

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0031-IHW-E **TCEQ ID:** RN100210475 **CASE NO.:** 38867

**RESPONDENT NAME:** Stolthaven Houston, Inc.

<b>ORDER TYPE:</b>		
<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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Stolthaven Houston Terminal, 15602 Jacintoport Boulevard # A, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Marine terminal</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 5, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Clinton Sims, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-6933; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Jan-Tore Dolven, Vice President and General Manager, Stolthaven Houston, Inc., 350 North Paul Street, Dallas, Texas 75201  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 20, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 20, 2009</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to update the Notice of Registration ("NOR") for waste management units. Specifically, the Respondent did not add managed waste streams for NOR units 009, 010, and 016 or assign separate NOR unit numbers for MU100D (slop oil tank). Also, the Respondent did not remove MU100N and MU100O from the description of NOR unit 001 since it is also listed in NOR unit 013 [30 TEX. ADMIN. CODE § 335.6(c)].</p> <p>2) Failure to prevent the shipment of industrial solid waste to an unauthorized facility. Specifically, the Respondent shipped three roll-off boxes of Class 1 waste (approximately 200 cubic yards) to a landfill not authorized to receive Class 1 waste [30 TEX. ADMIN. CODE §§ 335.10 and 335.2(b)].</p> <p>3) Failure to clearly label all tanks and containers managing hazardous waste with the words "Hazardous Waste". Specifically, it was observed that a tank managing hazardous waste was labeled with "Hazardous Slop Oil" instead of "Hazardous Waste" [30 TEX. ADMIN. CODE § 335.69(a)(3) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(3)].</p> <p>4) Failure to have a Land Disposal Restriction ("LDR") form for a waste stream which is generated as hazardous</p>	<p><b>Total Assessed:</b> \$36,530</p> <p><b>Total Deferred:</b> \$7,306  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$14,612</p> <p><b>Total Paid to General Revenue:</b> \$14,612</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted documentation of completed NOR updates for the Facility on October 30, 2009;</p> <p>b. Removed the Class 1 waste loads from the landfill and disposed of the waste at an authorized facility on April 9, 2009 and conducted employee training and implemented procedure changes to ensure all waste loads are properly manifested and disposed on April 10, 2009;</p> <p>c. Submitted photographs documenting that the hazardous waste tank was properly labeled with the words "Hazardous Waste" on October 30, 2009;</p> <p>d. Submitted a completed LDR form for hazardous waste stream 0023207H on October 30, 2009; and</p> <p>e. Submitted a professional engineers' certification for the hazardous waste tank MU001D on January 7, 2010.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>waste. Specifically, the Respondent did not have an LDR for waste stream 0023207H (wastewater generated at the Facility from cleaning out tanks, flushing pipelines, and contact stormwater) [30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(7)].</p> <p>5) Failure to have a professional engineer's certification for a hazardous waste tank system. Specifically, it was observed that hazardous waste tank MU001D did not have a professional engineer certification for hazardous waste use [30 TEX. ADMIN. CODE §§ 335.112(a) and 335.69(a)(1)(B), and 40 CFR §§ 262.34(a)(1)(ii) and 265.192(g)].</p>		
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Additional ID No(s): 33722 and TXD980748461



Attachment A  
Docket Number: 2010-0031-IHW-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Stolthaven Houston, Inc.</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Nine Thousand Two Hundred Twenty-Four Dollars (\$29,224)</b>
<b>SEP Amount:</b>	<b>Fourteen Thousand Six Hundred Twelve Dollars (\$14,612)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. (RC&amp;D)-Household Hazardous Waste Clean-Up</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

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

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.



C. Minimum Expenditure

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 Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802

**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.

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

<b>DATES</b>	Assigned	14-Dec-2009	Screening	15-Dec-2009	EPA Due	
	PCW	29-Dec-2009				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38867	No. of Violations	5
Docket No.	2010-0031-IHV-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Clinton Sims
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$22,600
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	80.0% Enhancement	Subtotals 2, 3, & 7	\$18,080
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Notes: Enhancement due to 30 NOVs without same or similar violations, and one agreed order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	Subtotal 5	\$4,150
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<b>Economic Benefit</b>	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$42
Approx. Cost of Compliance	\$7,750

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$36,530
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$36,530

