facts that explain the delay of repairs referenced.
8. Failed to demonstrate compliance with the VOC emission limits by providing monthly records of the calculated VOCs emissions from all storage tanks and loading operations, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 16.F., 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i), 116.115(c), 122.143(4), and 122.144(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation records of the VOC emissions from storage tanks and loading operations were requested for review; however, they were not provided.
9. Failed to meet the control requirements for storage of VOCs for Tanks Nos. 613, 764, 907, 790, 520, and 915 by January 1, 2009, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 1.A., 30 TEX. ADMIN. CODE §§ 115.112(d)(2) and 122.143(4), and

- TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the required modifications to the internal floating roof tanks were not made by January 1, 2009.
10. Failed to maintain records of vapor tightness tests for barges that are loaded and unloaded at the Plant, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A., 1.D., 15.D., 17.G., and 18, Air Permit No. 466A, Special Condition Nos. 3 and 4, 40 CODE OF FEDERAL REGULATIONS §§ 61.305(h) and 63.567(i), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the requested vapor tightness test records were not being maintained.
 11. Failed to develop a written operation and maintenance plan that details corrective actions that will be taken when affected air pollution control and monitoring equipment exceed baseline parameters, in violation of Federal Operating Permit No. O-01068, Special Terms and Condition Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 CODE OF FEDERAL REGULATIONS § 63.562(e)(2), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the required operation and maintenance plan had not been developed.
 12. Failed to submit an annual report of the hazardous air pollutant ("HAP") control efficiency for affected sources, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A., 1.D., and 18, Air Permit No. 466A, Special Condition No. 4, 40 CODE OF FEDERAL REGULATIONS § 63.567(j)(3), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the 2008 annual report had not been submitted.
 13. Failed to submit quarterly reports of benzene emissions from the benzene transfer operations at the Plant, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions Nos. 1.A. and 18, Air Permit No. 466A, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS § 61.305(f), 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the reports were not submitted for the first quarter of 2007, the first quarter of 2008, and the fourth quarter of 2008.
 14. Failed to maintain complete records of each tank roof landing, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 29, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that the records of each tank roof landing did not include the associated emissions and other required information.
 15. Failed to operate the acetic acid scrubber with a water circulation rate of 11 gallons per minute, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 TEX. ADMIN. CODE §§ 116.115(c) and

- 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that there was at least one occurrence where the scrubber circulation rate was zero.
16. Failed to maintain complete records of the acetic acid scrubber water circulation rate, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 18, Air Permit No. 466A, Special Condition No. 14, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that there were no records of the circulation rate starting on May 9, 2009 since the paper for recording the flow rate had run out and not been replaced.
 17. Failed to demonstrate compliance with the operational restrictions for the diesel powered fire water pump by providing records documenting the hours of operation, in violation of Federal Operating Permit No. O-01068, Special Terms and Conditions No. 19, 30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B), 106.511, and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation the referenced records were requested; however, they were not provided.
 18. Failed to obtain authorization for Storage Tank Vent Scrubber SCR-V-926, in violation of Federal Operating Permit No. O-01068, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that there was no authorization to operate Storage Tank Vent Scrubber SCR-V-926.
 19. Failed to include new emission units in Federal Operating Permit No. O-01068, in violation of 30 TEX. ADMIN. CODE §§ 122.210(a) and 122.121 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, during the May 27, 2009 investigation it was documented that Federal Operating Permit No. O-01068 had not been revised to include the emissions units authorized by Standard Permit No. 77383 issued on November 29, 2005 and Standard Permit No. 80015 issued on October 9, 2006.
 20. Failed to correct or submit relevant facts within 60 days after discovering an error or deficiency in Federal Operating Permit No. O-01068, in violation of 30 TEX. ADMIN. CODE § 122.136(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, the Plant is a major source of NO_x emissions and operates under major source requirements; however, it was documented that the original Federal Operating Permit had the Plant classified as a minor source of NO_x emissions.
 21. Failed to prevent unauthorized emissions during Incident No. 125311, in violation of Air Permit No. 466A, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 2, 2009. Specifically, during the June 8, 2009 emissions event 893 pounds of unauthorized benzene emissions were released from piping associated with Tank No. T-607 over a period of one hour when an expansion joint failed. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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: Vopak Terminal Deer Park, Inc., Docket No. 2009-1338-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Nine Thousand Eight Hundred Sixty-Eight Dollars (\$49,868) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure that all instances of unauthorized emissions, including unauthorized emissions during pilot flame outages, spills, and releases are evaluated and recorded as required;
 - ii. Begin maintaining and implement measures designed to ensure that the following records are provided: complete records of non-reportable emissions events that include all regulatory required information for each event; monthly VOC emissions records for the storage tanks and loading operations at the Plant, and complete records of each tank roof landing and its associated emissions;
 - iii. Submit a 2008 annual report of the HAP control efficiency for affected sources at the Plant and implement measures designed to ensure such reports are submitted as required, in accordance with 40 CODE OF FEDERAL REGULATIONS § 63.567(j)(3);

- iv. Implement measures designed to ensure that the acetic acid scrubber is operated with a water circulation rate of 11 gallons per minute; and
 - v. Implement measures designed to prevent the recurrence of emissions events caused by the failure of an expansion joint in the piping of Tank T-607, as occurred during Incident No. 125311 on June 8, 2009.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision 3.e.;
- c. Within 60 days after the effective date of this Agreed Order:
- i. Modify Tank Nos. 520 and 915, in accordance with 30 TEX. ADMIN. CODE § 115.112(d)(2); and
 - ii. Develop and maintain a written operation and maintenance plan that details corrective actions that will be taken when affected air pollution control and monitoring equipment exceed baseline parameters, in accordance with 40 CODE OF FEDERAL REGULATIONS § 63.562(e)(2).
- d. Within 75 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.c., as described in Ordering Provision 3.e.; and
- e. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.b. and 3.d. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
7. 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.
8. 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.
9. 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 Szolter

For the Executive Director

4/6/2010

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.

Lawrence Warden

Signature

1/4/10

Date

Lawrence Warden

Name (Printed or typed)
Authorized Representative of
Vopak Terminal Deer Park, Inc.

General Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2009-1338-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|--|
| Respondent: | Vopak Terminal Deer Park, Inc. |
| Payable Penalty Amount: | Ninety-Nine Thousand Seven Hundred Thirty-Six Dollars (\$99,736) |
| SEP Amount: | Forty-Nine Thousand Eight Hundred Sixty-Eight Dollars (\$49,868) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Houston Regional Monitoring Corporation - Houston Area Monitoring |
| Location of SEP: | Harris County |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The Contribution will be to Houston Regional Monitoring Corporation for the Houston Area Monitoring program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Houston Regional Monitoring Corporation. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Christopher B. Amandes
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Vopak Terminal Deer Park, Inc.
Agreed Order – Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

