

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1310-IWD-E **TCEQ ID:** RN100706811 **CASE NO.:** 40183  
**RESPONDENT NAME:** Chevron U.S.A. 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"/> IMMINENT 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 type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chevron USA Galena Park Marketing Terminal, 12523 American Petroleum Road, approximately 0.5 mile north of the intersection of Federal Road and Clinton Drive, Galena Park, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</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 December 27, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. William D. Martin, Terminal Manager, Chevron U.S.A. Inc., 211 East 7th Street, Suite 620, Austin, Texas 78701-3218  <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> June 3, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 29, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to submit complete discharge monitoring reports ("DMRs") for the months of August 2009 and March 2010. Specifically, the DMRs failed to include the pH concentration values [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001745000 Monitoring and Reporting Requirements 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1].</p> <p>2) Failed to make readily available calibration records for the pH meter [TPDES Permit No. WQ0001745000 Monitoring and Reporting Requirements 3 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c)].</p>	<p><b>Total Assessed:</b> \$405</p> <p><b>Total Deferred:</b> \$81  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$324</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" 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 on August 5, 2010, the Respondent submitted the revised DMRs for August 2009 and March 2010 to include pH values, and submitted the pH meter calibration records.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct training to ensure that all recordkeeping and self-reporting requirements are properly accomplished; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s).: WQ0001745000



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	2-Aug-2010	<b>Screening</b>	10-Aug-2010	<b>EPA Due</b>	
	<b>PCW</b>	20-Aug-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Chevron U.S.A. Inc.
<b>Reg. Ent. Ref. No.</b>	RN100706811
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40183	<b>No. of Violations</b>	2
<b>Docket No.</b>	2010-1310-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$300</b>
---	-------------------	--------------

<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	<b>35.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
		<b>\$105</b>

Notes: Enhancement for three months of self-reported effluent violations, two NOV's for dissimilar violations, one NOV for same/similar and one order with denial language.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$18	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$270		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$405</b>
-----------------------------	-----------------------	--------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
---	-------------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$405</b>
-----------------------------	--------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$405</b>
-----------------------------------	-------------------------------	--------------

<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$81</b>
-----------------	------------------------	-------------------	--------------

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$324</b>
------------------------	--------------

**Screening Date** 10-Aug-2010

**Docket No.** 2010-1310-IWD-E

**PCW**

**Respondent** Chevron U.S.A. Inc.

Policy Revision 2 (September 2002)

**Case ID No.** 40183

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100706811

**Media [Statute]** Water Quality

**Enf. Coordinator** Cheryl Thompson

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

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)** 35%

>> **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 for three months of self-reported effluent violations, two NOVs for dissimilar violations, one NOV for same/similar and one order with denial language.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 35%

Screening Date 10-Aug-2010

Docket No. 2010-1310-IWD-E

PCW

Respondent Chevron U.S.A. Inc.

Policy Revision 2 (September 2002)

Case ID No. 40183

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100706811

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001745000 Monitoring and Reporting Requirements 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.1

Violation Description Failed to submit complete discharge monitoring reports ("DMRs") for the months of August 2009 and March 2010. Specifically, the DMRs failed to include the pH concentration values.

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

\$100

Violation Events

Number of Violation Events 2 68 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events are recommended, one for each DMR.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$270

This violation Final Assessed Penalty (adjusted for limits) \$270

# Economic Benefit Worksheet

**Respondent** Chevron U.S.A. Inc.  
**Case ID No.** 40183  
**Reg. Ent. Reference No.** RN100706811  
**Media** Water Quality  
**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	\$200	20-Sep-2009	30-Apr-2011	1.61	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Sep-2009	5-Aug-2010	0.87	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit revised DMRs, to conduct employee training and to update the Facility's operational guidance. Date required is the date of the first incomplete DMR and the final dates are the date the revised DMRs were submitted and projected date of compliance for conducting training.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$18

**Screening Date** 10-Aug-2010  
**Respondent** Chevron U.S.A. Inc.  
**Case ID No.** 40183

**Docket No.** 2010-1310-IWD-E

**PCW**

*Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100706811  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 2

**Rule Cite(s)** TPDES Permit No. WQ0001745000 Monitoring and Reporting Requirements 3 and 30  
 Tex. Admin. Code §§ 305.125(1) and 319.7(c)