<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$36,530
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<b>DEFERRAL</b>	20.0% Reduction	Adjustment	-\$7,306
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$29,224
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Screening Date 15-Dec-2009

Docket No. 2010-0031-IHW-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38867

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210475

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

### 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)	0	0%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 80%

>> 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

Enhancement due to 30 NOVs without same or similar violations, and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

**Screening Date** 15-Dec-2009 **Docket No.** 2010-0031-IHW-E **PCW**  
**Respondent** Stolthaven Houston, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 38867 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210475  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Clinton Sims

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 335.6(c)  
**Violation Description** Failed to update the Notice of Registration ("NOR") for waste management units. Specifically, the Respondent did not add managed waste streams for NOR units 009, 010, and 018 or assign separate NOR unit numbers for MU100D (slip oil tank). Also, the Respondent did not remove MU100N and MU100O from the description of NOR unit 001 since it is also listed in NOR unit 013.  
**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

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

**Violation Events**  Number of Violation Events  Number of violation days

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

**Violation Base Penalty**   
 One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="text"/>	(mark with x)

**Notes** The Respondent came into compliance on October 30, 2009.  
**Violation Subtotal**

**Economic Benefit (EB) for this violation**  **Statutory Limit Test**  
**Estimated EB Amount**  **Violation Final Penalty Total**   
**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** Stoithaven Houston, Inc.  
**Case ID No.** 38867  
**Reg. Ent. Reference No.** RN100210475  
**Media** Industrial and Hazardous Waste  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	20-Oct-2009	30-Oct-2009	0.03	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the NOR for waste management units. The Date Required is the investigation date and the Final Date is the compliance date.

### 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**

\$0

**Screening Date** 15-Dec-2009 **Docket No.** 2010-0031-JHW-E **PCW**  
**Respondent** Stolthaven Houston, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 38867 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210475  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Clinton Sims  
**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 335.10 and 335.2(b)  
**Violation Description** Failed to prevent the shipment of industrial solid waste to an unauthorized facility. Specifically, the Respondent shipped three roll-off boxes of Class 1 waste (approximately 200 cubic yards) to a landfill not authorized to receive Class 1 waste.  
**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

**Adjustment** \$2,500

Violation Events

Number of Violation Events   Number of violation days  
 mark only one with an x  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event   
**Violation Base Penalty** \$7,500

Three quarterly events are recommended, one for each shipment.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)
Notes	The Respondent came into compliance on April 10, 2008.	

**Violation Subtotal** \$5,625

Economic Benefit (EB) for this violation Statutory Limit Test

**Estimated EB Amount** \$4 **Violation Final Penalty Total** \$11,625  
**This violation Final Assessed Penalty (adjusted for limits)** \$11,625

## Economic Benefit Worksheet

**Respondent:** Stollhaven Houston, Inc.  
**Case ID No.:** 38867  
**Reg. Ent. Reference No.:** RN100210475  
**Media:** Industrial and Hazardous Waste  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	4-Apr-2008	10-Apr-2008	0.02	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the waste and dispose of it at an authorized facility and conduct employee training and implement procedure changes. The Date Required is the violation date and the Final Date is the compliance date.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$4

**Screening Date** 15-Dec-2009 **Docket No.** 2010-0031-IHW-E **PCW**  
**Respondent** Stolthaven Houston, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 38867 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210475  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Clinton Sims  
**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 335.69(a)(3) and 40 Code of Federal Regulations ("CFR") § 262.34(a)(3)  
**Violation Description** Failed to clearly label all tanks and containers managing hazardous waste with the words "Hazardous Waste". Specifically, it was observed that a tank managing hazardous waste was labeled with "Hazardous Slop-Oil" instead of "Hazardous Waste".  
**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%

Less than 30% of the rule requirement was not met.

**Adjustment** \$9,900

**Violation Events** \$100

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

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$25

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

**Notes** The Respondent came into compliance on October 30, 2009.

**Violation Subtotal** \$75

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$155

**This violation Final Assessed Penalty (adjusted for limits)** \$155

## Economic Benefit Worksheet

**Respondent:** Stoithaven Houston, Inc.  
**Case ID No.:** 38867  
**Req. Ent. Reference No.:** RN100210475  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 3

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				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	20-Oct-2009	30-Oct-2009	0.03	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clearly label the tank managing hazardous waste with the words "Hazardous Waste". The Date Required is the investigation date and the Final Date is the compliance date.

