EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1667-IWD-E **TCEQ ID:** RN100210475 **CASE NO.:** 40525

RESPONDENT NAME: STOLTHAVEN HOUSTON INC.

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Stolthaven Houston Terminal, 15602 Jacintoport Boulevard, on the north side of the Houston Ship Channel, the south side of Jacintoport Boulevard, and approximately one mile east of Beltway 8, Houston, Harris County

TYPE OF OPERATION: Marine terminal, used for the storage and transfer of bulk liquid chemicals, refined petroleum oils, vegetable oils, and animal fats, with an associated wastewater treatment facility

SMALL BUSINESS: ___ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 28, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Ms. Marty Hott, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Jan-Tore Dolven, General Manager, STOLTHAVEN HOUSTON INC., 15602 Jacintoport Boulevard, Houston, Texas 77015

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 17, 2010 **Date of NOV/NOE Relating to this Case:** September 13, 2010 (NOE) **Background Facts:** This was a records review. **WATER** Failed to comply with permitted effluent limitations for carbonaceous biochemical oxygen demand ("CBOD") and dissolved oxygen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003129000 Effluent Limitations and Monitoring Requirements Nos. 1 and 4 for Outfall No. 003].	**Total Assessed:** $20,100 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,050 **Total Paid to General Revenue:** $10,050 **Compliance History Classification:** Person/CN – Average Site/RN – Average **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The Respondent has three repeated enforcement actions over the prior five year period for the same violation.	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a. By February 28, 2010, reduced the rate of wastewater influent to the treatment facility, introduced steam into the aeration basins to increase the temperature to improve bacterial activity, implemented activated carbon polishing on the effluent, and began adding biological nutrients to the system to assist in breaking down CBOD; and b. By June 30, 2010, returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0003129000. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

Additional ID No(s).: WQ0003129000

Attachment A
Docket Number: 2010-1667-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**STOLTHAVEN HOUSTON INC.**
Penalty Amount:	**Twenty Thousand One Hundred Dollars ($20,100)**
SEP Offset Amount:	**Ten Thousand Fifty Dollars ($10,050)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Gulf Coast Waste Disposal Authority - River, Lakes, Bays, and Bayous Trash Bash**
Location of SEP:	**Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Gulf Coast Waste Disposal Authority to be used for the River, Lakes, Bays, and Bayous Trash Bash Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Trash Bash is an annual event that entails the use of volunteers to clean up trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. The project has resulted in the removal of an average of 141.7 tons of trash and 729 abandoned tires annually from these waterways. SEP monies will be used to pay for materials, supplies, disposal cost and transportation cost directly associated with the clean up of trash and pollutants from the Galveston Bay and waterways in the San Jacinto watershed.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

The Project will provide a discernible environmental benefit by removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Gulf Coast Waste Disposal Authority
Rivers, Lakes, Bays, and Bayous Trash Bash
Attention: Lori Gernhardt
910 Bay Area Boulevard
Houston, TX 77052

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES					
Assigned	20-Sep-2010				
PCW	4-Oct-2010	Screening	6-Oct-2010	EPA Due	5-Dec-2010

RESPONDENT/FACILITY INFORMATION

Respondent	STOLTHAVEN HOUSTON INC.		
Reg. Ent. Ref. No.	RN100210475		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	40525	No. of Violations	1
Docket No.	2010-1667-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Marty Hott
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 193.0% Enhancement *Subtotals 2, 3, & 7* $14,475

Notes: An enhancement is recommended for 20 months of self-reported effluent violations, three NOVs with same/similar violations, nine NOVs with dissimilar violations, and three agreed orders with a denial of liability.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* $1,875

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

Total EB Amounts $407
Approx. Cost of Compliance $10,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $20,100

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $20,100

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $20,100

DEFERRAL 0.0% Reduction *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $20,100

Screening Date 6-Oct-2010 **Docket No.** 2010-1667-IWD-E **PCW**

Respondent STOLTHAVEN HOUSTON INC.

Case ID No. 40525

Reg. Ent. Reference No. RN100210475

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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 (*number of NOVs meeting criteria*)	23	115%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		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) 193%

>> 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

An enhancement is recommended for 20 months of self-reported effluent violations, three NOVs with same/similar violations, nine NOVs with dissimilar violations, and three agreed orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 193%

Screening Date 6-Oct-2010 **Docket No.** 2010-1667-IWD-E **PCW**

Respondent STOLTHAVEN HOUSTON INC.