**Violation Description** Failed to make readily available calibration records for the pH meter.

**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

\$100

**Violation Events**

Number of Violation Events 1 63 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

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

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

**Violation Subtotal** \$100

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$135

**This violation Final Assessed Penalty (adjusted for limits)** \$135

# Economic Benefit Worksheet

**Respondent** Chevron U.S.A. Inc.  
**Case ID No.** 40183  
**Reg. Ent. Reference No.** RN100706811  
**Media** Water Quality  
**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

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)	\$20	3-Jun-2010	5-Aug-2010	0.17	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to make calibration records readily available. Date required is the investigation date. Final date is the date calibration records were received.

### 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

\$20

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600132484 Chevron U.S.A. Inc. Classification: AVERAGE Rating: 3.09  
 Regulated Entity: RN100706811 CHEVRON USA GALENA PARK MARKETING TERMINAL Classification: AVERAGE Site Rating: 0.26

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0312R
	AIR OPERATING PERMITS	PERMIT	3031
	AIR OPERATING PERMITS	PERMIT	3031
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0312R
	WASTEWATER	EPA ID	TX0118214
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD051111649
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	33437
	AIR NEW SOURCE PERMITS	REGISTRATION	91828
	AIR NEW SOURCE PERMITS	REGISTRATION	15311
	AIR NEW SOURCE PERMITS	REGISTRATION	28707
	AIR NEW SOURCE PERMITS	PERMIT	33373
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0312R
	AIR NEW SOURCE PERMITS	AFS NUM	4820100103
	ON SITE SEWAGE FACILITY	PERMIT	1010396
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0312R
	WASTEWATER	PERMIT	WQ0001745000

Location: located at 12523 American Petroleum Road approximately 0.5 mile north of the intersection of Federal Road and Clinton Drive in Galena Park, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 10, 2005 to May 10, 2010

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

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

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? 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: 9/1/2010 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: 06/09/2005 ADMINORDER 2004-0499-AIR-E
  - Classification: Major
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)
  - Description: Exceeded the maximum filling rate for tanks and trucks. \*Incorporates the continuing violations noted in violation 160471.
- 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 05/11/2005 (427359)
  - 2 06/21/2005 (427360)
  - 3 07/18/2005 (447426)
  - 4 08/22/2005 (447427)
  - 5 08/30/2005 (407256)
  - 6 09/19/2005 (447428)
  - 7 10/17/2005 (492190)
  - 8 11/21/2005 (492191)
  - 9 12/19/2005 (492192)
  - 10 01/19/2006 (492193)
  - 11 02/21/2006 (492188)
  - 12 02/27/2006 (452478)

13	03/13/2006	(492189)
14	04/17/2006	(506142)
15	05/19/2006	(506143)
16	06/19/2006	(506144)
17	07/20/2006	(528384)
18	08/24/2006	(528385)
19	09/22/2006	(528386)
20	10/23/2006	(551773)
21	11/08/2006	(513907)
22	11/20/2006	(551774)
23	12/15/2006	(551775)
24	01/22/2007	(588971)
25	02/22/2007	(588966)
26	03/08/2007	(588967)
27	03/21/2007	(554224)
28	04/05/2007	(555991)
29	04/23/2007	(588968)
30	05/18/2007	(588969)
31	06/21/2007	(588970)
32	07/20/2007	(605668)
33	08/22/2007	(605669)
34	09/18/2007	(605670)
35	10/22/2007	(631029)
36	11/21/2007	(631030)
37	12/19/2007	(600636)
38	12/27/2007	(631031)
39	01/21/2008	(677211)
40	02/06/2008	(617001)
41	02/22/2008	(677210)
42	03/18/2008	(695867)
43	04/17/2008	(695868)
44	05/19/2008	(695869)
45	06/20/2008	(717449)
46	07/18/2008	(717450)
47	08/14/2008	(686704)
48	08/22/2008	(717451)
49	09/22/2008	(717452)
50	09/30/2008	(732805)
51	10/20/2008	(732806)
52	11/21/2008	(732807)
53	12/29/2008	(732808)
54	01/15/2009	(756046)
55	02/13/2009	(756045)
56	03/18/2009	(773026)
57	04/13/2009	(773027)
58	05/13/2009	(773028)
59	06/17/2009	(819237)
60	07/09/2009	(819238)
61	08/19/2009	(819239)
62	09/03/2009	(759312)
63	09/21/2009	(819240)
64	10/14/2009	(819241)
65	11/18/2009	(819242)
66	11/30/2009	(783588)
67	12/21/2009	(819243)
68	01/20/2010	(819244)
69	02/16/2010	(819236)
70	03/19/2010	(835991)