### 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

\$50

**TOTAL**

\$0

**Screening Date** 15-Dec-2009 **Docket No.** 2010-0031-IHW-E **PCW**  
**Respondent** Stolthaven Houston, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 38867 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210475  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Clinton Sims

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 335.431(c) and 40 CFR 268.7(a)(7)  
**Violation Description** Failed to have a Land Disposal Restriction ("LDR") form for a waste stream which is generated as hazardous waste. Specifically, the Respondent did not have an LDR form for waste stream 0029207H (wastewater generated at the facility from cleaning out tanks, flushing pipelines, and contact stormwater).

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			25%

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

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events  Number of violation days

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.

**Good Faith Efforts to Comply** 25.0% Reduction \$625

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

**Notes** The Respondent came into compliance on October 30, 2009.

**Violation Subtotal** \$1,875

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$3,875

**This violation Final Assessed Penalty (adjusted for limits)** \$3,875

## Economic Benefit Worksheet

**Respondent:** Stolthaven Houston, Inc.  
**Case ID No.:** 38867  
**Req. Ent. Reference No.:** RN100210475  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 4

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	20-Oct-2009	30-Oct-2009	0.03	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to prepare and submit an LDR for waste stream 0023207H. The Date Required is the investigation date and the Final Date is the compliance date.

### 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**

\$0

Screening Date 15-Dec-2009

Docket No. 2010-0031-IHW-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38867

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210475

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 335.112(a) and 335.69(a)(1)(B), and 40 CFR §§ 262.34(a)(1)(ii) and 265.192(g)

Violation Description Failed to have a professional engineer's certification for a hazardous waste tank system. Specifically, it was observed that hazardous waste tank MU001D did not have a professional engineer certification for hazardous waste use.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

57 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Two monthly events are recommended from the October 20, 2009 investigation date to the December 15, 2009 screening date.

Good Faith Efforts to Comply

10.0% Reduction

\$1,000

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

Notes The Respondent came into compliance on January 7, 2010.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$17,000

This violation Final Assessed Penalty (adjusted for limits) \$17,000

# Economic Benefit Worksheet

**Respondent** Stolthaven Houston, Inc.  
**Case ID No.** 38867  
**Reg. Ent. Reference No.** RN100210475  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Overtime Costs	EB Amount
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No commas or \$.

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,500	20-Oct-2009	7-Jan-2010	0.22	\$2	\$36	\$38
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a professional engineer's certification for a hazardous waste tank MU001D. The Date Required is the investigation date and the Final Date is the compliance date.

**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

\$2,500

TOTAL

\$38

# Compliance History Report

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

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

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 04, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 06, 2005 to January 06, 2010

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

Name: Clinton Sims Phone: 239 - 6933

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

**Components (Multimedia) for the Site :**

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

Effective Date: 01/28/2008

ADMINORDER 2007-0824-IWD-E

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/21/2005	(387494)
2	02/28/2005	(387492)
3	03/21/2005	(387493)
4	04/25/2005	(425214)
5	05/23/2005	(425215)
6	06/23/2005	(425216)
7	07/01/2005	(393407)
8	07/01/2005	(393413)
9	07/20/2005	(445813)
10	08/01/2005	(402036)
11	08/23/2005	(445814)
12	08/31/2005	(402998)
13	09/23/2005	(445815)
14	10/26/2005	(477737)
15	11/22/2005	(477738)
16	12/19/2005	(477739)
17	01/03/2006	(449825)
18	01/24/2006	(477740)
19	02/21/2006	(455211)
20	02/21/2006	(477735)
21	02/23/2006	(455832)
22	02/28/2006	(456502)
23	04/20/2006	(477736)
24	05/19/2006	(504222)
25	05/30/2006	(466273)
26	06/14/2006	(504221)
27	06/15/2006	(504223)
28	06/26/2006	(483405)
29	07/05/2006	(508639)
30	07/20/2006	(504224)
31	08/03/2006	(457281)
32	08/20/2006	(526566)
33	09/20/2006	(526567)
34	10/19/2006	(526568)
35	10/31/2006	(512573)
36	11/17/2006	(550741)