Policy Revision 2 (September 2002)

Case ID No. 40525

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210475

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003129000 Effluent Limitations and Monitoring Requirements Nos. 1 and 4 for Outfall No. 003

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 17, 2010 and shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen was also evaluated. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 3 | 151 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended.

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 achieved compliance by June 30, 2010.

Violation Subtotal $5,625

Economic Benefit (EB) for this violation

Estimated EB Amount $407

Statutory Limit Test

Violation Final Penalty Total $20,100

This violation Final Assessed Penalty (adjusted for limits) $20,100

Economic Benefit Worksheet

Respondent STOLTHAVEN HOUSTON INC.
Case ID No. 40525
Reg. Ent. Reference No. RN100210475
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$10,000	30-Nov-2009	30-Jun-2010	0.58	$19	$387	$407
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to evaluate the Facility to determine the cause of the effluent violations and complete corrective actions, including reducing the rate of wastewater influent to the treatment facility, introducing steam into the aeration basins to increase the temperature to improve bacterial activity, implementing activated carbon polishing on the effluent, and adding biological nutrients to the system to assist in breaking down CBOD. Date required is the first month of noncompliance. Final date is the date compliance was achieved.

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 $10,000

TOTAL $407

STOLTHAVEN HOUSTON INC.
TPDES Permit No. WQ0003129000
Docket No. 2010-1667-IWD-E
Case No. 40525

EFFLUENT VIOLATION TABLE			
Months	CBOD Daily Ave. Loading	CBOD Daily Max. Loading	DO Monthly Min. Conc.
	Limit = 16.8 lb/d	Limit = 42.0 lb/d	Limit = 4.0 mg/L
November 2009	c	58.7559	c
December 2009	c	42.7687	c
January 2010	27.2734	50.6713	c
February 2010	c	c	2.93
May 2010	27.4505	97.6364	c

ave. = average max. = maximum min. = minimum conc. = concentration

c = compliant lb/d = pounds per day mg/L = milligrams per Liter

CBOD = carbonaceous biochemical oxygen demand DO = dissolved oxygen

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124820	STOLTHAVEN HOUSTON INC.	Classification: AVERAGE	Rating: 5.25
Regulated Entity:	RN100210475	STOLTHAVEN HOUSTON TERMINAL	Classification: AVERAGE	Site Rating: 5.25

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1045K
AIR OPERATING PERMITS	PERMIT	1060
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	83390
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD980748461
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	33722
WASTEWATER	PERMIT	WQ0003129000
WASTEWATER	EPA ID	TX0091855
WASTEWATER	EPA ID	TX0105228
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
STORMWATER	PERMIT	TXR05P877
STORMWATER	PERMIT	TXR05U088
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	56784
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1045K

Location: 15602 JACINTOPORT BOULEVARD, ON THE NORTH SIDE OF THE HOUSTON SHIP CHANNEL, THE SOUTH SIDE OF JACINTOPORT BOULEVARD, AND APPROXIMATELY ONE MILE EAST OF BELTWAY 8, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 04, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 04, 2005 to October 04, 2010

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

Name: Marty Hott Phone: (512) 239-2587

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

Effective Date: 03/08/2010 ADMINORDER 2009-1484-AIR-E

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)

Rqmt Prov: General Terms and Conditions OP
Special Condition 20B PERMIT
Special Term and Condition 16 OP

Description: Failure to do the quarterly test of the flare (TVFL) pilot flame monitoring device during the second quarter of 2008. (Category B1 Violation)

Effective Date: 08/30/2010 ADMINORDER 2010-0031-IHW-E

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update the 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.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.10
30 TAC Chapter 335, SubChapter A 335.2(b)

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: 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".

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)

Description: Failure to have a LDR form for a waste stream which is generated as hazardous waste. Specifically, the Respondent did not have an LDR for waste stream 0023207H (wastewater generated at the Facility from cleaning out tanks, flushing piplines, and contact stormwater).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)

Description: 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.