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

Date: 08/30/2005 (407256)

Self NO Classification Moderate

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

30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)

30 TAC Chapter 122, SubChapter B 122.143(4)

NSR Permit 33373 GC 1 PERMIT

O-00344, 515(b)(4)(A) OP

Description: Failure to properly represent the flare, tank vent diameters (tanks 101, 104, 107 and 122), tank exit data (tank 108), tank filling rates (tanks 117, 118, 119, 121, 122), tank 109's height, and the vapor recovery units vent diameter and tank height.

Self NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 33373 SC 4 PERMIT  
O-00344, 515(b)(4)(A) OP  
Description: Failure to limit tank fill rates to 135,000 gallons/hour for tanks 117, 118, 119, 121 and 122.

Self NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
O-00344, 515 (b)(4)(A) OP  
SC 10G and SC 12D PERMIT  
Description: Failure to maintain daily throughput records for tanks 101, 108, 109, 117, 118, 119, 121 and 122.

Self NO Classification Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(1)  
30 TAC Chapter 106, SubChapter K 106.263  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 33373 GC 7 PERMIT  
O-00344, 515 (b)(4)(A) OP  
Description: Failure to maintain complete records of compliance for tanks 104 and 109.  
Date: 08/31/2006 (528386) CN600132484

Self 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: 11/08/2006 (513907) CN600132484

Self NO Classification Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)  
Monitoring and Reporting Requirements PERMIT  
Description: Failure to analyze the total benzene, toluene, ethylbenzene, and xylene (BTEX), and benzene parameters properly.

Self NO Classification Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, No. 5, p. 13 PERMIT  
Description: Failure to utilize a test method sensitive enough to detect the total zinc parameter at the required minimum analytical level (MAL).  
Date: 06/30/2007 (605668)

Self 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: 12/19/2007 (600636)

Self NO Classification Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
Description: Failure to properly complete the discharge monitoring reports (DMRs).

Self NO Classification Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
MRR, No. 3(b) PERMIT  
Description: Failure to maintain calibration records for the pH meter.

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, No. 9, p. 14 PERMIT  
Description: Failure to submit the quarterly progress reports.  
Date 01/31/2008 (677210)

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

F. Environmental audits.

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  
CHEVRON U.S.A. INC.  
RN100706811**

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

**AGREED ORDER  
DOCKET NO. 2010-1310-IWD-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron U.S.A. Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 12523 American Petroleum Road, approximately 0.5 mile north of the intersection of Federal Road and Clinton Drive in Galena Park, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 3, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Hundred Five Dollars (\$405) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Twenty-Four Dollars (\$324) of the administrative penalty and Eighty-One Dollars (\$81) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on August 5, 2010, the Respondent submitted the revised Discharge Monitoring Reports ("DMRs") for August 2009 and March 2010 to include pH values, and submitted the pH meter calibration records.
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 submit complete DMRs for the months of August 2009 and March 2010, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001745000 Monitoring and Reporting Requirements 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1, as documented during an investigation conducted on June 3, 2010. Specifically, the DMRs failed to include the pH concentration values.
2. Failed to make readily available calibration records for the pH meter, in violation of TPDES Permit No. WQ0001745000 Monitoring and Reporting Requirements 3 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), as documented during an investigation conducted on June 3, 2010.

### 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: Chevron U.S.A. Inc., Docket No. 2010-1310-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-308

2. 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, update the Facility's operational guidance and conduct training to ensure that all recordkeeping and self-reporting requirements are properly accomplished, in accordance with TPDES Permit No. WQ0001745000, Monitoring and Reporting Requirements; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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.
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. 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.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Srdian  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 12/16/2010

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

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

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

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

William D. Martin  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 10/26/2010

William D. Martin  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Chevron U.S.A. Inc.

\_\_\_\_\_  
Title TERMINAL MANAGER

**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.