37 12/19/2006 (550742)  
38 01/18/2007 (550743)  
39 02/05/2007 (537609)  
40 02/20/2007 (550740)  
41 02/23/2007 (535269)  
42 03/16/2007 (587037)  
43 03/27/2007 (593330)  
44 04/19/2007 (587038)  
45 05/17/2007 (587039)  
46 05/18/2007 (559075)  
47 06/19/2007 (587040)  
48 06/29/2007 (563259)  
49 06/29/2007 (593331)  
50 07/20/2007 (587041)  
51 08/06/2007 (568485)  
52 08/20/2007 (608563)  
53 09/17/2007 (608564)  
54 10/15/2007 (608565)  
55 11/13/2007 (600351)  
56 11/14/2007 (625856)  
57 12/20/2007 (625857)  
58 01/02/2008 (612357)  
59 01/21/2008 (625858)  
60 01/25/2008 (610260)  
61 02/14/2008 (615957)  
62 02/15/2008 (675779)  
63 03/10/2008 (638220)  
64 03/14/2008 (675780)  
65 04/17/2008 (675781)  
66 05/20/2008 (694123)  
67 06/16/2008 (694124)  
68 06/20/2008 (699468)  
69 07/21/2008 (694125)  
70 07/22/2008 (681711)  
71 08/11/2008 (681764)  
72 08/19/2008 (715522)  
73 09/19/2008 (715523)  
74 10/17/2008 (715524)  
75 11/18/2008 (731246)  
76 12/04/2008 (704046)  
77 12/19/2008 (731247)  
78 01/15/2009 (731248)  
79 02/10/2009 (754500)  
80 03/16/2009 (754501)  
81 04/16/2009 (754502)  
82 05/18/2009 (771790)  
83 06/05/2009 (743018)  
84 06/05/2009 (743180)  
85 06/10/2009 (771791)  
86 08/28/2009 (747475)  
87 11/20/2009 (780452)

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

Date: 06/30/2005 (445813)

CN600124820

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

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

Date: 07/31/2005 (445814) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

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

Date: 08/31/2005 (445815) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (477737) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (477738) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (504221) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (504224) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/05/2006 (508639) CN600124820  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2006 (526566) CN600124820  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/04/2006 (457281) CN600124820

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
OP O-01060 General Terms and Conditions OP

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

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

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

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

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

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

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

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01060, SC#1A OP

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01060, SC#1A OP

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01060, SC#1A OP

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

Date: 08/31/2006 (526567) CN600124820

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (550740) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007 (587037) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/27/2007 (593330) CN600124820  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2007 (587038) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (587039) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (587040) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/29/2007 (563259) CN600124820  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121  
 2D TWC Chapter 26, SubChapter A 26.266(a)  
 30 TAC Chapter 335, SubChapter A 335.4  
 30 TAC Chapter 350, SubChapter A 350.2(h)  
 Description: Unauthorized discharge noted.

Date: 06/29/2007 (593331) CN600124820  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/30/2007 (587041) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (608563) CN600124820

Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (608564) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (625857) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2007 (625858) CN600124820  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/25/2008 (610260) CN600124820  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to maintain compliance with effluent permit limits.

Date: 06/20/2008 (699468) CN600124820  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/11/2008 (681764) CN600124820  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01060, Special Term & Condition 1A OP  
 Description: Failure to operate an internal floating roof (IFR) tank with roof drains that are fitted with a membrane fabric that covers 90% of the drain opening.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01060, Special Term & Condition 17 OP  
 Description: Failure to operate Tank P-15-30 without hexane product resting on the top of the internal floating roof on December 10, 2007 and January 14, 2008.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01060, Special Term & Condition 1A OP  
 Description: Failure to submit a seven day refilling notification prior to refilling Storage Tanks P-15-29, P-40-2 and Q-30-13.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i)  
 5C THSC Chapter 382 382.085(b)

FOP O-01060, Special Term & Condition 1A OP  
Permit 41618, Special Condition 27 PERMIT

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

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

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01060, Special Term & Condition 17 OP  
Permit 41618, Special Condition 25B PERMIT

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01060, Special Term & Condition 17 OP  
Permit 41618, Special Condition 12I PERMIT

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

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

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01060, Special Term & Condition 17 OP  
Permit 41618, Special Condition 2F PERMIT

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01060, Special Term & Condition 17 OP  
Permit 41618, Special Condition 2E PERMIT

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

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

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

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

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

Date: 08/28/2009 (747475) CN600124820

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failed to include a deviation in the semiannual deviation report . The deviation should have been included in the semiannual deviation report dated 8/29/2008. (Category B3 Violation)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2F PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2E PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 16 OP