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	10/26/2005	(477737)
2	11/22/2005	(477738)
3	12/19/2005	(477739)
4	01/03/2006	(449825)
5	01/24/2006	(477740)
6	02/21/2006	(455211)
7	02/21/2006	(477735)
8	02/23/2006	(455832)
9	02/28/2006	(456502)
10	04/20/2006	(477736)
11	05/19/2006	(504222)
12	05/30/2006	(466273)
13	06/14/2006	(504221)

14	06/15/2006	(504223)
15	06/26/2006	(483405)
16	07/05/2006	(508639)
17	07/20/2006	(504224)
18	08/03/2006	(457281)
19	08/20/2006	(526566)
20	09/20/2006	(526567)
21	10/19/2006	(526568)
22	10/31/2006	(512573)
23	11/17/2006	(550741)
24	12/19/2006	(550742)
25	01/18/2007	(550743)
26	02/05/2007	(537609)
27	02/20/2007	(550740)
28	02/23/2007	(535269)
29	03/16/2007	(587037)
30	03/27/2007	(593330)
31	04/19/2007	(587038)
32	05/17/2007	(587039)
33	05/18/2007	(559075)
34	06/19/2007	(587040)
35	06/29/2007	(563259)
36	06/29/2007	(593331)
37	07/20/2007	(587041)
38	08/06/2007	(568485)
39	08/20/2007	(608563)
40	09/17/2007	(608564)
41	10/15/2007	(608565)
42	11/13/2007	(600351)
43	11/14/2007	(625856)
44	12/20/2007	(625857)
45	01/02/2008	(612357)
46	01/21/2008	(625858)
47	01/25/2008	(610260)
48	02/14/2008	(615957)
49	02/15/2008	(675779)
50	03/10/2008	(638220)
51	03/14/2008	(675780)
52	04/17/2008	(675781)
53	05/20/2008	(694123)
54	06/16/2008	(694124)
55	06/20/2008	(699468)
56	07/21/2008	(694125)
57	07/22/2008	(681711)
58	08/11/2008	(681764)
59	08/19/2008	(715522)
60	09/19/2008	(715523)
61	10/17/2008	(715524)
62	11/18/2008	(731246)
63	12/04/2008	(704046)
64	12/19/2008	(731247)
65	01/15/2009	(731248)
66	02/10/2009	(754500)

67	03/16/2009	(754501)
68	04/16/2009	(754502)
69	05/18/2009	(771790)
70	06/05/2009	(743018)
71	06/05/2009	(743180)
72	06/10/2009	(771791)
73	08/18/2009	(815399)
74	08/28/2009	(747475)
75	09/18/2009	(815400)
76	10/19/2009	(815401)
77	11/18/2009	(815402)
78	11/20/2009	(780452)
79	12/17/2009	(815403)
80	01/20/2010	(815404)
81	02/19/2010	(815397)
82	03/23/2010	(827912)
83	04/06/2010	(815398)
84	04/16/2010	(799160)
85	05/20/2010	(803063)
86	07/13/2010	(841146)
87	08/03/2010	(830105)
88	09/13/2010	(849449)

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

Date: 10/31/2005 (477738)

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: 02/28/2006 (504221)

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: 06/30/2006 (504224)

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: 07/05/2006 (508639)

Self 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)

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: 08/04/2006 (457281)

Self 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 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 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 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 with in 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)

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)

Self Report? YES Classification Moderate

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

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

Date: 03/27/2007 (593330)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2007 (587038) CN600124820

Self Report? YES Classification Moderate

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

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

Date: 04/30/2007 (587039)

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)

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)

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)

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)

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)

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)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP

Description: Failure to operate an internal floating roof (IFR) tank with roof drains that are fitted with a membrane fabric that covers 90% of the drain opening.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP

Description: Failure to operate Tank P-15-30 without hexane product resting on the top of the internal floating roof on December 10, 2007 and January 14, 2008.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP

Description: Failure to submit a seven day refilling notification prior to refilling Storage Tanks P-15-29, P-40-2 and Q-30-13.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP
Permit 41618, Special Condition 27 PERMIT

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP
Permit 41618, Special Condition 25B PERMIT

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP
Permit 41618, Special Condition 12I PERMIT

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special T&C 3A(iii) OP

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP
Permit 41618, Special Condition 2F PERMIT

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 17 OP
Permit 41618, Special Condition 2E PERMIT

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01060, Special Term & Condition 1A OP

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

Self Report? NO Classification Minor

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

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

Date: 08/28/2009 (747475)

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

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

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Minor

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

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

Self Report? NO Classification Minor

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

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

Self Report? NO Classification Moderate

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

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

Self Report? NO Classification Moderate

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

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

Date: 11/30/2009 (815403) 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: 12/31/2009 (815404) 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: 01/31/2010 (815397) 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: 02/28/2010 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: 03/23/2010 (827912) 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

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: 04/16/2010 (799160) CN600124820

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with the permit limit for dissolved oxygen (D.O.).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the permit limits for carbonaceous biochemical oxygen demand (CBOD) at Outfall 003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to use an national institute of standards & technology (NIST) calibrated thermometer.