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Special Term and Condition 16 OP

Description: Failure to notify TCEQ Houston Regional office fifteen days prior to interruption of permit authorized construction activity at the facility as reported on 1/14/2009.  
(Category B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term and Condition 16 OP

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

Self Report? NO Classification: Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
STOLTHAVEN HOUSTON, INC.  
RN100210475

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2010-0031-IHW-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Stolthaven Houston, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 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 marine terminal used for the storage and transfer of bulk liquid chemicals, refined petroleum oils, vegetable oils and animal fats at 15602 Jacintoport Boulevard # A in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 25, 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 Thirty-Six Thousand Five Hundred Thirty Dollars (\$36,530) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Six Hundred Twelve Dollars

(\$14,612) of the administrative penalty and Seven Thousand Three Hundred Six Dollars (\$7,306) 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. Fourteen Thousand Six Hundred Twelve Dollars (\$14,612) 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 Facility:
  - a. Submitted documentation of completed Notice of Registration ("NOR") updates for the Facility on October 30, 2009;
  - b. Removed the Class 1 waste loads from the landfill and disposed of the waste at an authorized facility on April 9, 2009 and conducted employee training and implemented procedure changes to ensure all waste loads are properly manifested and disposed on April 10, 2009;
  - c. Submitted photographs documenting that the hazardous waste tank was properly labeled with the words "Hazardous Waste" on October 30, 2009;
  - d. Submitted a completed Land Disposal Restriction ("LDR") form for hazardous waste stream 0023207H on October 30, 2009; and
  - e. Submitted a professional engineers' certification for the hazardous waste tank MU001D on January 7, 2010.
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 Facility, the Respondent is alleged to have:

1. Failed to update the NOR for waste management units, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on October 20, 2009. Specifically, the Respondent did not add managed waste streams for NOR units 009, 010, and 016 or assign separate NOR unit numbers for MU100D (slop oil tank). Also, the Respondent did not remove MU100N and MU100O from the description of NOR unit 001 since it is also listed in NOR unit 013.
2. Failed to prevent the shipment of industrial solid waste to an unauthorized facility, in violation of 30 TEX. ADMIN. CODE §§ 335.10 and 335.2(b), as documented during an investigation conducted on October 20, 2009. Specifically, the Respondent shipped three roll-off boxes of Class 1 waste (approximately 200 cubic yards) to a landfill not authorized to receive Class 1 waste.
3. Failed to clearly label all tanks and containers managing hazardous waste with the words "Hazardous Waste", in violation of 30 TEX. ADMIN. CODE § 335.69(a)(3) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(3), as documented during an investigation conducted on October 20, 2009. Specifically, it was observed that a tank managing hazardous waste was labeled with "Hazardous Slop Oil" instead of "Hazardous Waste".
4. Failed to have a LDR form for a waste stream which is generated as hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(7), as documented during an investigation conducted on October 20, 2009. Specifically, the Respondent did not have an LDR for waste stream 0023207H (wastewater generated at the Facility from cleaning out tanks, flushing pipelines, and contact stormwater).
5. Failed to have a professional engineer's certification for a hazardous waste tank system, in violation of 30 TEX. ADMIN. CODE §§ 335.112(a) and 335.69(a)(1)(B), and 40 CFR §§ 262.34(a)(1)(ii) and 265.192(g), as documented during an investigation conducted on October 20, 2009. Specifically, it was observed that hazardous waste tank MU001D did not have a professional engineer certification for hazardous waste use.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Stolthaven Houston, Inc., Docket No. 2010-0031-IHW-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, Fourteen Thousand Six Hundred Twelve Dollars (\$14,612) 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Stolthaven Houston, Inc.  
DOCKET NO. 2010-0031-IHW-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

7/9/2010  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

June 30th, 2010  
Date

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

General Manager / Vice President  
Title

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



**Attachment A**  
**Docket Number: 2010-0031-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Stolthaven Houston, Inc.</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Nine Thousand Two Hundred Twenty-Four Dollars (\$29,224)</b>
<b>SEP Amount:</b>	<b>Fourteen Thousand Six Hundred Twelve Dollars (\$14,612)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. (RC&amp;D)-Household Hazardous Waste Clean-Up</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

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

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

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 Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802

**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.

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.