Date: 05/20/2010 (803063)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a 2009 Emissions Inventory. CATEGORY B19 (g)(3).

Date: 05/31/2010 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

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
STOLTHAVEN HOUSTON INC.	**§**	
RN100210475	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1667-IWD-E

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. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

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, with an associated wastewater treatment facility located at 15602 Jacintoport Boulevard, on the north side of the Houston Ship Channel, the south side of Jacintoport Boulevard, and

approximately one mile east of Beltway 8 in Houston, 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. During a record review on August 17, 2010, TCEQ staff documented that the Respondent did not comply with its permitted effluent limitations, as shown in the table below:

EFFLUENT VIOLATION TABLE			
Months	**CBOD Daily Ave. Loading**	**CBOD Daily Max. Loading**	**DO Monthly Min. Conc.**
	Limit = 16.8 lb/d	**Limit = 42.0 lb/d**	**Limit = 4.0 mg/L**
November 2009	c	58.7559	c
December 2009	c	42.7687	c
January 2010	27.2734	50.6713	c
February 2010	c	c	2.93
May 2010	27.4505	97.6364	c

ave. = average max. = maximum min. = minimum conc. = concentration

c = compliant lb/d = pounds per day mg/L = milligrams per Liter

CBOD = carbonaceous biochemical oxygen demand DO = dissolved oxygen

4. The Respondent received notice of the violations on September 15, 2010.

5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

   a. By February 28, 2010, reduced the rate of wastewater influent to the treatment facility, introduced steam into the aeration basins to increase the temperature to improve bacterial activity, implemented activated carbon polishing on the effluent, and began adding biological nutrients to the system to assist in breaking down CBOD; and

   b. By June 30, 2010, returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003129000.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0003129000 Effluent Limitations and Monitoring Requirements Nos. 1 and 4 for Outfall No. 003.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty Thousand One Hundred Dollars ($20,100) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Ten Thousand Fifty Dollars ($10,050) of the administrative penalty. Ten Thousand Fifty Dollars ($10,050) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty Thousand One Hundred Dollars ($20,100) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2010-1667-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 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Ten Thousand Fifty Dollars ($10,050) 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.

8. 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.

9. 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.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadlier
For the Executive Director

3/11/2011
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of STOLTHAVEN HOUSTON INC. I am authorized to agree to the attached Agreed Order on behalf of STOLTHAVEN HOUSTON INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, STOLTHAVEN HOUSTON INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

Jan. 04. 11
Date

JAN-TORE DOLVEN
Name (Printed or typed)
Authorized Representative of
STOLTHAVEN HOUSTON INC.

General Mgr. Stolthaven Hst Inc.
Title Vice President Stolthaven Terminals

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

Attachment A
Docket Number: 2010-1667-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**STOLTHAVEN HOUSTON INC.**
Penalty Amount:	**Twenty Thousand One Hundred Dollars ($20,100)**
SEP Offset Amount:	**Ten Thousand Fifty Dollars ($10,050)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Gulf Coast Waste Disposal Authority - River, Lakes, Bays, and Bayous Trash Bash**
Location of SEP:	**Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Gulf Coast Waste Disposal Authority to be used for the River, Lakes, Bays, and Bayous Trash Bash Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Trash Bash is an annual event that entails the use of volunteers to clean up trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. The project has resulted in the removal of an average of 141.7 tons of trash and 729 abandoned tires annually from these waterways. SEP monies will be used to pay for materials, supplies, disposal cost and transportation cost directly associated with the clean up of trash and pollutants from the Galveston Bay and waterways in the San Jacinto watershed.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

The Project will provide a discernible environmental benefit by removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Gulf Coast Waste Disposal Authority
Rivers, Lakes, Bays, and Bayous Trash Bash
Attention: Lori Gernhardt
910 Bay Area Boulevard
Houston, TX 77052

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.